

**Pathfinder**  
**Emerging Patterns in Arbitration under the Uniform Domain-Name  
Dispute-Resolution Policy**

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**UDRP Information from ICANN and Dispute Resolution Service Providers**

ICANN, *Uniform Domain Name Dispute Resolution Policy* (visited Aug. 28, 2001) available at <http://www.icann.org/udrp/udrp-policy-24oct99.htm>

- Policy for resolving trademark based disputes over domain name ownership. This is the document at issue in this Note.

ICANN, *Uniform Domain-Name Dispute-Resolution Policy, General Information* (visited Aug. 28, 2001), available at <http://www.icann.org/udrp/>.

- Summary of general policy and other useful background information on the UDRP.

ICANN, *Timeline for the Formulation and Implementation of the Uniform Domain-Name Dispute-Resolution Policy* (visited Aug. 28, 2001), available at <http://www.icann.org/udrp/udrp-schedule.htm>.

- Contains: Information on when the UDRP went into effect and other key dates in the history of the UDRP.

ICANN, *Approved Providers for Uniform Dispute Resolution Policy* (visited Aug. 28, 2001) available at <http://www.icann.org/udrp/approved-providers.htm>.

- Listed of dispute resolution providers approved by ICANN. Includes links to the web sites of each provider.

ICANN, *Statistical Summary of Proceedings Under Uniform Domain Name Dispute Resolution Policy* (visited Aug. 30, 2001) available at <http://www.icann.org/udrp/proceedings-stat.html>.

- Contains statistical information about how many claims have been filed, how many disputes have been resolved, and other information useful in determining the effectiveness of the UDRP.

ICANN, *Rules for Uniform Domain Name Dispute Resolution Policy* (visited Sep. 3, 2001) available at <http://www.icann.org/udrp/udrp-rules-24oct99.htm>.

- Rules for how UDRP proceedings will take place.

ICANN, *Preliminary Report: Meeting of the ICANN Board in Montevideo* (visited Sep. 12, 2001) available at <http://www.icann.org/minutes/prelim-report-10sep01.htm>.

- Summary of events and issues from ICANN's recent board meeting.

ICANN, *List of Proceedings Under Uniform Domain Name Dispute Resolution Policy* (visited Sep. 2, 2001) available at <http://www.icann.org/udrp/proceedings-list.htm>.

- Searchable database of all UDRP proceedings and decisions.

CPR Institute for Dispute Resolution, *Dispute Resolution for Internet Domain Names* (visited Aug. 28, 2001) available at [http://www.cpradr.org/ICANN\\_Menu.htm](http://www.cpradr.org/ICANN_Menu.htm).

NAF, *National Arbitration Foundation* (visited Aug. 28, 2001) available at <http://www.arb-forum.com/>.

eResolution, *eResolution Domain Name Administrative Proceedings* (visited Aug. 28, 2001) available at <<http://www.eresolution.ca/services/dnd/arb.htm>>.

WIPO, *WIPO Domain Name Dispute Resolution Service* (visited Aug. 28, 2001) available at <<http://www.eresolution.ca/services/dnd/arb.htm>>.

*The Interim Report of the Second WIPO Internet Domain Name Process, The Possible Modification of the UDRP*, (visited Sep. 2, 2001) available at <<http://wipo2.wipo.int/process2/rfc/rfc3/report.html#v>>.

- Summary of proceedings, issues discussed, and proposed changes to the UDRP. This contains significant information regarding protection of geographical locations.

### **On Line News Articles**

Associated Press, *ICANN May Limit Public Input* (viewed Sep. 12, 2001) available at <<http://investor.cnet.com/investor/news/newsitem/0-9900-1028-7119960-0.html?tag=ats>>.

David McGuire, *ICANN Pressured on Public Participation* (viewed Sep. 12, 2001) available at <[http://www.bizreport.com/article.php?art\\_id=2073&width=1024](http://www.bizreport.com/article.php?art_id=2073&width=1024)>.

- This article and the one above it discuss recent outcries for increased public participation in ICANN operations that took place at ICANN's recent meeting in Montevideo.

Reuters, *ICANN Cracks Down on Cybersquatters* (viewed Sep. 12, 2001) available at <<http://www.zdnet.com/zdnn/stories/newsbursts/0,7407,5096821,00.html?chkpt=p1bn>>.

Reuters, *ICANN Moves to Protect ".info" Country Names* (viewed Sep. 12, 2001) available at <<http://news.cnet.com/investor/news/newsitem/0-9900-1028-7120006-0.html?tag=ats>>.

- Discusses the controversy over ownership of country name domains in the new .info top level domain.

Steven Bonisteel, *Canadians Unveil Proposed Domain Dispute Rules* (viewed Sep. 14, 2001) available at <[http://www.bizreport.com/article.php?art\\_id=2075&width=1024](http://www.bizreport.com/article.php?art_id=2075&width=1024)>.

- Discusses new proposals for settling disputes over Canada's .ca domain which are based on the UDRP.

The Economic Times, *New .biz Internet Domain Faces Legal Challenge* (viewed Sep. 2, 2001) available at <<http://www.economictimes.com/today/27tech22.htm>>.

- Summarizes the recent lawsuit over distribution of .biz domain names.

Steven Bonisteel, *WIPO Sees No Quick Fix for Domain-Name Grab* (visited Sep. 6, 2001) available at <<http://www.newsbytes.com/news/01/169710.html>>.

- Discusses progress and problems for the UDRP as seen by the heads of WIPO.

Tamara Loomis, *Domain Name Disputes Resolved Quickly* (visited Sep. 6, 2001) available at <<http://www6.law.com/ny/stories/00/07/072700a2.htm>>.

- Summarizes some pros and cons of the current UDRP.

David Osborne, *ICANN Arbitration or Court?* (visited Sep. 16, 2001) available at <[http://www.domainnotes.com/news/article/0,,3371\\_514271,00.html](http://www.domainnotes.com/news/article/0,,3371_514271,00.html)>.

- Discusses differences between initiating a UDRP proceeding and taking a domain name dispute to court.

Rod Dixon, *Common Names and Common Sense: Why Celebrity Names Should Not be Subject to the UDRP* (visited Sep. 16, 2001) available at <[http://www.domainnotes.com/news/article/0,,3371\\_495871,00.html](http://www.domainnotes.com/news/article/0,,3371_495871,00.html)>.

Rod Dixon, *The Arbitral Forum: Why ICANN's Uniform Dispute Resolution Process Must Undergo Reform* (visited Sep. 16, 2001) available at <[http://www.domainnotes.com/news/article/0,,3371\\_480291,00.html](http://www.domainnotes.com/news/article/0,,3371_480291,00.html)>.

- Arguments for reforms to the current UDRP.

Justin Kelly, *ICANN Board Member Calls for End to Domain Dispute Policy* (viewed on Sep. 2, 2001) available at <<http://www.adrworld.com/opendocument.asp?Doc=RLAb9bVdD0&code=TvqDOdFE>>.

- Arguments from a member of ICANN alleging that the UDRP is unfair and should be eliminated or reformed.

Justin Kelly, *Domain Registrars to Use 'Modified' UDRP For New Extensions* (visited Sep. 2, 2001) available at <<http://www.adrworld.com/opendocument.asp?Doc=ppgpKKB9Mi&code=TvqDOdFE>>.

- Summarizes the dispute resolution systems used for the .biz and .info domain names.

Tony Kreindler, *WIPO Launches Talks to Expand Domain Name Dispute Policy* (viewed on Sep. 3, 2001) available at <<http://www.adrworld.com/opendocument.asp?Doc=UZREIfSyt&code=TvqDOdFE>>.

- WIPO debates expanding the UDRP to allow the resolution of more disputes.

See ADRWorld.Com, *ICANN Panel Refuses to Consider Claims After Withdrawal* (viewed on Sept 3, 2001) available at <<http://www.adrworld.com/opendocument.asp?Doc=eM1J0j5RIY&code=TvqDOdFE>>

- Discusses how the UDRP struggled to handle the recent *Glimcher University Mall* case involving reverse domain name hijacking.

### **Law Review Articles, Journal Articles, and Scholarly Works**

A. Michael Froomkin, *A Commentary on WIPO's The Management of Internet Names and Addresses: Intellectual Property Issues* (visited Sep. 2, 2001) available at <<http://www.law.miami.edu/~amf/commentary.htm>>.

A. Michael Froomkin, *Major Flaws in the WIPO Domain Name Proposal -- A Quick Guide* (visited Sep. 2, 2001) available at <<http://www.law.miami.edu/~amf/quickguide.htm>>.

Michael Geist, *Fair.Com?: An Examination of the Allegations of Systematic Unfairness in the ICANN UDRP*, (visited Sep. 2, 2001) available at <<http://aix1.uottawa.ca/~geist/geistudrp.pdf>>.

Alexander Gigante, *"Doman-ia:" The Growing Tension Between the DNS and Trademark Law*, (visited Sep. 14, 2001) available at <<http://ksgwww.harvard.edu/iip/cai/gigante.html>>.

Sally M. Abel, *eVolution or Revolution? Trademark Law on the Internet* (visited Sep. 15, 2001), available at <[http://www.fenwick.com/pub/ip\\_pubs/Trademarks\\_&\\_Internet/Trademark\\_&\\_Internet.htm](http://www.fenwick.com/pub/ip_pubs/Trademarks_&_Internet/Trademark_&_Internet.htm)>.

- Provides important background information on UDRP policies and discusses recent events in the UDRP timeline.

J. Kevin Grey, *UDRP - The First Nine Months* (visited Sep. 15, 2001) available at <<http://www.jgsolutions.com/material/articles/esign.pdf>>.

- Analyzes the results from the first 9 months of the UDRP. While the statistics are now outdated, this presents some strong arguments in favor of the UDRP.

William A. Tanenbaum, *Rights and Remedies for Three Common Trademark-Domain Name Disputes: (1) Domain Name vs. Trademark, (2) Shared Trademarks, and (3) Domain Name Hijacking* (viewed Sep. 15, 2001) available at <<http://cyber.law.harvard.edu/property/domain/tanen.html>>.

- Discusses the interaction of trademark law with the resolution of domain name disputes.

Diane Cabell, Esq., *Foreign Domain Name Disputes 2000* (visited Sep. 14, 2001) available at <<http://www.mama-tech.com/foreign.html>>.

- Looks at how other countries are dealing with trademark-based domain name disputes. Summarizes events from a number of different countries.

Richard J. Greenstone, *Overview of Internet Domain Name Law* (visited Sep. 15, 2001) available at <<http://www.rjg.com/basf.html>>.

Mark A. Lemley, *Symposium on the Internet and Legal Theory: The Law and Economics of Internet Norms*, 73 Chi.-Kent. L. Rev. 1257.

### **Cases and Other Materials**

Weber-Stephen Prods. Co. v. Armitage Hardware & Bld, (N.D. Ill. May 3, 2000), 2000 U.S. Dist. LEXIS 6335, 54 U.S.P.Q.2d (BNA) 1766.

- First U.S. court decision to consider the UDRP's role in the American court system.

City of Salinas v. Brian Baughn, NAF Case No. FA0104000097076 (2001) (Diaz, Presiding Panelist) available at <<http://www.arbforum.com/domains/decisions/97076.htm>>.

- One of a couple of decisions in which geographical locations are not given protection by the UDRP.

Gordon Sumner, p/k/a Sting v Michael Urvan, D2000-0596 (WIPO, July 20, 2000) available at <<http://arbiter.wipo.int/domains/decisions/html/2000/d2000-0596.html>>.

- The musician Sting was unable to force a domain transfer from a person who had used sting as his Internet nickname for eight years.

*Glimcher University Mall v. GNO, Inc*, 2001, NAF No. FA0107000098010 available at <<http://www.adrworld.com/opendocument.asp?Doc=ciG8w3zUqp&code=MgDBAiFo>>.

- Reverse domain name hijacking claim not heard after complainant withdraws his complaint.