

## Domain Name Dispute Resolution in East Asia

- Domain name system (ICANN)

- Generic TLDs:

- .com, .org, .net open for all people and entities on a global basis
    - .edu, .gov, .mil, .int for limited users
    - New TLDs (Nov. 16, 2000): .biz, .info, .name, .pro, .museum, .aero, .coop, .travel, .asia

- Cc TLDs

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## Domain Name Dispute Resolution in East Asia

- Litigation
- Arbitration
- Negotiation
- ICANN UDRP – Uniform Domain Name Dispute Resolution Policy
  - The most effective way to resolve domain name disputes at a low cost



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## Who is ICANN?

- Internet Corporation for Assigned Names and Numbers (ICANN)
- ICANN was formed in 1998. It is a not-for-profit public-benefit corporation with participants from all over the world dedicated to keeping the Internet secure, stable and interoperable. It promotes competition and develops policy on the Internet's unique identifiers.
- ICANN doesn't control content on the Internet. It cannot stop spam and it doesn't deal with access to the Internet. But through its coordination role of the Internet's naming system, it does have an important impact on the expansion and evolution of the Internet.

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## Dispute Resolution Service Providers

- [Asian Domain Name Dispute Resolution Centre \[ADNDRC\]](#) (approved effective 28 February 2002). It has three offices:
  - Beijing Office
  - Hong Kong Office
  - Seoul Office
  - Kuala Lumpur Office
- [The National Arbitration Forum \[NAF\]](#) (approved effective 23 December 1999).
- [World Intellectual Property Organization \[WIPO\]](#) (approved effective 1 December 1999).
- [The Czech Arbitration Court \[CAC\]](#) has been approved in January 2008 as a UDRP provider and plans to start accepting Complaints before the end of 2008.

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## Domain Name Disputes

- The domain name is identical or confusingly similar to a trademark/service mark in HK in which the Complainant has rights
- The Registrant has no rights or legitimate interests in respect of the domain name
- Registration and Use in Bad Faith

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## The Language of the Proceedings

- Unless otherwise agreed by the Parties, or specified otherwise in the Registration Agreement, the language of the administrative proceeding shall be the language of the *Registration Agreement*;
- subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding.

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## In-person Hearings

- There shall be no in-person hearings (including hearings by teleconference, videoconference, and web conference), unless it is so decided by the Panel.

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## The Decision

- Decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable.
- If no exceptional circumstances, e Panel shall forward its decision on the complaint to the Provider within **fourteen (14) days** of its appointment

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## Availability of Court Proceedings

- If an Administrative Panel decides that your domain name registration should be canceled or transferred, we will wait ten (10) business days (as observed in the location of our principal office) after we are informed by the applicable Provider of the Administrative Panel's decision before implementing that decision. We will then implement the decision unless we have received from you during that **ten (10) business day period official documentation** (such as a copy of a complaint, file-stamped by the clerk of the court) that you have commenced a lawsuit against the complainant in a jurisdiction to which the complainant has submitted under [Paragraph 3\(b\)\(xiii\)](#) of the Rules of Procedure. (In general, that jurisdiction is either the location of our principal office or of your address as shown in our Whois database.)