

OBA Information and Technology Section Meeting, October 17, 2001

Update on Domain Names

Edward Hore
Hazzard & Hore
141 Adelaide Street West, Suite 1002
Toronto ON M5H 3L5

biz, .com, .info, .name, .net, and .org GTLDS

- ICANN Uniform Domain Name Dispute Resolution Policy, approved October 24, 1999 is at www.icann.org/udrp-policy-24oct99.htm
- List of proceedings are set out at www.icann.org/udrp. There is search engine of the text of all decisions. There have now been 3714 decisions. Just under 3000 favoured the complainant.
- Nature of UDRP: "Disputes alleged to arise from abusive registrations of domain names (for example, cybersquatting) may be addressed by expedited administrative proceedings that the holder of trademark rights initiates by filing a complaint with an approved dispute-resolution service provider."
- Three criteria in such administrative proceedings, under UDRP. The complainant must prove all three:
 1. Domain name is identical or confusingly similar to trademark or service mark in which the complainant has rights.
 2. Domain name owner has no rights or legitimate interest in respect of the domain name; and
 3. Domain name has been registered and is being used in bad faith.

.ca country code top level domain

CIRA dispute resolution policy, September 7, 2001 draft at www.cira.ca/en/cat_Dpr.html. Third round of consultation ended October 12, 2001. Implementation expected by end of the year. Criteria somewhat similar to UDRP. Under paragraph 3.1:

- (a) The Registrant's .ca domain name is Confusing with a Mark in which the Complainant had Rights prior to the date of registration of the domain name and continues to have such Rights;

- (b) The Registrant has no legitimate interest in the domain name ..., and
- (c) The Registrant has registered the domain name in bad faith ...

About 250,000 .ca domains have been registered, so far. Number of disputes so far seems relatively small.

Some UDRP cases

Case	Case No.	Date	Domain name	Result
<i>Bruce Springsteen v. Jeff Burgar and Bruce Springsteen Club</i>	D2000-1532	January 25, 2001	<i>brucespringsteen.com</i>	Case dismissed.
<i>Judy Larson v. Judy Larson Club</i>	FA0101000096488	March 13, 2001	<i>judy Larson.com</i>	Domain name transferred.
<i>Government of Canada v. David Bedford a.k.a. DomainBaron.com</i>	D2001-0470	June 30, 2001	<i>canadacouncil.com</i> <i>canadianforces.com</i> <i>receivercanada.com</i> and many others	31 domain names transferred, but case dismissed in respect of <i>dominionofcanada.com</i>
<i>Backstreet Boys Productions, Inc. v. John Zuccarini et al.</i>	D2000-1619	March 27, 2001	<i>backstreetboys.com</i> , <i>backsreetboys.com</i> <i>backstreetboypics.com</i> , etc.	Case dismissed, without prejudice to case being refilled
<i>BackStreet Productions Inc. v. John Zuccarini et al.</i>	D2001-0654	August 24, 2001	<i>backstreetboys.com</i> , <i>backsreetboys.com</i> <i>backstreetboypics.com</i> , etc.	Domain names transferred