

World Intellectual Property Organization
34, chemin des Colombettes
CH-1211 Geneva 20, Switzerland

Kreuzlingen, May 16, 2025

WIPO-ICA UDRP Review Project / Loser pays system

Dear Sir or Madam,

While many recommendations of the initial report on UDRP review can be considered as balanced and well founded, the recommendation to not adopt a loser pays system does not meet current industry requirements.

On the contrary, from a general industry perspective and under general fairness considerations, it would be strongly recommendable to adopt a loser pays system as soon as possible.

That this is an absolute necessity becomes very clear after considering that many domain disputes are obvious cases of domain squatting/trademark infringement. Adopting a loser pays system should reduce the number of such obvious trademark infringing domain applications significantly.

In order to effectively enforce such a system, domain applicants could be required to provide a security deposit of for example 500 USD that could be drawn down, in case the loser does not pay. While not covering all costs, this should reduce domain infringements significantly.

Alternatively, in case of a dispute, both parties could be asked in a first step to provide a security of for example 500 USD and if not provided, the party not providing the security automatically loses the case – without panelists needing to be involved, which would also help to reduce costs.

In both alternatives, the additional bureaucratic work involved would be limited, as much of it could be automated and due to the large number of domains, any additional costs could be passed easily on to the annual fees, without creating any significant fee increase.

Thus, in order to reduce the huge and unnecessary amount of trademark infringing domains and domain applications, we strongly urge to reconsider adopting a loser pays system.

Best regards,



Dr. Bernd A. Walter
General Counsel
Strellson AG