



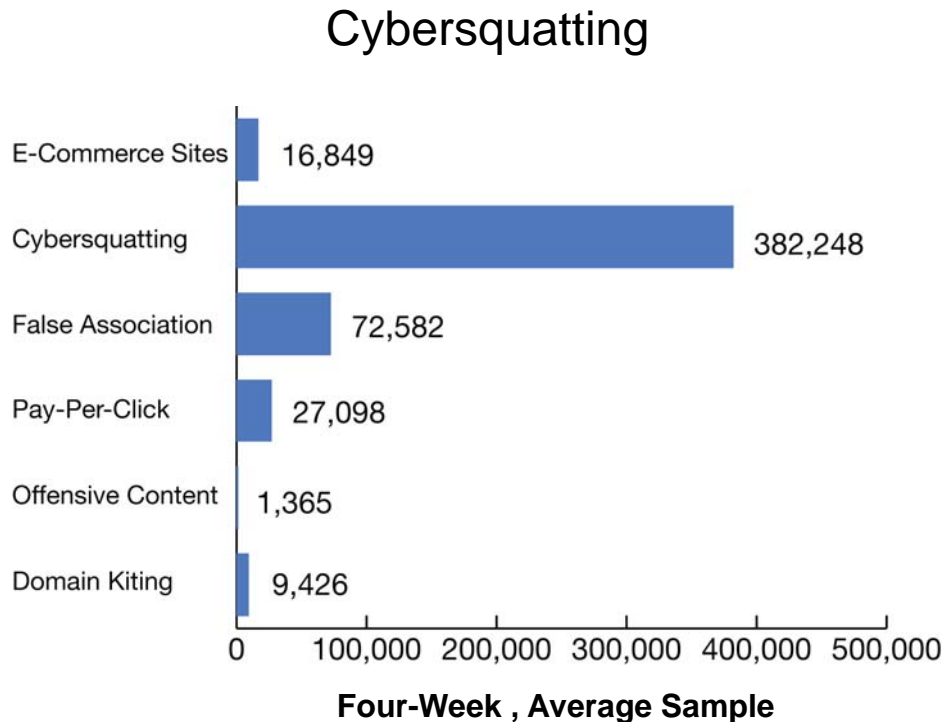
ICANN Compliance Workshop: UDRP Issues

Margie Milam, General Counsel
MarkMonitor
June 26, 2008

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