



WIPO-MOST SPECIAL PROGRAM  
ON PRACTICAL INTELLECTUAL PROPERTY RIGHTS ISSUES

# Domain Names

Geneva, November 10 to 13, 2003.

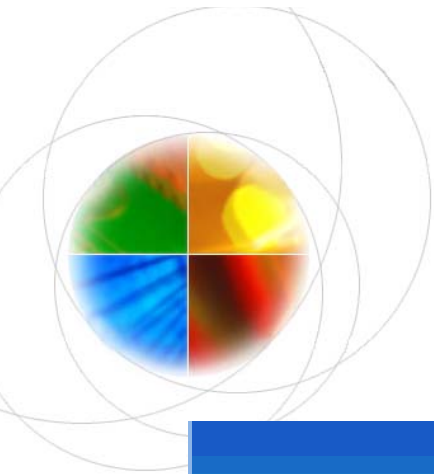
**Marco Marzano de Marinis**, SMEs Division

World Intellectual Property Organization



# Domain Names

- Introduction
- Domain Name System
- DNS Business Perspective
- The Struggle for a Domain
- Conclusion

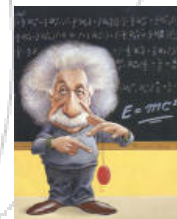
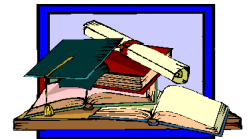
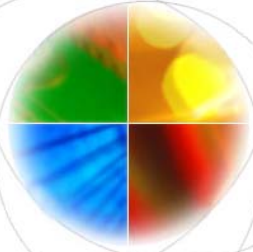


# The History of the Internet

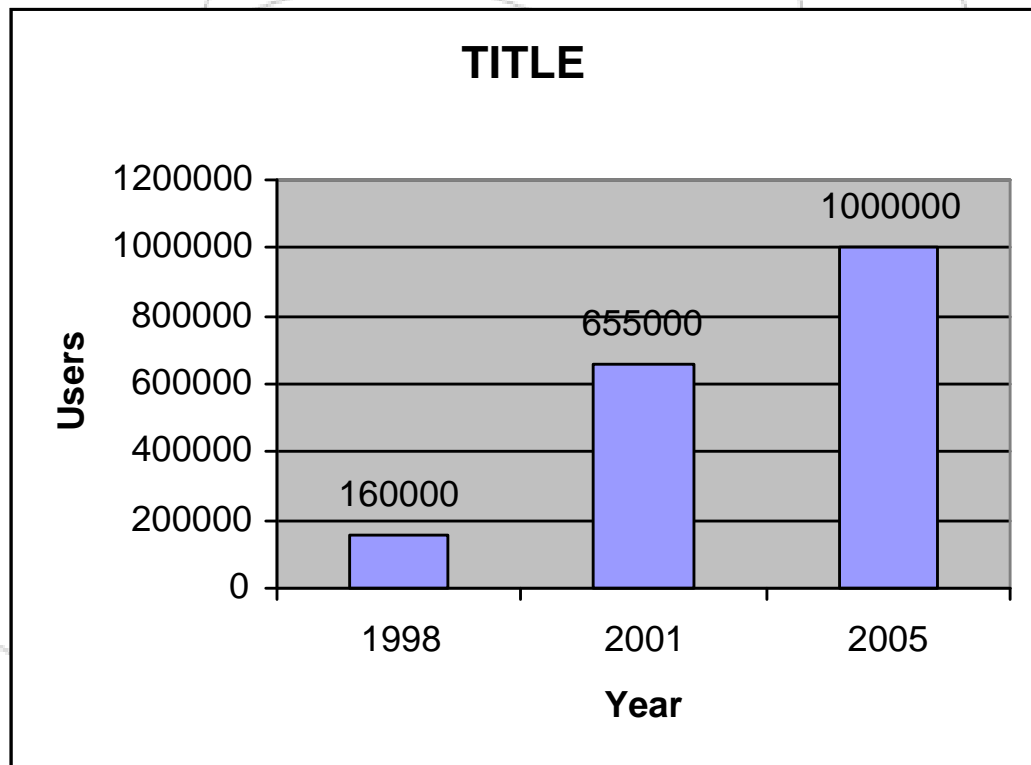
People think that the Internet is a recent innovation

At the beginning the Internet was used by Government, Scientist, Universities

The 90s constitute the start of the global use of the Internet



# How Many People are Using the Internet?



# How Does the DNS Work?

WWW.WIPO.INT =



WWW.WIPO.INT = 192.0.32.65

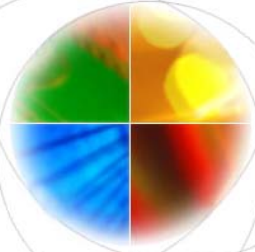
URL (*Universal Resource Locator*)



WHO IS IN CHARGE ?



# How is the DNS Structured?



**WWW.**

**The Internet**

**WIPO.** Second Top Level Domain



Google



**INT** Top Level domain

.com .fr  
.org .net  
.info .us  
.biz .name

# ./.. How is the DNS Structured?

## THE GTLDs



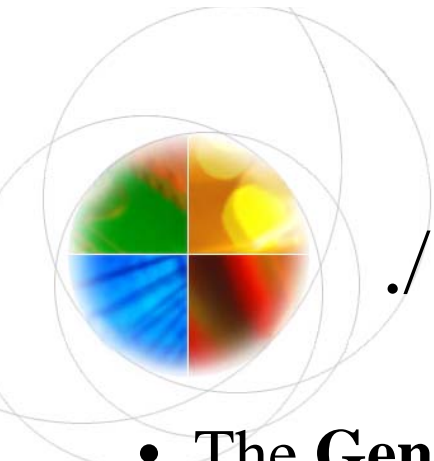
## THE CCTLDs

.uk .eu

.us .it .es .fr .au

.br .de





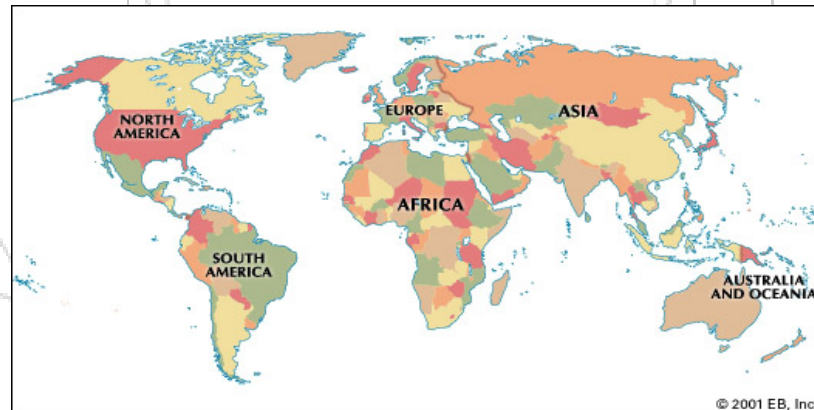
## ./.. How is the DNS Structured?

- **The Generic Top Level domain (gTLD)**
  - In the 1980s seven gTLDs were created (.com, .net, .org, .gov, .int, .edu, .mil)
    - .com, .net, .org, FREE USE
    - .int, .edu, .mil, .gov, RESTRICTED USE
  - In November 2000 7 new gTLDs were created (.biz, .info, .name, .pro, .aero, .coop, .museum)
    - biz, .info, .name, .pro, UNSPONSORED
    - aero, .coop, .museum, SPONSORED



# ./.. How is the DNS Structured?

- The **country code** Top Level Domain (ccTLD)
- over 240 codes have been established
  - ISO code (.fr, .in, .de, .uk)
  - Regional area: .eu

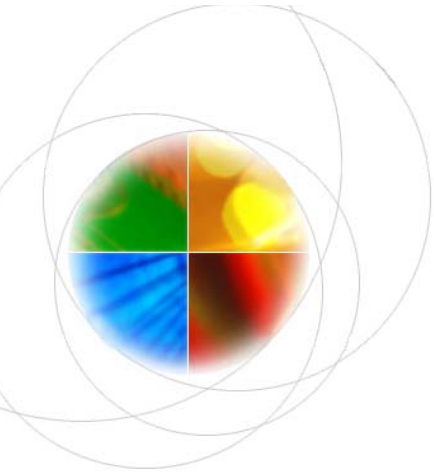




# Making a Good Choice

*A good DN should enable consumers to easily find the relevant business website on the Internet*

- The DN must be identical or similar to the company name
- It must be as short as possible
- It must enjoy a distinguishing character
- Do not choose existing TM/N as DN



## ./.. Making a Good Choice

- It is better to avoid controversial words (Champagne, Beaujolais)
- It is suitable to find the right suffix for your Business (gTLD or ccTLD)
- It is suitable to avoid hyphens “-”
- A market research on the value of your DN is advisable before you disclose it



# Who can Register a Domain ?

Anybody can register a DN (gTLD or ccTLD)



- **DNs registration and maintenance fees are very low: 50 \$**
- **The choice between a gTLD or a ccTLD is a market decision**
  - **gTLDs: Globalize the market**
  - **ccTLDs: Identify the market**

# How to Make Your DN Visible?

## Search Engines



# The Domain struggle

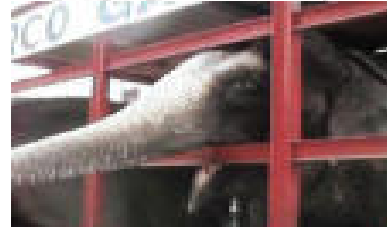
- The Internet success and the FCFS principle



- Cybersquatting

# ./.. The Domain Struggle

Internet boom + Internet constraint (FCFS)

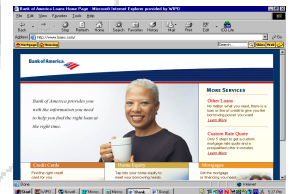


**Generated a struggle for famous DNS**

Loans.com = 3 Ml. \$

Business.com = 7.5 Ml. \$

Wireless.com = 15 Ml. \$

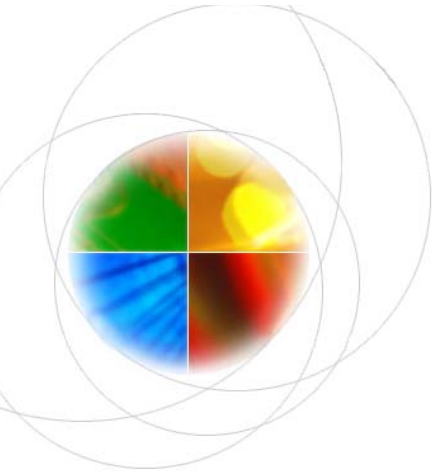




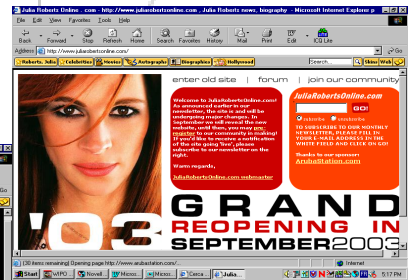
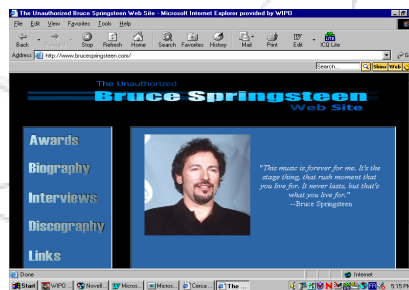
# Cybersquatting

## What is Cybersquatting?

*The occupation, in bad faith, of a domain name by someone who has no legitimate right, or interest, to the name...*



MARKS & SPENCER





# ./.. Cybersquatting

Strategies to face cybersquatting :

- ICANN/WIPO (URDP)
- National Authorities
  - Some NA have adopted the ICANN/WIPO, URDP: .au (Australia), .mx (Mexico), .ie (Ireland), etc.,
  - Other NA have developed their own procedures

# DN disputes resolution in practice

**When a Conflict arises between TM/N and a DN**

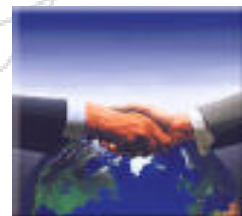


**The TM/N owner can choose between:**

Filing a claim before a  
National Court



Submit the dispute to the  
URDP





## ./.. DN disputes resolution in practice



- What happens if you file a claim before a Court:
  - You need a lawyer;
  - Lodge a complaint against the cybersquatter;
  - Interim measure (injunction);
  - The process can be extremely long;
  - You wont be able to use your DN until the end of the process;
  - The cost of waiting until a resolution is issued can be extremely high for business.

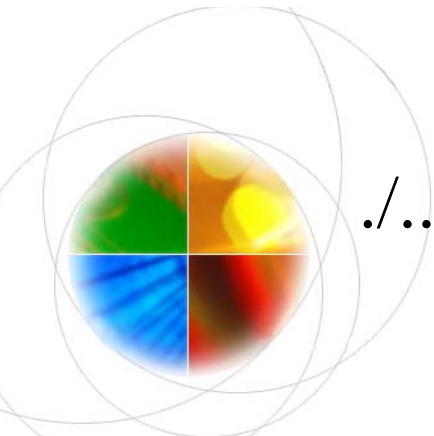


# ./.. DN disputes resolution in practice

## **Uniform DN Dispute Resolution Policy (UDRP):**



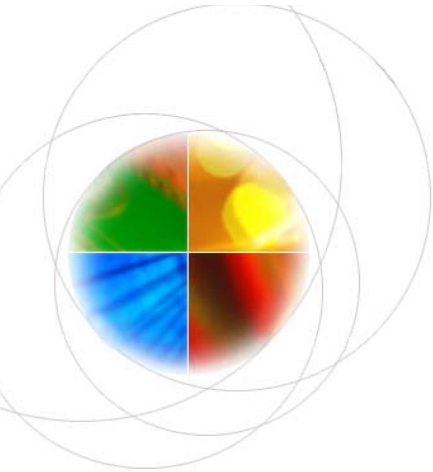
- Trademark identical or confusingly similar to domain name; *and*
- Registrant has no rights or legitimate interests in domain name; *and*
- Domain name registered and used in bad faith.



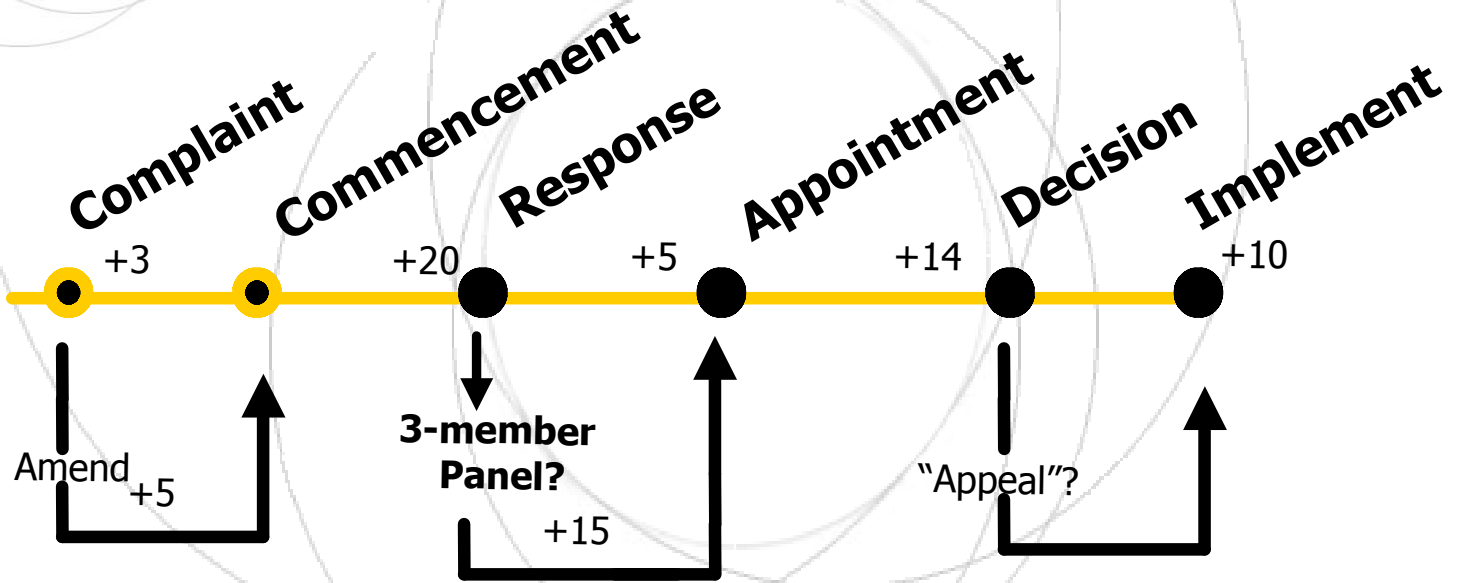
## ./.. How to solve DN disputes, in practice...

### **PROCEDURE**

- Complainant files complaint
- Provider notifies registrant of opportunity to respond
- Provider appoints independent panel from list (1-3 panelists)
  - Intellectual property and Internet specialists
  - 330 members from more than 50 countries in all regions
- Panel decides
  - Written evidence, no in-person hearings (unless exceptional)
- Registrar implements panel decision
  - normally within 2 months of the date of filing the complaint



# The Procedure at a glance

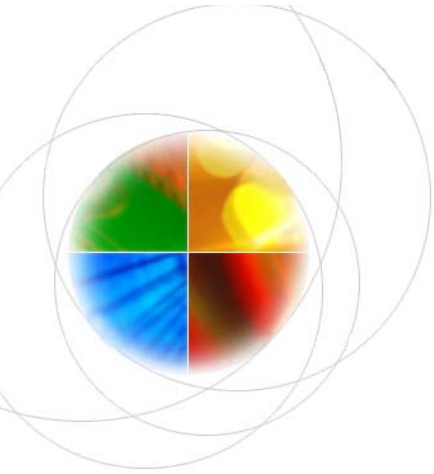




# Advantages of UDRP

- **Demand for alternative to national courts**
  - >4900 cases
  - Directly enforceable decisions
  - Reasonable non-profit fee; US\$ 1,500 - 4,000
- **Low cost procedure**
  - facilitated through WIPO Center homepage with model complaint, response, filing guidelines, decision digest etc.
  - 1,5 million per month
- **Global**
  - Parties from 105 countries; administration in 10 different languages  
--> International staff





# **THANK YOU FOR YOUR ATTENTION**

For more information:

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