

Brian Beckham, WIPO
Zak Muscovitch, ICA
Project Team, WIPO-ICA UDRP Review

Dear Mr. Beckham and Mr. Muscovitch:

I am Raj Sachdev and it was a great pleasure to present to you both earlier on my recommendations for the UDRP. I thank you for your work towards this review effort during the UDRP's 25th anniversary.

My extensive research, conducted through Maastricht University focuses, inter alia, on an improved UDRP.¹ This is expected to soon be published (Oct 2025 expected) as:

Raj Sachdev, Digital Trademarks and Brands: Towards an Improved UDRP and Platform Policies, Kluwer Law International BV, (forthcoming 2025)

First, the UDRP is a well-suited uniform framework to address trademarks in domains. This is especially important for digital brands and trademark holders (of all sizes) and also provides benefits to digital consumers. This is especially because, as your review notes, it is “an efficient and predictable out-of-court dispute resolution mechanism for clear trademark-based disputes”.² This needed mechanism has not only allowed for a streamlined approach but is relatively expedient and cost-effective as noted by many.

Yet, the UDRP is long overdue for review. While my recommendations as detailed in the above work do not call for an extensive overhaul, specific very important revisions are needed to the text of the UDRP to provide for further essential legal certainty. The recommendations therein are made based on problems raised by digital trademarks, the UDRP, legal frameworks (EU, US and others), terms/policies, theoretical and conceptual underpinnings, and practical considerations. I introduce a model to address the issues (see Ch 2 and 3) and analyze the UDRP in line with the said model (see Ch 4). Through this lens, I propose that the UDRP be updated to include specific adaptations (including but not limited to further addressing abuse, unfair competitive actions, specific justifications etc.) arriving at the Uniform Domain Name Dispute Resolution Policy (UDNDRP) (see Ch 4). I urge any review of the UDRP to adopt common, underlying principles that are well within its purview while not losing its simplistic structure.

I hope that you will take my presentation and this comment into consideration in your final report. I further urge that the above-mentioned work be taken into consideration for further review work through WIPO, ICANN and related processes. To this end, I would be honoured to be a part of any conversations, presentations, and contributions on this through WIPO, ICANN and/or other bodies going forward in this important multistakeholder approach.

Please reach out if you have any questions.

Sincerely,

Dr. Raj Sachdev, *MSc (Oxford), LLB(Hons), LLM, LLM(IP), MBA, DBA, PCM, CIPP/US*
Researcher, Author, Professor, Licensed Attorney (California), Licensed Solicitor (England/Wales),
Consultant, Speaker

¹ I am wholeheartedly thankful to Prof. Dr. A. Kamperman Sanders and Dr. K. Tyagi for their guidance and for great conversations with many other influential scholars and practitioners along the way.
² <https://www.wipo.int/amc/en/domains/resources/wipo-icaudrpreview.html> accessed Jan 1, 2025