ICANN Compliance Workshop: UDRP Issues
Effectiveness of the UDRP

- Has the UDRP served its purpose
  - For many years, served as an efficient, cost effective resolution for domain abuse
  - Domain monetization has changed the landscape
    Sheer volume of abuse makes it less effective
  - Problem of repeat offenders
  - Problem with Registrars or affiliates serving as domainers
  - Inability to address Domain Tasting

- Gaps Within the Rules/Ambiguities
  - Proxy/privacy services
  - Expiration/Renewal Issues
  - Implementation issues when complainant is successful
  - Registrar transfers during/after proceeding
Why Cybersquatting Continues to Grow

- Most generic dictionary words and terms have been registered as domains – brandjackers turn to trademarks
- Using brand names in domains helps brandjackers drive traffic through search engines
- WIPO reports record 2007 UDRP filings 2156

382K instances of cybersquatting in Q4-07
Gaps/Ambiguities

- Proxy Service-
  - Who is the appropriate respondent-the service or the “true registrant”
    - Currently
      - "Respondent means the holder of a domain-name registration against which a complaint is initiated."
  - Has the “true registrant” made the representations/commitments under the UDRP?

- What changes can be made by Registrar during proceedings
  - Currently
    - "We may also cancel, transfer or otherwise make changes to a domain name registration in accordance with the terms of your Registration Agreement or other legal requirements."
Registrar Compliance Issues

- Changes to the Domain Name during Proceeding
  - When is a domain name to be locked?
  - What changes are allowed during proceedings:
    - Renewals/Deletions
    - Registrar Transfers- how is new registrar notified of case

- Implementation of the Award
  - Changing registrant per decision
  - Creation of account with registrar
  - Assistance with registrar transfer
  - Ability to renew domain name

- ICANN UDRP Registrar Implementation Advisory
Future of UDRP

- Repeat Offenders - escalated penalties such as reimbursement of fees
- Class actions by groups of complainants targeted by the same registrant
- In instances of online fraud - injunctive type relief
Questions and Answers

Thank You!

Margie Milam
margie.milam@markmonitor.com