

■ Country Code Top Level Domains (ccTLDs)

3-d International conference for
ccTLD registries and registrars of
CIS, Central and Eastern Europe

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WIPO Arbitration and Mediation Center

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WIPO Arbitration and Mediation Center

- **Established 1994**
- **To promote and provide services for resolution of commercial disputes between private parties involving intellectual property (IP) and technology, through procedures other than court litigation (ADR)**
- **Not-for-profit ADR services include:**
 - Arbitration ('classic' and expedited)
 - Mediation
 - Expert Determination (since 2007)
 - Domain Name Dispute Resolution (DNDR) (e.g. UDRP)

ccTLD Registration Models



- **“Open” vs. “Restricted”**

- **Restricted eligibility criteria**

(Types of Restrictions: Location requirement, Nationality/Address, Verification, Entity vs. Individuals, (Numerical) Application limits)

- **Open commercialization models**

(adopted by many registries today, e.g., .me, .es, .fr)

- **Trend towards open models (+ ADR)**

ccTLD Dispute Models

- **No obligation to adopt a domain name dispute resolution policy**
 - But protection of intellectual property rights?
 - National courts: less suitable for more “open” ccTLDs
- **WIPO ccTLD Program: advice on request**
 - WIPO ccTLD Best Practices
 - Avoiding conflicts through appropriate registration practices
 - e.g.: registration agreement, contact details, WhoIs, submission to administrative procedure
 - Protecting intellectual property in ccTLDs through administrative procedures

UDRP as a flexible model

Key Features

- **Contractually based: UDRP incorporated by reference in registration agreement**
- **Due process safeguards and advantages**
 - Preserve recourse to national courts or tribunals
 - Facilitates acceptance (UDRP: <1% contested)
 - Neutrality
 - Independent of ccTLD registration and administration
 - Allows ccTLD registry to “outsource” decision
 - Impartial and independent decision-makers



UDRP as a flexible model

Adjustable Elements (1)



- **Bad faith registration and/or use or any infringement of intellectual property rights?**
 - Infringement under national law: .ch, .fr
- **Mutual jurisdiction clause: local court**
- **Local rights only or also “foreign” rights?**
 - ccTLD typically addresses a certain territory
 - Location requirement for domain name registration?
- **Trademarks only?**
 - Trade names, personal names, jurisdictionally defined intellectual property rights

UDRP as a flexible model

Adjustable Elements (2)

- **Local language(s) of procedure (with Panel discretion)**
- **Nationality and qualification of Panelists**
 - Decisions based on or influenced by local law (or also with reference to past cases decided under the relevant Policy/ies)
- **Mediation element**
 - .ch, .nl
- **The Goal - Balance:**
 - Parties' interest in predictability, fairness, efficiency *and* local needs of ccTLD

WIPO ccTLD Experience

- **63 ccTLDs using WIPO dispute resolution services (May 2010)**
 - Initial period:
 - smaller (.sh) or “de facto” gTLDs (.tv)
 - Then:
 - more established TLDs (.au, .ie, .mx, .nl, .ch, .fr)
 - Added between 2008 – 2010 :
 - .ao (Angola), .bm (Bermuda), .bo (Bolivia), .cr (Costa Rica), .do (Dominican Republic), .hn (Honduras), .ky (Cayman Islands), .me (Montenegro), .mp (Northern Mariana Islands) .pe (Peru), .sl (Sierra Leone), .tj (Tajikistan)
 - ccTLD-involving WIPO cases: December 1999 to August 2010:
1,540

WIPO ccTLD Experience

Types of Policies

■ UDRP: 38

- .ag, .am, .as, .bm, .bs, .bz, .cc, .cd, .co, .cy, .dj, .ec, .fj, .gt, .ki, .ky, .la, .lc, .md, .me, .mw, .na, .nr, .nu, .pa, .pk, .pn, .pr, .ro, .sc, .sl, .tj, .tk, .tt, .tv, .ug, .ve, .ws

■ Variations of UDRP: 16

- .ae, .ao, .au, .bo, .cr, .do, .es, .ie, .ir, .hn, .nl, .mp, .mx, .pe, .ph, .tm

■ Other (UDRP - inspired) administrative procedure: 5

- .ch, .fr, .li, .ma, .re

■ Arbitration: 4

- .ac, .io, .pl, .sh

WIPO ccTLD Experience

Disputes in ccTLDs

- **ccTLD cases January – December 2000: 16**
- **ccTLD cases January – December 2009: 303**
- **ccTLD cases January – August 2010: 244**

- **2009: 2,107 complaints filed with the WIPO Center under procedures based on the UDRP (18,503 complaints since 1999)**

- **The overall percentage of ccTLD domain name cases handled by the WIPO Center in 2009 rose to 14% from just 1% in 2000**

eUDRP Rules Change - At a Glance

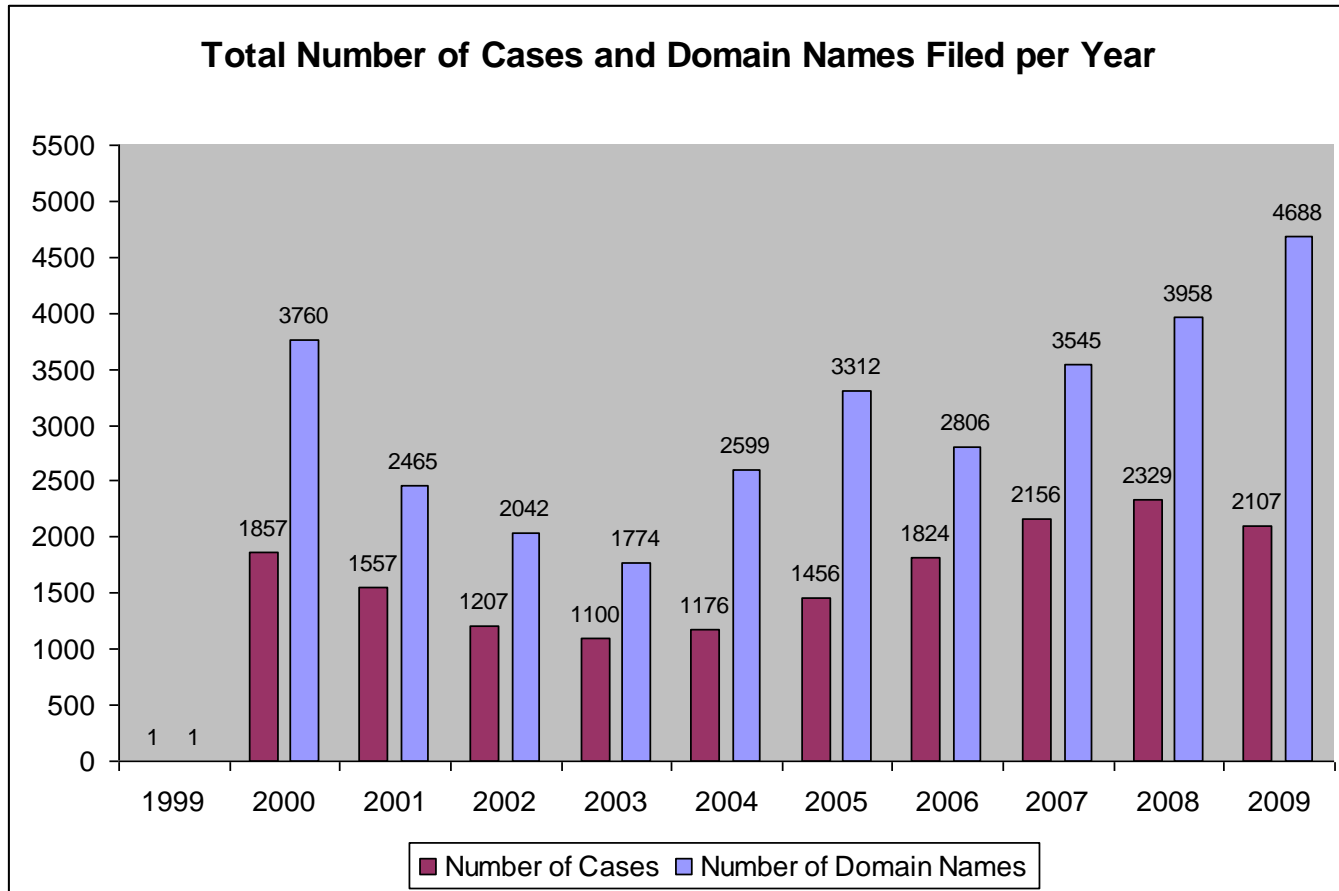
At WIPO:

- Monday, March 1, 2010 – paperless Rules change comes into mandatory effect for gTLDs
- All party pleadings filed by simple email (no more hard copies), in complete electronic form (including all annexes)
- Filed at domain.disputes@wipo.int
- Some changes to provider notice obligations (Written Notice), but these do not affect filing parties.

eUDRP Rules Change - ccTLDs

- **Several ccTLDs that have adopted the UDRP have gone paperless, e.g., AG, .AS, .BS, .BZ, .CC, .CD, .EC, .GT, .PA, .NU, .RO, .TV, .TK and . VE.**
- **Further information will be available as additional UDRP ccTLD go paperless**
- **Efforts are underway regarding ccTLDs with UDRP-based variations to also go paperless**

Cases and Domain Names in Numbers



WIPO ccTLD Database

ccTLDs - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Address http://www.wipo.int/amc/en/domains/ccld_db/index.html Go Links

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ccTLD Database

The ccTLD database contains links to the web sites of 243 ccTLDs allowing to determine the availability of a registration agreement, the existence of a WHOIS service and the adoption of alternative dispute resolution (ADR) procedures.

** Please select the country / territory name **

Other Resources

The [WIPO ccTLD Best Practices for the Prevention and Resolution of Intellectual Property Disputes](#) provide an overview of practices and policies for ccTLD operations designed to curb abusive and bad faith registration of protected names, and to resolve related disputes.

The [Trademark Database Portal](#) facilitates access to online trademark databases of a number of national and regional intellectual property offices, allowing any person wishing to register a domain name to perform a prior trademark search.

The Center also provides domain name dispute administration services for a number of [country code top level domains](#).

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