

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

**October 12, 2009**

**Theme 1.2: Key Issues for WIPO Panelists – Forks in the Road –  
Reflections on the UDRP and Beyond**

**Respondent Identity**

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# Respondent Identity

**WIPO Case No. D2009-0320**



***Research In Motion Ltd v. Privacy Locked  
LLC/Nat Collicott <backberry.com>***

**Who is the Respondent? The entity identified as registrant in the registrar's Whois at date of filing of the complaint? Or the registrant 'unmasked' on registrar verification?**

## WIPO Case No. D2009-0320

- Dec 12, 2002** – domain name registered and connected to PPC parking page
- Oct 8, 2008** – C writes to Privacy Locked (no reply)
- Mar 10, 2009** – C launches complaint
- Mar 13, 2009** – registrar ‘unmasks’ Collicott
- Mar 19, 2009** – Center invites complaint amendment
- Mar 30, 2009** – C declines to amend
- Apr 21, 2009** – Collicott responds stating:
  - (a) domain name part of a portfolio acquisition
  - (b) warning letter not forwarded by Privacy Locked
  - (c) Collicott consents to transfer

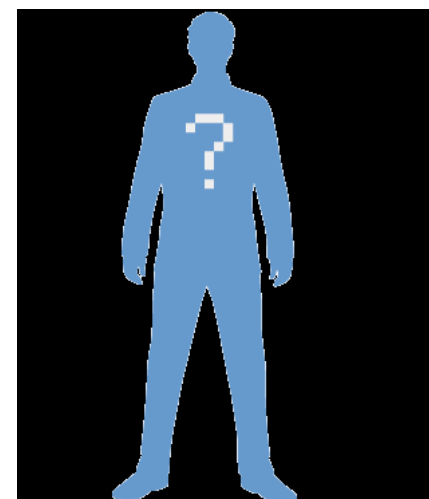
# Who is the proper Respondent?

**The privacy service? The ‘unmasked’ underlying registrant? Or both?**

## **Possible answers:**

- (a) the privacy service – see definitions of “Respondent” and “Mutual Jurisdiction”
- (b) Collicott – registrar verification – the pragmatic approach
- (c) both – the seriously pragmatic approach

**NB paragraph 8(a) of the Policy**



## My choice?

**The seriously pragmatic approach  
(i.e. both)**

**Advantages:**

- (i) No need for C to amend the complaint**
- (ii) Center treats both as respondents and all concerned have an opportunity to file submissions**
- (iii) No excuse for the registrar not to transfer if transfer ordered**
- (iv) Reduces risk of potential problems over Mutual Jurisdiction**

