



# Dispute Resolution

in the .fi Registry

# Finland in Brief



# Close to nature



- 188,000 lakes
- 179,000 islands
- 493,000 summer cottages
- Over 2,000,000 saunas



# Thriving on technology and creativity



- Nearly 10 million mobile subscriptions
- More than 6 million broadband subscriptions
- A computer in over 90 per cent of all households
- Home of Angry Birds and Clash of the Clans

# Country Code .FI

- FICORA is responsible for
  - » administration of .fi domain names
  - » FI-root services
  - » granting of .fi domain names
  - » revoking unlawful (illegal) .fi domain names

# Facts about .fi

- Dual mode – we grant domain names both directly to customers (20%) and via registrars (80%)
- No requirements for the registrars: +1000 registrars
- 370,000 domain names
- 82% registered by companies
  
- 5 September 2016 → registration only via registrars!



# Regulation

- Domain Name Act (228/2003)

  - 5 September 2016 Information Society Code (917/2014)

- At the time of registration, a domain name shall not be:

  - » Based on a **protected name** or **trademark** owned by another party, unless the domain name holder can present a good, acceptable reason for registering the domain name; or
  - » **Similar to** a protected name or trademark owned by another party, **if** the clear intent of registering the domain name is **to benefit** from it or **to cause damage**.

# Registrant's responsibility

- Registrant is responsible for that the domain name is not illegally based on a protected name or trademark owned by another party
- Registrant should **at least** check on the Internet:
  - » names entered into the Finnish registers of trade, associations, foundations, or political parties
  - » trademarks entered into the Finnish or European Community Trademark Register



# FICORA's role

- FICORA can withdraw (= revoke) domain names that have been registered against the Domain Name Act
- Legislation **does not** authorise FICORA
  - » to assess the lawfulness of website content;
  - » to order the content to be removed or revised; or
  - » to order websites to be closed.

# Protected Trademarks

- Trademarks for which registration is valid in Finland
  - » National and the EU Community trademark (CTM)
- Word vs. Figurative trademarks
  - » A word trademark enjoys better protection than a figurative trademark in relation to the domain name
  - » The less the figurative trademark differs from a domain name, the broader the protection of the trademark
    - This principle has been stated in the decisions of the Helsinki Administrative Court

# Protected Trade Names

- A name that has been entered into
  - » the trade register
  - » the registers of associations, foundations, or political parties
  - » an established name, an auxiliary trade name
  - » a name of a public body, unincorporated state enterprise, independent public corporation, public association, or diplomatic mission of a foreign State or its bodies
- **Until 5 September 2016** combinations of Finnish private persons' first and last name

- Claims concerning the violations of trade names or trademarks can be divided into two categories:

- 1. Exact match**

- 2. Derivatives**

# Exact match

- Domain name that is identical with a protected name or trademark
- Not taken into consideration when the similarity is assessed:
  - » Symbol for an organisation
  - » Space character
  - » Hyphen
  - » Native language characters
- A prerequisite for the revocation is that the domain name holder is able to present an acceptable reason for his or her right

# Derivative of protected name or trademark

- Domain name that resembles another's protected name or trademark without being an exact match
- Examples of derived domain names:
  - » Trademark: CAT → cats.fi, catandmouse.fi
  - » Business name: House Factory Oy → house.fi
  - » Auxiliary business name: Helsinki Building Material Ky → buildingmaterial.fi
  - » Figurative trademark

# Derivative (2)

- Domain name is registered with the obvious intention of obtaining benefit or harming another
- The claiming party of the revocation must give reasons for obvious intention of obtaining benefit or harming (itself)
- The domain name holder must submit a clarification to FICORA indicating the purpose in which the domain name has been registered
- Holder of the domain name must present an acceptable reason for his right
- In FICORA's decisions, the revocation of a domain name has always required **strong proof of violation**



# Other grounds for revocation

- Storage of domain names
- Inoperative name servers
- Holder has ceased to exist
- Insulting domain names

→ The above-mentioned grounds will not be in force with the new legislation (Information Society Code, 5 September 2016)

# Revocation Claim

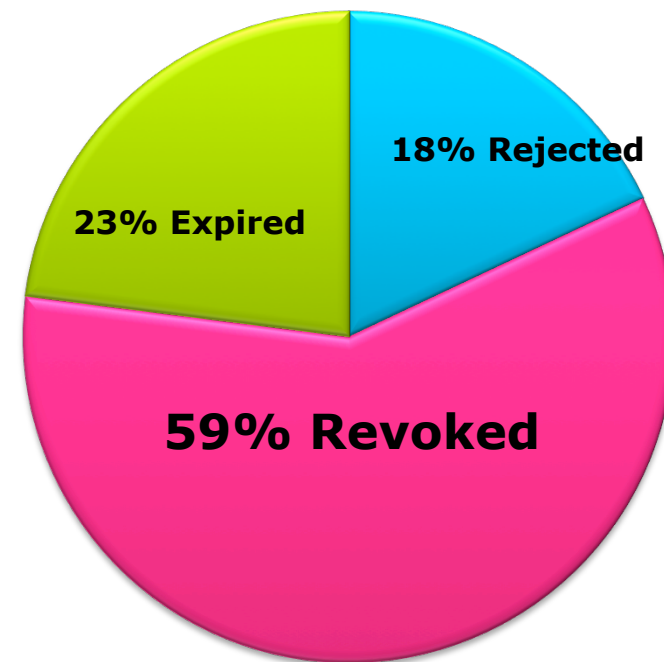
- Only the holder of the protected name or trademark can request for the revocation of a domain name
- The time priority rule
- Made in writing
- Free of charge, no handling fee at FICORA
- Transfer request?

## Phases of revocation claim handling at FICORA

- Once the revocation claim is pending at FICORA
  - Domain name will be "Frozen"
- Clarification
  - the clarification must be given within two week's time
- Hearing
- Decision
- The decision can be appealed to the Market Court  
(located in Helsinki, Finland)

# Statistics

- 4 legal counsels
- Approx. 100 cases pending per year
- Approx. 100 cases resolved per year
- Average handling time 3.5 months



2014

# Thank you!

Sanna Sahlman  
Legal Counsel  
sanna.sahlman@ficora.fi  
puh: +358 295 390 587