

## **UDRP DISPUTES ARE RARE EVENTS FOR A REGISTRAR**

- **Approx. 70,000,000 domain names in .com**
- **Approx. 4000 UDRP disputes per year**
- **UDRP affects .006% of domain names annually**
- **Registrars are not uniformly staffed by lawyers**
- **UDRP Procedures need to be simple and readily understandable**

# “A Lightweight Administrative Procedure”

WIPO Case No. D2006-0975



## **“LOCKING” The Domain Name – “CYBERFLIGHT”**

**[UDRP ¶18]a. Transfers of a Domain Name to a New Holder.**

**You** may not transfer your domain name registration to another holder (i) during a pending administrative proceeding brought pursuant to Paragraph 4 or for a period of fifteen (15) business days (as observed in the location of our principal place of business) after such proceeding is concluded; or (ii) during a pending court proceeding or arbitration commenced regarding your domain name unless the party to whom the domain name registration is being transferred agrees, in writing, to be bound by the decision of the court or arbitrator.

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**ICANN Registrar Accreditation Agreement**

**3.7.7.3 [...] A Registered Name Holder licensing use of a Registered Name according to this provision shall accept liability for harm caused by wrongful use of the Registered Name, unless it promptly discloses the identity of the licensee to a party providing the Registered Name Holder reasonable evidence of actionable harm.**

# IDENTIFY THE REGISTRANT

Example Registrant v. WHOIS data

From <http://www.icann.org/cgi/contact>

ICANN

4676 Admiralty Way, Suite 330

Marina del Rey, CA **90292**-6601

USA

From WHOIS for ICANN.org:

<b>Registrant Name:</b>	Roman Pelikh
Registrant Organization:	ICANN
Registrant Street1:	4676 Admiralty Way
Registrant Street2:	Suite 330
Registrant City:	Marina del Rey
Registrant State/Province:	CA
Registrant Postal Code:	<b>92092</b>

## Compare: Registrant Identified, but False Contact Data

Domain Name:	WIPO.ORG
Registrant Name:	WIPO
Registrant Organization:	WIPO
Registrant Street1:	c/o UNICC, Palais des Nations
Registrant City:	Geneva
Registrant Postal Code:	10 1211
Registrant Country:	CH
Registrant Phone:	+1.9999999999

## Problem - Notice of the Proceeding and Communications

- UDRP Providers do not have access to ICANN RADAR system for registrar contacts and there is no organized registrar contact update system

“support@bigregistrar.com”

- WIPO frequently mis-types and mis-directs UDRP communications (e.g. WIPO Case No. D2005-0896 – lomonaco.com)

- UDRP Rule 2 (d) “E-mail communications should, if practicable, be sent in plaintext.”

NAF - HTML formatted email with inline NAF logo image

WIPO - procedural notices as MS Word attachments

- NAF transmits decisions as Word files with filenames of the form:

“EXAMPLE.COM.DOC”

which are summarily deleted by standard virus software.

## Complainant-Generated Transfer Issues

- Refusal to agree to domain registration contract
- Refusal to provide complete WHOIS data
- Demand that present registrar transfer to another registrar

## Other Litigation

- UDRP Rule 4(k) requires 10 business day delay
- General obligation to lock domain names during litigation
- The Registrar is not a docket information service