

Pathfinder

A. ICANN and Dispute Resolution Service Provider Policy Documents

1. ICANN, *Uniform Domain Name Dispute Resolution Policy* (visited Sep. 3, 2000) available at <<http://www.icann.org/udrp/udrp-policy-24oct99.htm>>
Relevance: The key document that guides all dispute resolution panels.
2. ICANN, *Uniform Domain-Name Dispute-Resolution Policy, General Information* (visited Sep. 3, 2000) available at <http://www.icann.org/udrp/udrp.html>.
Relevance: Nice summary of policy.
3. ICANN, *List of Proceedings Under Uniform Domain Name Dispute Resolution Policy* (visited Sep. 15, 2000) available at <<http://www.icann.org/udrp/proceedings-list.htm>>.
Relevance: Serves as basis for case research. Links to all published decisions.
3. ICANN, *Approved Providers for Uniform Domain Name Dispute Resolution Policy* (visited Sep. 3, 2000) available at <<http://www.icann.org/udrp/approved-providers.htm>>.
4. ICANN, *Timeline for Formulation and Implementation of the Uniform Domain-Name Dispute-Resolution Policy* (visited Sep. 3, 2000) available at <<http://www.icann.org/udrp/udrp-schedule.htm>>.
5. ICANN, *Statistical Summary of Proceedings Under Uniform Domain Name Dispute Resolution Policy* (visited Sep. 17, 2000) available at <<http://www.icann.org/udrp/proceedings-stat.htm>>.
Relevance: Provides general stats; updated frequently. Does not include detailed states needed for this research.
6. ICANN, *Rules for Uniform Domain Name Dispute Resolution Policy* (visited Sep. 3, 2000) available at <<http://www.icann.org/udrp/udrp-rules-24oct99.htm>>.
Relevance: Rules setting out the details for UDRP proceedings.
7. CPR, *Supplemental Rules to ICANN's Rules for Uniform Domain Name Dispute Resolution Policy* (visited Sep. 3, 2000) available at <<http://www.arbforum.com/domains/domain-rules.html>>.
8. CPR, *CPR Specialized Panels* (visited Sep. 15, 2000) available at <http://www.cpradr.org/specplan_domainname.htm>.
Relevance: Lists panelist bios.
9. NAF, *The National Arbitration Forum's Supplemental Rules to ICANN's Uniform Domain Name Dispute Resolution Policy* (visited Sep. 3, 2000) available at <<http://www.arbforum.com/domains/domain-rules.html>>.
10. NAF, *List of Qualified Dispute Resolution Panelists* (visited Sep. 15, 2000) available at <<http://www.arbforum.com/domains/domain-judges.html>>.
11. WIPO, *World Intellectual Property Organization Supplemental Rules for Uniform Domain Name Dispute Resolution Policy* (visited Sep. 3, 2000) available at <<http://www.arbiter.wipo.int/domains/rules/supplemental.html>>.
12. WIPO, *WIPO Domain Name Panelists* (visited Sep. 15, 2000) available at <<http://www.arbiter.wipo.int/domains/panel/panelists.html>>.
13. DeC, *Domain Name Administrative Proceeding* (visited Sep. 3, 2000) available at <<http://www.eresolutio.ca/services/dnd/arb.htm>>.

14. DeC, *List of Panelists* (visited on Sep. 15, 2000) available at <<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) <<http://www.wired.com/news/print/0%2C37801%2C00.html>>.
Relevance: Nice pro-con analysis of UDRP – quoting folks from ICANN and a some activist-types.
2. Oscar S. Cisneros, *Beating Down Your Biggest Fan*, WIRED NEWS (Aug. 3, 2000) <<http://www.wired.com/news/print/0,1294,37929,00.html>>.
Relevance: Discussion of case involving <[dodgeviper.com](http://www.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) <<http://www.webreview.com/pub/1999/10/29/platform/index2.html>>.
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 (Apr. 4, 2000) <<http://www.icannwatch.org/archives/essays/954877528.shtml>>.
Relevance: Highly critical article arguing that UDRP encourages dispute-resolution providers to cater to trademark holders.
5. A. Michael Fromkin, *Comments on ICANN Uniform Dispute Policy* (Oct. 13, 1999) <<http://www.law.miami.edu/amf/icann-udp.htm>>.
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.
9. Claire Barliant, *Chess Champ Checkmates Cyberfoe*, NAT'L L.J., July 10, 2000, at B10.
Relevance: Discusses particular case. Notes that lawyers are pleased with UDRP efficiency, etc. Nothing new here really.

10. Ritchenya A. Shepard, *Counsels' Domain-name Pains*, NAT'L L.J., September 4, 2000, at B1.
Relevance: Good article addressing UDRP from perspective of in-house counsels for companies filing UDRP proceedings.
11. Matt Railo, *Trademark Owners Weigh Court vs. UDRP*, NAT'L L.J., July 24, 2000, at C1
Relevance: Good discussion why someone might want to go to court rather than relying on the UDRP.
12. Orrie Dinstein and Elisabeth Cappuyns, *Assessing the First 100 Days of ICANN's Dispute Plan*, NEW YORK L.J., June 1, 2000, at 1.
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.
13. Tamara Loomis, *Domain Names; Disputes Getting Swift Resolution Under UDRP*, NEW YORK L.J., July 27, 2000, at 5.
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.).
14. Laurie J. Flynn, *Trademarks Winning Domain Fights*, N.Y. TIMES ON THE WEB (Sep. 4, 2000) <<http://www.nytimes.com/library/tech/00/09/biztech/articles/04neco.html>>.
Relevance: Interviews some folks who aren't crazy about the UDRP.
15. Lisa Naylor, *Individuals Getting Wiped Out By WIPO*, THE STANDARD, (Sep. 5, 2000) <<http://www.thestandard.net/article/display/0,1151,18239.00.html>>.
16. Michael V. LiRocchi, Stephen J. Kepler and Robert C. O'Brien, *Trademarks and Internet Domain Names in the Digital Millenium*, 4 UCLA J. INT'L L. & FOR. AFF. 377 (Fall 1999/Winter 2000).
Relevance: Discusses territorial nature of trademark disputes and impact of UDRP.
17. Gregory S. Blasbalg, *Masters of Their Domains: Trademark Holders Now Have New Ways to Control Their Marks in Cyberspace*, 5 ROGER WILLIAM U.L. REV. 563 (Spring, 2000).
Relevance: Good discussion about reverse cybersquatting. Also argues UDRP is tough on the little guy.
18. M. Scott Donahey and Ryan S. Hilbert, *World Wrestling Federation Entertainment, Inc. v. Michael Bosman: A Legal Body Slam for Cybersquatters on the Web*, 16 COMPUTER & HIGH TECH. L.J., (May, 2000).
19. Robert D. Gilbert, *Squatters Beware: There Are New Ways to Get You*, NEW YORK L.J., January 24, 2000, at T5.
Relevance: More court vs. UDRP discussion.
20. *ICANN Call It What I Want*, THE ECONOMIST (Sep. 9, 2000) <<http://www.economist.com/editorial/freeforall/current/wb8752.html>>.
Relevance: Explains why people should not be alarmed that trademark owners are winning all of these cases.
21. Ritchenya A. Shepard, *In-House Trademark Lawyers Work the Web*, NEW YORK L.J., August 29, 2000, at 5.

22. Patrick Thibodeau, *Internet Naming Spotlighted*, INFOWORLD DAILY NEWS (July 10, 2000) <<http://www.infoworld.com/cgi-bin/delete...les/hn/xml/00/07/10/000710hndomains.xml>>.

Relevance: Interview with Sally Abel about prospect of adding new top-level domain names.

23. Steven Bonisteel, *Cybersquatting Rules Delayed – WIPO*, NEWSBYTES (August 15, 2000) <<http://www.newsbytes.com/news/00/153688.html>>.

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

24. John Hartje, *Resolving Internet Domain Disputes*, INTELLECTUAL PROPERTY TODAY, August 15, 2000, at 38.

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

C. Court Cases

1. *Weber-Stephen Products Co. v. Armitage Hardware and Building Supply, Inc.*, 2000 WL 562470 (N.D. Ill., May 3, 2000).

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

- *Collegetown Relocation, L.L.C. v. John Mammaing*, FA0095003 (NAF July 20, 2000)(ordering the transfer of the domain name <collegetown.com> to the Complainant).
- *Bata Industries Limited v. Bentley Online Ltd.*, AF-0247a; AF0247b (DeC July 23, 2000)(ordering the transfer of the domain names <athletesworld.com> and <athletes-world.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).
- *BusinessWay Computer Centers Inc. v. Logo Excellence*, AF-0217 (DeC July 18, 2000)(ordering the transfer of the domain name <businessway.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).
- *Marriott International, Inc. v. John Marriot*, FA0094737 (NAF June 15, 2000)(ordering transfer of the domain name <marriot.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).
- *Slep-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. dba 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).
- *Home Interiors & Gifts, Inc. v. Home Interiors*, D2000-0010 (WIPO Mar. 7, 2000)(ordering the transfer of the domain names <homeinteriors.net> and <homeinteriorsandgifts.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).
- *Teledesic LLC v. McDougal Design*, D2000-0620 (WIPO Sept. 1, 2000)(ordering the transfer of the domain name <internet-in-the-sky.org> 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).
- *Wine.com, Inc. v. Zvieli Fisher*, D2000-0614 (WIPO Sept. 11, 2000)(ordering the transfer of the domain name <virtualvineyards.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).
- *Mutuelle d'Assurance du Corps de Sante Francais v. SA CHA REBK LLC*, D2000-0450 (WIPO July 20, 2000)(ordering that the domain name <macsf.com> remain with Respondent).
- *Passion Group Inc. v. Usearch, Inc.*, AF-0250 (DeC filed June 7, 2000)(dismissing the complaint regarding the domain name <jobpostings.com>).
- *Media West-GSI, Inc., and Gannett Satellite Information Network, Inc., d/b/a The Burlington Free Press v. EARTHCARS.COM*, D2000-0463 (WIPO July 28, 2000)(denying Complainant's request to transfer the domain name <freepressclassifieds.com>).
- *Shopping.com v. Internet Action Consulting*, D2000-0439 (WIPO July 28, 2000)(Denying request to transfer the domain name <www-shopping.com>).
- *Raj Vasant Pandit v. Vishal Bhuta*, AF-0224 (DeC July 21, 2000)(denying request to transfer the domain name <industrialproductfinder.com>).
- *SK Energy Sales Co., Ltd. v. Superkay Comdomain*, D2000-0380 (WIPO July 19, 2000)(denying request to transfer the domain name <speedmate.com>).
- *Cyro Industries v. Contemporary Design*, D2000-0336 (WIPO June 19, 2000)(denying request to transfer the domain name <acrylite.com>).
- *T.V. AZTECA, S.A. de C.V. v. Hechos Dell Interior*, FA0094670 (NAF June 9, 2000)(denying request to transfer the domain name <hechos.com>).
- *Christus Rex, Inc. v. Kurtis K. Karr*, AF-0188 (DeC June 30, 2000)(denying request to transfer the domain name <christusrex.com>).