

WIPO-WASME SPECIAL PROGRAM
ON PRACTICAL INTELLECTUAL PROPERTY RIGHTS ISSUES

Domain Names

Geneva, October 6 to 9, 2003.

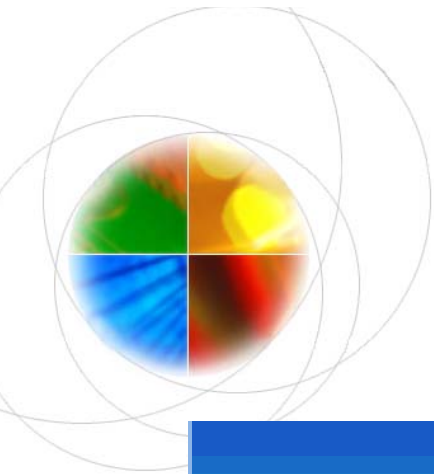
Marco Marzano de Marinis, SMEs Division

World Intellectual Property Organization



Domain Names

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

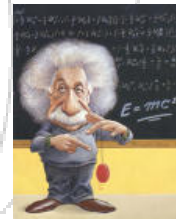
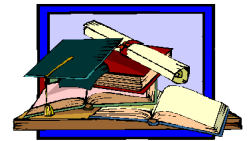
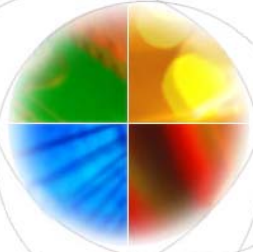


The History of the Internet

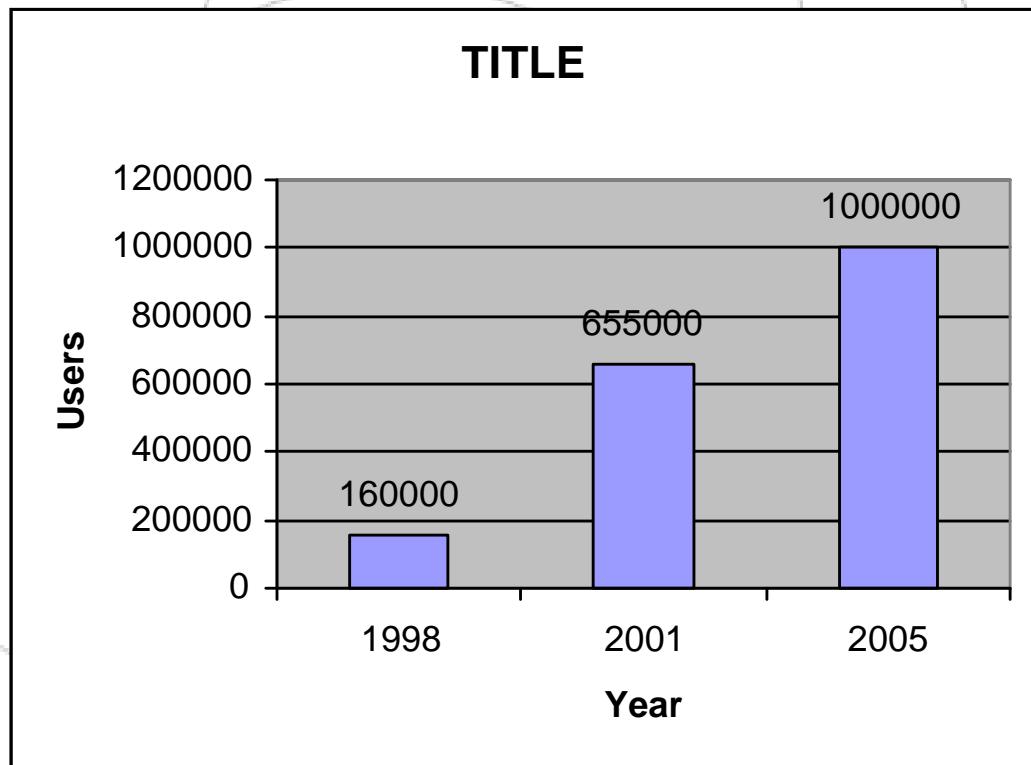
People think that the Internet is a recent innovation

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

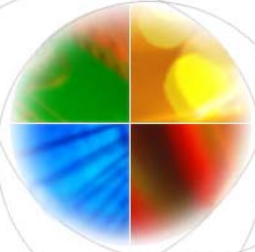
URL (*Universal Resource Locator*)



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

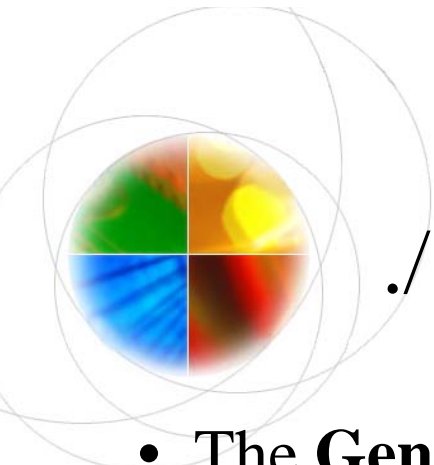


THE CCTLDs

.uk .eu

.us .it .es .fr .au

.br .de



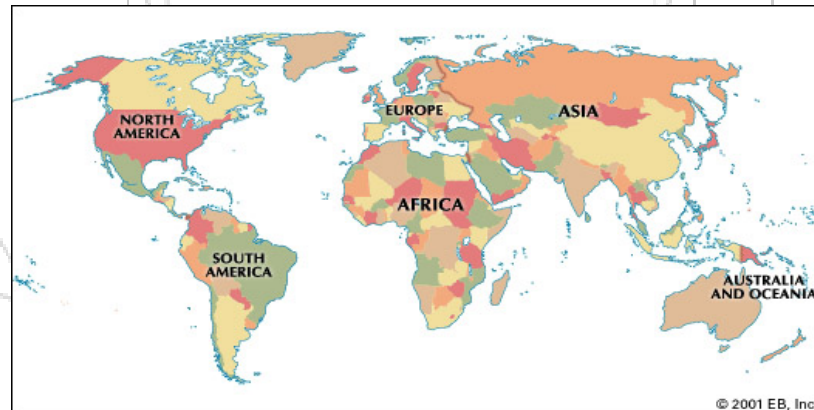
./.. How is the DNS Structured?

- **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

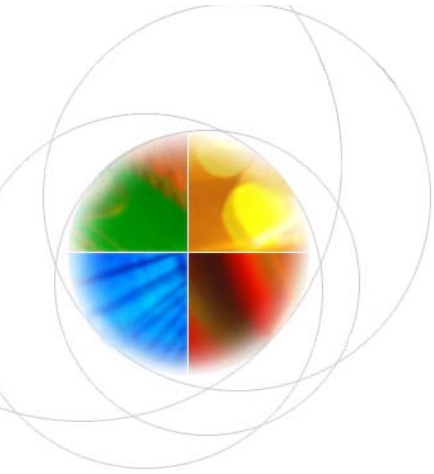




Making a Good Choice

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)

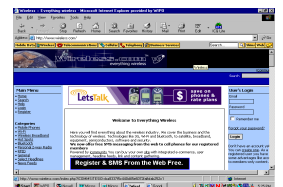
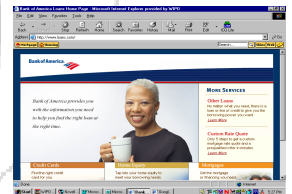


Generated a struggle for famous DNs

Loans.com = 3 Ml. \$

Business.com = 7.5 Ml. \$

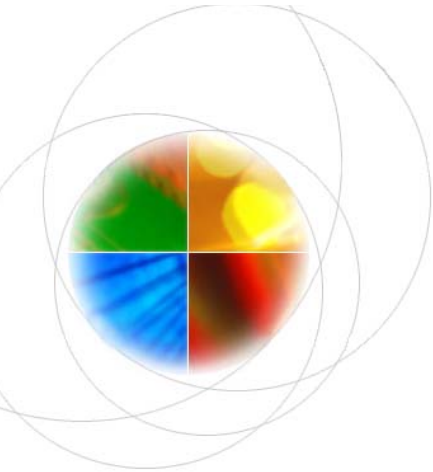
Wireless.com = 15 Ml. \$



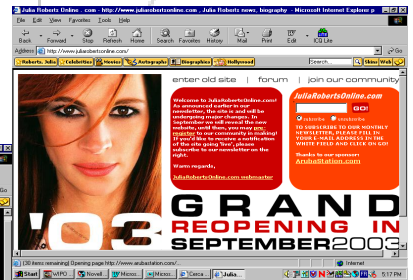
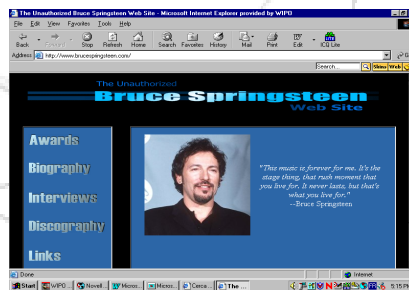
Cybersquatting

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

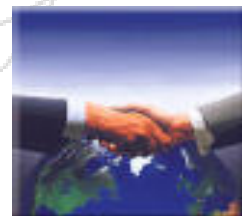


The TM/N owner can choose between:

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.

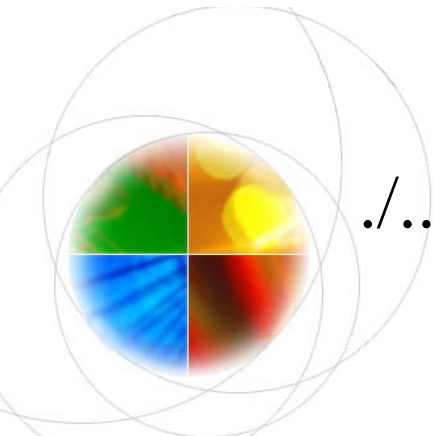


./.. DN disputes resolution in practice

Uniform DN Dispute Resolution Policy (UDRP):



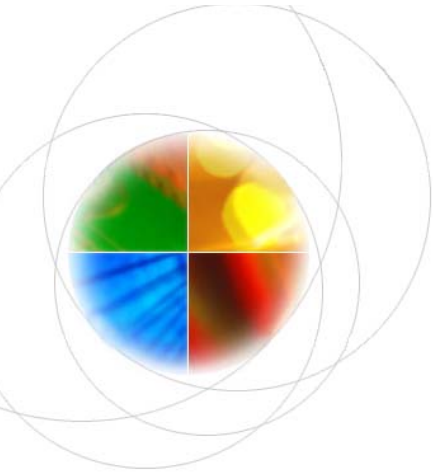
- Trademark identical or confusingly similar to domain name; *and*
- Registrant has no rights or legitimate interests in domain name; *and*
- Domain name registered and used in bad faith.



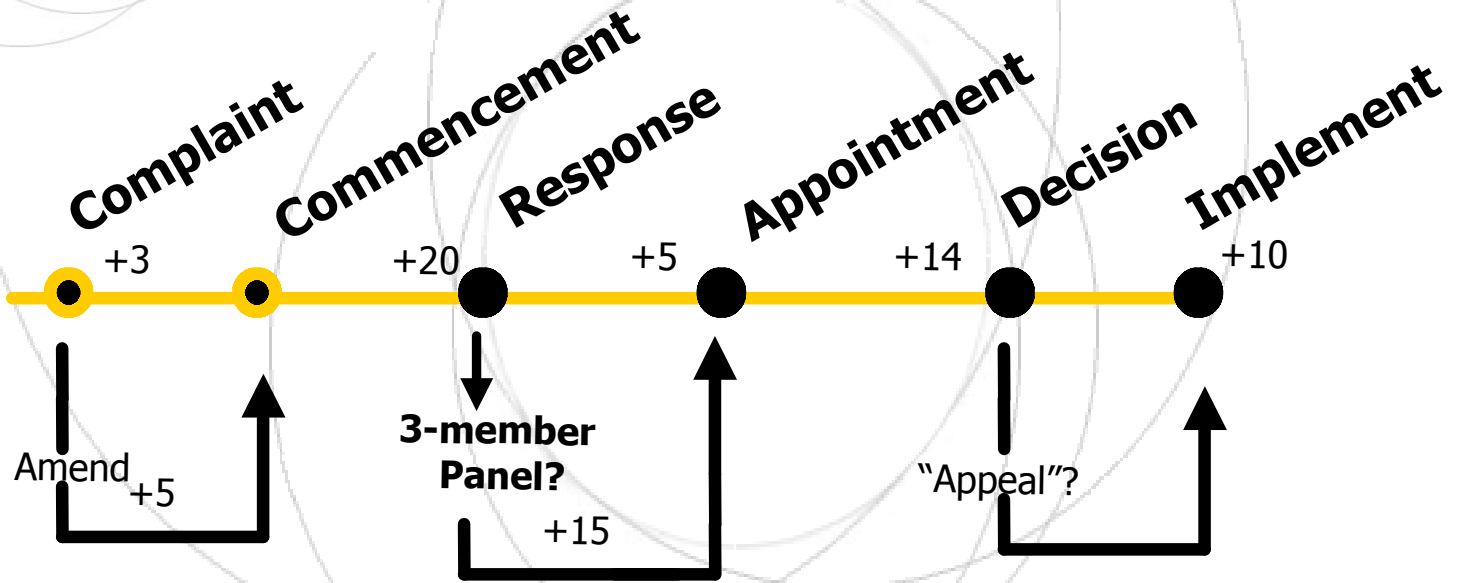
./.. How to solve DN disputes, in practice...

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



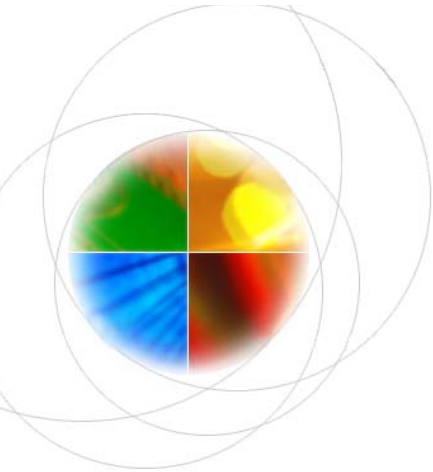
The Procedure at a glance





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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