Pathfinder

A. ICANN and Dispute Resolution Service Provider Policy Documents

   
   **Relevance:** The key document that guides all dispute resolution panels.

   
   **Relevance:** Nice summary of policy.

   
   **Relevance:** Serves as basis for case research. Links to all published decisions.


   
   **Relevance:** Provides general stats; updated frequently. Does not include detailed states needed for this research.

   
   **Relevance:** Rules setting out the details for UDRP proceedings.


   
   **Relevance:** Lists panelist bios.


   <http://www.eresolution.ca/services/dnd/arbitrators.htm>.

B. Relevant Articles from Law Journals, Newspapers, Web Sites, etc.

1. Oscar S. Cisneros, ICANN't Believe That Domain Name, WIRED NEWS (Jul. 27, 2000)
   **Relevance:** Nice pro-con analysis of UDRP – quoting folks from ICANN and a
   some activist-types.

   **Relevance:** Discussion of case involving <dodgeviper.com> and domain name
   owners plans to take his case to court after losing a UDRP admin proceeding.

3. Andy Oram, So Shall They Say My Name – Part 2, WEBREVIEW.COM (Oct. 29, 1999)
   **Relevance:** Some pointed criticisms of UDRP, stressing that courts are better
   forum for many of these issues. A tad dated.

4. John Berryhill, The UDRP Provides Disputable Resolution Incentives, ICANNWATCH
   **Relevance:** Highly critical article arguing that UDRP encourages dispute-
   resolution providers to cater to trademark holders.

5. A. Michael Froomkin, Comments on ICANN Uniform Dispute Policy (Oct. 13, 1999)
   **Relevance:** Good comments on UDRP process. Focuses on short time to file
   lawsuit, free speech issues, and lack of real sanctions for reverse domain name
   hijacking.

6. Amy Benjamin, Proceedings Under UDRP Are Off and Running, NAT’L L.J., May 1,
   2000, at C1.
   **Relevance:** Mostly rehashes a few cases. Notes that panels are struggling with
   bad faith issue at times. Concludes process is streamlined and cost-effective.

7. David H. Bernstein and Sheri L. Rabiner, Litigating by E-Mail with ‘UDRP’; Lessons
   From New Dispute Resolution Procedure for Domain Name Disputes, NEW YORK L.
   J., August 21, 2000, at S3.
   **Relevance:** Excellent article written by a WIPO panelist and an attorney who has
   filed several UDRP proceedings. Discusses benefits of process and also provides
   several lessons learned.

8. Jessica Litman, The DNS Wars: Trademarks and the Internet Domain Name System,
   4 J. SMALL & EMERGING BUS. L. 149 (Spring, 2000).
   **Relevance:** Good background discussion of trademark law. Part of the group
   that seems UDRP as favoring trademark owners. Favors adding new top-level
   domains to solve the problem.

   B10.
   **Relevance:** Discusses particular case. Notes that lawyers are pleased with UDRP
   efficiency, etc. Nothing new here really.
   Relevance: Good article addressing UDRP from perspective of in-house counsels for companies filing UDRP proceedings.
   Relevance: Good discussion why someone might want to go to court rather than relying on the UDRP.
   Relevance: Mostly a statistical discussion. Focuses on high rate of cases going uncontested. Research based on early months. My paper will go into much more detail on this issue, look for underlying causes, etc.
   Relevance: Very on point discussion of default rate – some say they predicted this because the “defaulters” are evil cybersquatters. Also discusses court vs. UDRP analysis (which is better when, etc.).
   Relevance: Interviews some folks who aren’t crazy about the UDRP.
   Relevance: Discusses territorial nature of trademark disputes and impact of UDRP.
   Relevance: Good discussion about reverse cybersquatting. Also argues UDRP is tough on the little guy.
   Relevance: More court vs. UDRP discussion.
   Relevance: Explains why people should not be alarmed that trademark owners are winning all of these cases.
**Relevance:** Interview with Sally Abel about prospect of adding new top-level domain names.

**Relevance:** UDRP “forum shopping” has become a reality.

**Relevance:** Discusses panels using past decisions as precedent, etc.

C. Court Cases

**Relevance:** First court decision addressing UDRP proceedings. Judge ruled that the court is not bound by UDRP proceedings. The court stopped short of stating what standard will apply to UDRP proceedings when challenged in court. The case at hand was stayed pending the outcome of UDRP proceedings.

D. UDRP Cases

1. **Respondent in default; Domain Name Ordered Transferred to Complainant – Potential Borderline Cases**

   - *Bata Industries Limited v. Bentley Online Ltd.*, AF-0247a; AF0247b (DeC July 23, 2000) (ordering the transfer of the domain names <athletesworld.com> and <athletesworld.com> to the Complainant).
   - *Dollar Financial Group, Inc. v. Great American Credit*, FA0094994 (NAF July 18, 2000) (ordering the transfer of the domain name <cashuntilpayday.com> to the Complainant).
   - *David G. Cook v. This Domain is For Sale*, FA0094957 (NAF July 12, 2000) (ordering the transfer of the domain name <camptime.com> to the Complainant).
   - *ABF Freight System, Inc. v. American Legal*, D2000-0185 (WIPO May 9, 2000) (ordering the transfer of the domain name <timekeeper.com> to the Complainant).
• **The Richards Group, Inc. v. Click Here!, Inc.**, D2000-0171 (WIPO Apr. 25, 2000) (ordering the transfer of the domain name <clickhere.net> to the Complainant).

• **Softquad Software, Inc. v. Eleven-Eleven Ltd.**, AF-0143 (DeC June 1, 2000) (ordering the transfer of the domain name <hotmetal.com> to the Complainant).

• **Randstad General Partner (U.S.), LLC v. Domains For Sale For You**, D2000-0051 (WIPO Mar. 24, 2000) (ordering the transfer of the domain name <officespecialists.com> to the Complainant).

• **Faithnet, Inc. v. Believers Fellowship of Lakeland**, FA0093666 (NAF Mar. 20, 2000) (ordering the transfer of the domain name <faithnet.org> to the Complainant).

• **Sleep-Tone Entertainment Corporation d/b/a Sound Choice Accompaniment Tracks v. Sound Choice Disc Jockeys, Inc.**, FA0093636 (NAF Mar. 13, 2000) (ordering the transfer of the domain name <sound-choice.com> to the Complainant).

• **Adventure City, Inc. v. Robert Giunta, Gotchya Marketing and Promotions**, FA0093632 (NAF Mar. 15, 2000) (ordering the transfer of the domain name <adventurecity.com> to the Complainant).

• **Hewlett Packard Company v. OPENVIEW**, FA0094371 (NAF Apr. 28, 2000) (ordering that the domain name <openview.com> shall remain registered to the Respondent). **Compare to…**

• **Hewlett Packard Company v. Roben Moreno**, FA0094372 (NAF Apr. 28, 2000) (ordering the transfer of the domain name <openview.net> to the Complainant).

• **Big Dog Holdings, Inc. d/b/a Big Dog Sportswear v. Frank Day, Red River Farms, Inc.**, FA0093554 (NAF Mar. 9, 2000) (ordering the transfer of the domain name <bigdog.com> to the Complainant).


• **FaceTime Communications, Inc. v. Live Person, Inc.**, FA0092048 (NAF Feb. 18, 2000) (ordering the transfer of the domain name <facetime.com> to the Complainant).

• **Do The Hustle, LLC v. Donald Wilson**, D2000-0627 (WIPO Aug. 18, 2000) (ordering the transfer of the domain name <pollyesthers.com> to the Complainant).


• **The Wire Association International, Inc. v. Wirenet Host**, FA0095006 (NAF July 17, 2000) (ordering the transfer of the domain name <wirenet.com> to the Complainant).

• **Cream Pie Club v. Brittany Halford**, FA0095235 (NAF Aug. 17, 2000) (ordering the transfer of the domain name <creampies.com> to the Complainant).

• **Visit America, Inc. v. Visit America**, FA0095093 (NAF Aug. 14, 2000) (ordering the transfer of the domain name <visitamerica.com> to the Complainant).

• **Paychex, Inc. v. Goodsoft/Unjin No.**, FA0095075 (NAF July 26, 2000) (ordering the transfer of the domain name <taxpay.com> to the Complainant).

2. **Respondent in Default; Respondent Prevails**

- *Lowestfare.com LLC v. US Tours & Travel, Inc.*, AF-0284 (DeC Sept. 9, 2000)(ordering that the domain name <lowestfare.com> remain with the Respondent).
- *Passion Group Inc. v. Usearch, Inc.*, AF-0250 (DeC filed June 7, 2000)(dismissing the complaint regarding the domain name <jobpostings.com>).
- *Raj Vasant Pandit v. Vishal Bhuta*, AF-0224 (DeC July 21, 2000)(denying request to transfer the domain name <industrialproductfinder.com>).
- *Christus Rex, Inc. v. Kurtis K. Karr*, AF-0188 (DeC June 30, 2000)(denying request to transfer the domain name <christusrex.com>).