

Registrar UDRP Compliance Workshop



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The Uniform Domain Name Dispute Resolution Policy (“UDRP”)

- Adopted by ICANN in 1999
- Intended to provide an efficient, inexpensive process for resolving trademark domain name disputes.
- The policy is incorporated by reference in the Registrar Accreditation Agreement (“RAA”) at Section 3.8.
- The policy is between the registrar and its customer, the registrant.

UDRP Verification Process

- Verification is a common term for the process by which Providers work with registrars to:
 - Comply with UDRP procedural requirements; and
 - Obtain information necessary to initiate UDRP proceedings
- Verification typically takes place prior to commencement of a UDRP Complaint.

UDRP Verification Process

- According to Dispute Resolution Providers common verification requests include:
 - Confirmation of the language of the registration agreement;
 - Verification that the registrar is indeed the sponsoring registrar;
 - Request for billing address;

UDRP Verification Process (Cont.)

- Verification that the respondent is the current registrant of the domain name(s);
- Verification that the information in the Whois database, including contact details and expiration date, are correct and up to date; and
- Verification that the domain name registrant has submitted in its Registration Agreement to the jurisdiction at the location of the principal office of the Registrar (Rules, Paragraph 1).

Upon Commencement of a UDRP Proceeding

- Registrar is expected to “lock” the domain name in order to comply with provisions in the UDRP.

Upon Receiving a UDRP Decision

- Registrar is obligated implement the decision pursuant to the UDRP and the RAA.
- Depending on the outcome of the UDRP Decision, the registrar will be required to do one of the following:
 - Transfer the domain name
 - Cancel the domain name
 - Do nothing (dismissed)

Upon Receipt of UDRP Decision

- UDRP Rule 16 requires registrars to communicate plans to implement UDRP decisions to all relevant parties (Provider, complainant, respondent and ICANN).
- This rule states in relevant part, "The concerned Registrar(s) shall immediately communicate to each Party, the Provider, and ICANN the date for the implementation of the decision in accordance with the Policy."

Upon Receipt of UDRP Decision

- The decision must be implemented following a waiting period of 10 business day after being informed of the decision by the dispute resolution provider, unless registrar receives official documentation that a lawsuit has been filed in a jurisdiction which complainant has submitted (UDRP Section 4(k)) .
- Registrar should inform all parties after the decision has been implemented.

Most Common UDRP Compliance Issue

Failure to implement decisions

Thank You