

.org.mx

.net

.com

.net.mx

.com.mx

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## Dispute Resolution Policy evolution in .MX



NIC-MEXICO

*NIC-Mexico*

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Geneve, Switzerland

February 20, 2001

# Dispute Resolution Policy History

- NIC-Mexico started in 1989
- In 1995 there were 185 domain names
- Participated in WIPO and Mexican Industrial Property Institute meetings where discussed a dispute resolution Policy.
- Operated without any Dispute Resolution Policy until September 1<sup>st</sup>. 1999 when developed its own Policy

# Dispute Resolution Policy History

- Started consultation for UDRP implementation in mid 2000.
- Advise and Support from WIPO to implement UDRP
- Started UDRP in December 1<sup>st</sup>. 2000 and appointed WIPO as the initial provider
- It is our intention to appoint new providers.

## Most Common cases

- Simple trademark infringements by amateur cyber squatters
- Professional cyber squatters (abusive registrations)
- Same trademark in two different classes
- Reverse hijacking
- Violations to another kind of intellectual property

# Domain Name Controversies History

- First dispute held: **playboy.com.mx** in **1997**.
- First dispute with trademark authority intervention: **nestle.com.mx** in **April 1999**
- First dispute with own Policy: **banorte.com.mx** in **November 1999**
- First dispute with UDRP: **we're still waiting**

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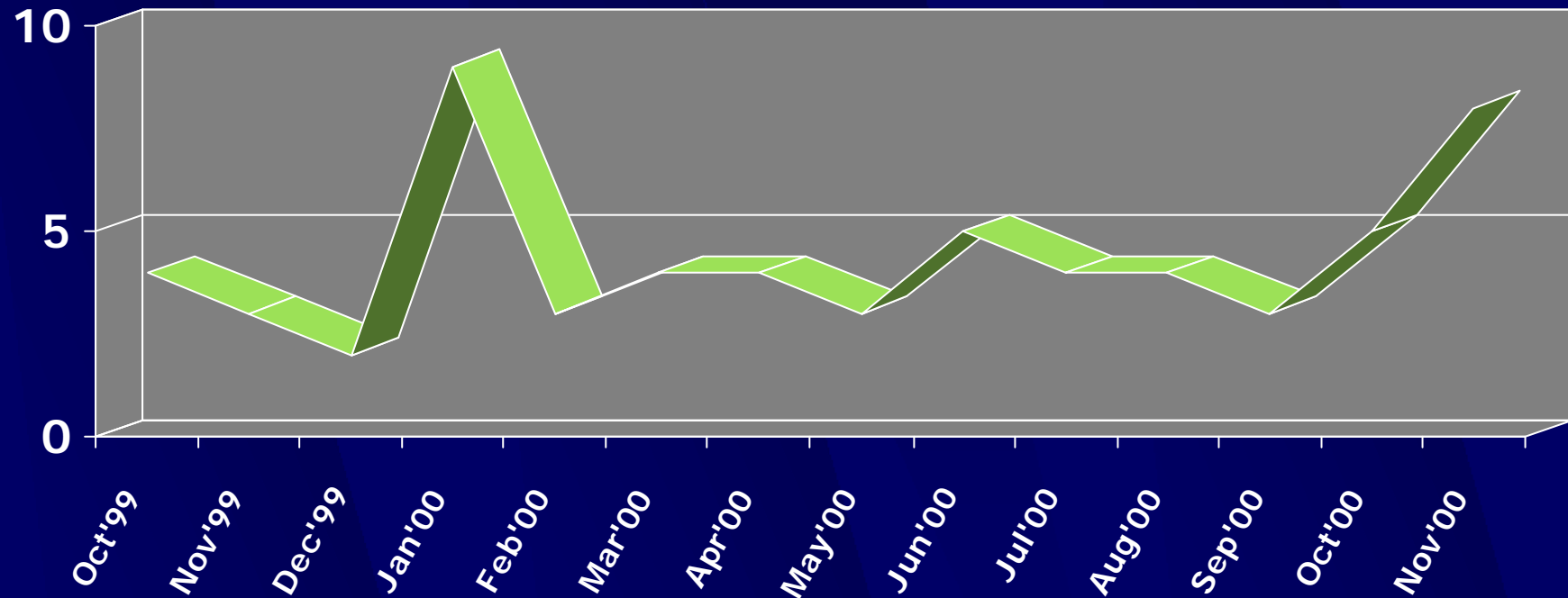
.com

## Before UDRP

- Number of disputes held with local policy:  
**+60 (fifteen-month operation).**
- Domain name transfers with local policy:  
**90%**
- Number of e-mails sent for the disputes:  
**+480 e-mails**

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# Disputes in .MX



# Intellectual Property in Mexico

- Copyrights Reserve (*Reserva de Derechos*)

Ley Federal de Derechos de Autor

## Capítulo II

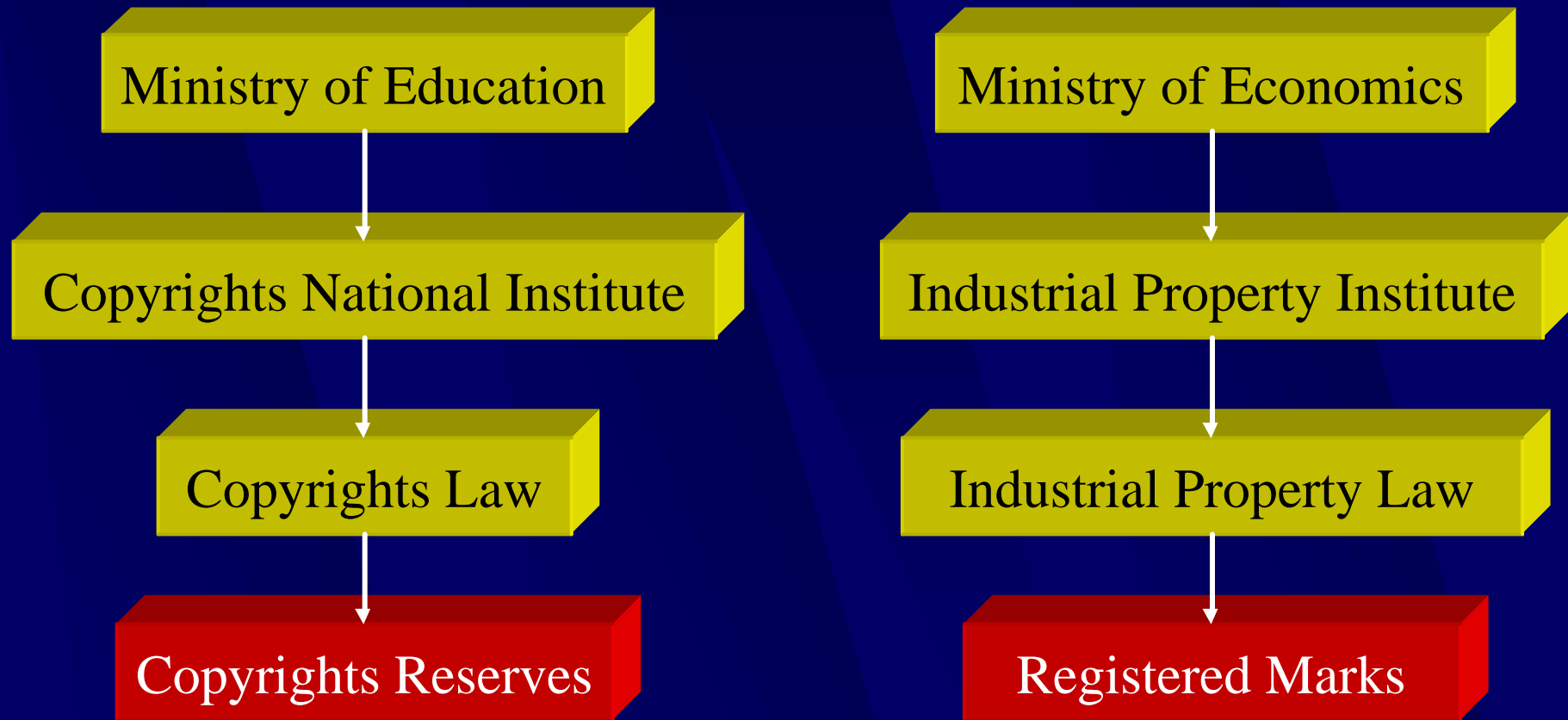
### De las Reservas de Derechos al Uso Exclusivo

**Artículo 173.-** La reserva de derechos es la facultad de usar y explotar en forma exclusiva títulos, nombres, denominaciones, características físicas y psicológicas distintivas, o características de operación originales aplicados, de acuerdo con su naturaleza, a alguno de los siguientes géneros:

- I. Publicaciones periódicas: Editadas en partes sucesivas con variedad de contenido y que pretenden continuarse indefinidamente;
- II. Difusiones periódicas: Emitidas en partes sucesivas, con variedad de contenido y susceptibles de transmitirse;
- III. Personajes humanos de caracterización, o ficticios o simbólicos;
- IV. Personas o grupos dedicados a actividades artísticas, y
- V. Promociones publicitarias: Contemplan un mecanismo novedoso y sin protección tendiente a promover y ofertar un bien o un servicio, con el incentivo adicional de brindar la posibilidad al público en general de obtener otro bien o servicio, en condiciones más favorables que en las que normalmente se encuentra en el comercio; se exceptúa el caso de los anuncios comerciales.



# Intellectual Property in Mexico



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## Next steps

- Promote the application of the new policy
- Appoint new Panelist Providers if needed
- Meet with National Institute of Copyright and deal with another kind of intellectual property such as Copyrights...
- ...or wait for the new-UDRP

# Referencias (DNS y ccTLDs)

- DNS & BIND, Albitz & Liu, O'Reilly, 3rd. Ed.
- RFC 1591, J. Postel, 1994  
<ftp://ftp.nic.mx/pub/rfc/rfc1591.txt>
- NIC-Mexico, Políticas Generales  
<http://www.nic.mx/dom/polgral.html>
- LACTLD  
<http://www.lactld.org>

# Referencias (ICANN)

- ICANN  
<http://www.icann.org>
- DNSO  
<http://www.dnso.org>
- UDRP  
<http://www.icann.org/udrp/udrp.html>
- The Intellectual Property Constituency  
<http://ipc.dnso.icann.org/>
- ccTLD Constituency  
<http://www.wwtld.org>

# Referencias (ICANN)

- WIPO Report  
<http://www.wipo2.int>
- WIPO Arbitration & Mediation Center: Domain Dispute Resolution Service  
<http://arbiter.wipo.int/domains/>

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