



# WIPO Conference: 10 Years UDRP – What's Next?

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**Theme 1.4: User Perspective on the UDRP**

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# Common Respondent Perceptions / Problems

"What is this?"

Panelist / Advocates

Lack of Access to Entire Filing

Deadlines – From 20 days to 17

Only Ever Apply To Respondent

Frivolous Filing Is Tolerated

Supplemental Filings Permit “Sandbagging”

# “A Lightweight Administrative Procedure”

WIPO Case No. D2006-0975



## UDRP DISPUTES ARE RARE EVENTS

- Approx. 70,000,000 domain names in .com
- Approx. 4000 UDRP disputes per year
- UDRP affects .006% of domain names annually
- 15% - 25% of domains under privacy / proxy

Rules Need To Remain Simple And Accessible

## Notice of Filing / Supplemental Filing

**Rule 2** – “the complaint in electronic form (including annexes to the extent available in that form) “

**Rule 11** – “(b) **The Panel may order** that any documents submitted in languages other than the language of the administrative proceeding be accompanied by a translation in whole or in part into the language of the administrative proceeding.”

**Rule 12** – “In addition to the complaint and the response, **the Panel may request, in its sole discretion**, further statements or documents from either of the Parties.”

## The “Idiot Defense” To Reverse Domain Hi-Jacking

“the Panel is inclined to the view that the Complaint was inspired by ignorance and/or ineptitude rather than a deliberate attempt to make abusive use of the Policy.”

## The “Trademark Defense” To Trademark Mis-Use

“Here, the Complainant does in fact have a registered Community Trademark. It is entitled to seek to protect that.”

- Clearly Faulty Chronology
- Dictionary Term Used For Primary Meaning
- Omission of Material Fact
- “Commonly Known As”

# Policy Gaps And Best Practices

- Electronic Filing
- Streamlined Settlement Or “No Contest” Procedure
- Resolving Language Issues Prior To Commencement
- Holding Supplemental Filings Unless Requested
- Provider “Supplemental Rules” Should Not Contradict UDRP
- UDRP Provider Accreditation And Best Practices Documented