

## **Comments on the WIPO Proposal for Modification of UDRP Rules**

FairWinds Partners appreciates the opportunity to offer comments on the amendments WIPO has proposed to the implementation rules of the UDRP process.

FairWinds supports WIPO's proposal to eliminate the requirement for UDRP participants to submit hard copies of all filings. FairWinds agrees with WIPO that going paperless will make the UDRP process more effective, efficient, forward-looking, modern, expedited and greener.

According to WIPO, the organization received over one million pages from UDRP filings in 2008 alone. A paperless eUDRP will be much more streamlined and practical than the current process. Not only will printing and shipping costs be eliminated, but Complainants will also be allowed to contact Respondents via email. According to WIPO, email notification is successful in 96% of cases. To account for those instances in which email is not successful, FairWinds believes that the safety mechanism WIPO has proposed – requiring Complainants to provide a written notice to inform the Respondent of the complaint along with detailed contact information – is a sufficient measure to ensure that the Respondent has adequate opportunity to participate in the proceedings, and to prevent default decisions based on non-response.

FairWinds feels that WIPO's proposed amendments will provide for more efficient enforcement of intellectual property rights. Making the entire process electronic may also lower the costs and make the UDRP more accessible for brand owners to use when it is the best course of action for recovering a domain name.

The amendments proposed by WIPO take advantage of technology's ability to expedite procedures, reflect current attitudes toward environmental conservation and will ultimately make the whole UDRP process much more efficient and easier for all parties.