

What is the UDRP?

- An acronym for the “Uniform Domain Name Dispute Resolution Policy”
- A mandatory arbitration policy adopted by the Internet Corporation for Assigned Names and Numbers (“ICANN”) in 1999
- A popular way for trademark owners to resolve domain name disputes with cybersquatters and typosquatters
- Called “the preferred option for most trademark owners” by *Corporate Counsel* magazine, because it is typically quicker and less expensive than litigation
- Applies to all “global” top-level domains (including .com, .net, .info and .org) as well as some “country code” top-level domains (including .me, .tv and .md)
- All proceedings conducted online and via mail – no motions, no hearings, no discovery, no trials, no appeals

UDRP Timeline

Step
1

Research, draft and file UDRP complaint against cybersquatter with service provider (WIPO, NAF or CAC)
Approximately 1-2 weeks

Complaint must include all factual and legal arguments plus supporting evidence, to convince panel that Complainant (trademark owner) has satisfied all three elements of the UDRP (see below).

Step
2

UDRP service provider reviews complaint for administrative compliance
About 1 week

Step
3

UDRP service provider notifies registrant/cybersquatter
20 days to file response

Step
4

Domain name panelist (arbitrator) appointed
14 days to submit decision to service provider

Step
5

Parties notified of decision
1 to 2 weeks after decision submitted

Step
6

Domain name transferred to Complainant (if successful)
After 10-day waiting period, if no lawsuit filed

UDRP Requirements

1. Domain name is identical or confusingly similar to a trademark in which the Complainant has rights
2. Registrant has no rights or legitimate interests in the domain name
3. Domain name was registered and is being used in bad faith

Primary UDRP Service Providers

- World Intellectual Property Organization (WIPO), Geneva
- National Arbitration Forum (NAF), Minneapolis
- Czech Arbitration Court (CAC), Prague

UDRP Statistics

- More than 26,000 complaints filed at WIPO and NAF from December 1999 to December 2007
- Record number of complaints filed in 2008 (at WIPO)
- About 85% of decisions result in a domain name transfer

Common Complications

- “Cyberflight”: Domain name registration is transferred after complaint is filed but before UDRP service provider commences the proceeding
- Inaccurate or misleading response: May require submission of a supplemental filing
- Slow panel: May delay receipt of the decision
- Uncooperative registrar: Can delay commencement of proceeding or transfer of domain name