



FÉDÉRATION INTERNATIONALE DES CONSEILS  
EN PROPRIÉTÉ INTELLECTUELLE

INTERNATIONAL FEDERATION OF  
INTELLECTUAL PROPERTY ATTORNEYS

INTERNATIONALE FÖDERATION  
VON PATENTANWÄLTEN

Julian Crump, Secretary General  
Alder Castle, 10 Noble Street  
London. EC2V 7JX United Kingdom  
t. +44 20 7776 7371  
f. +44 20 7776 7301  
julian.crump@ficpi.org

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Via email:

[comments-udrp-rules-proposed-19may14@icann.org](mailto:comments-udrp-rules-proposed-19may14@icann.org)

PDP Working Group

ICANN

**RE \\\ FICPI comments on the proposed implementation of GNSO PDP  
Recommendations on Locking of a Domain Name Subject to UDRP  
Proceedings**

Dear Sirs,

I respectfully submit the attached comments in the name of FICPI, constituting our Federation's contribution to the proposed implementation of GNSO PDP recommendations on the locking of a domain name subject to UDRP proceedings.

Yours faithfully,

Julian Crump  
FICPI Secretary General

Enc.



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## **FICPI Comments on the Proposed Implementation of GNSO PDP Recommendations on Locking of a Domain Name Subject to UDRP Proceedings**

FICPI, the International Federation of Intellectual Property Attorneys, broadly representative of the free profession in more than 86 countries/regions worldwide, respectfully submits the following comments on the Proposed Implementation of GNSO PDP Recommendations on Locking of a Domain Name Subject to UDRP Proceedings - Revised UDRP Rules.

As stated in our initial comments in August 2012, creating an outline of the steps in the process that a registrar can reasonably expect to occur during a UDRP dispute is desirable and necessary. There is a need for procedural clarification of the steps of locking a Domain Name subject to UDRP Proceedings.

FICPI appreciates the efforts made towards the goal of clarifying the UDRP Proceedings in this respect, but we note there are still some points that need to be further clarified, added or even deleted in order to reach this goal.

Unfortunately, the proposed UDRP Rules have confused the definition of time, using the general word “days” as well as “business days” and “working days”, depending on the issue/paragraph.

Although FICPI accepts that different actions may require different time limits, FICPI recommends that all time limits are defined by a specific number of days in general, not specific types of days. FICPI therefore urges that “days” are specified as “calendar days” throughout the UDRP proceedings rules.

In FICPI’s initial comments, we noted that only the UDRP Provider can notify a Registrar that a complaint has been officially filed; meaning that Registrars shall implement a lock based only on a request by the UDRP Provider, but also meaning that once the Registrar has received such a safe request, the locking can and shall occur more or less immediately – without initially informing the domain holder.

FICPI notes that the new Paragraph 4(b) seems to cover these requirements in an acceptable way except for the need to change “working days” into “calendar days” in order to comply with our suggested standardization of the term “days”.

As 20 – 25% of all UDRP cases are settled by the parties before the Panelist has made his decision, FICPI notes that Paragraph 17 affords the possibility of safely unlocking the disputed domain name if the parties can show a settlement agreement (“Settlement form”).

However, again, the time to unlock the disputed domain name based on a settlement is identified as “two *business days*”, and that can be interpreted differently by the parties involved. “Calendar days” would be clearer (and therefore preferred) from an international perspective.



The UDRP procedure is meant to be an efficient, inexpensive and fast procedure. FICPI opposes any changes that will prolong the procedure. The proposed new Paragraph 5(b), automatically granting the Respondent an extension of four days to respond, will make the UDRP less efficient.

Further, this proposed addition has, as far as FICPI can see, nothing to do with the definition of the time frame for locking a disputed domain name, and can therefore be deleted from the proposed Revised UDRP Rules.

**IMPORTANT NOTE:**

The views set forth in this paper have been provisionally approved by the Bureau of FICPI and are subject to final approval by the Executive Committee (ExCo). The content of the paper may therefore change following review by the ExCo.

The International Federation of Intellectual Property Attorneys (FICPI) is the global representative body for intellectual property attorneys in private practice. FICPI's opinions are based on its members' experiences with a great diversity of clients having a wide range of different levels of knowledge, experience and business needs of the IP system.

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The Australian Federation of Intellectual Property Attorneys, FICPI Canada, Association of Danish Intellectual Property Attorneys (ADIPA), Suomen Patenttiasiamiesyhdistys ry, Association de Conseils en Propriété Industrielle (ACPI), Patentanwaltskammer, Collegio Italiano dei Consulenti in Proprietà Industriale, Japanese Association of FICPI, Norske Patentingeniørers Forening (NPF), Associação Portuguesa dos Consultores em Propriedade Industrial (ACPI), F.I.C.P.I South Africa, the International Federation of Intellectual Property Attorneys – Swedish Association, Verband Schweizerischer Patent und Markenanwälte (VSP) and the British Association of the International Federation of Intellectual Property Attorneys are members of FICPI.

FICPI has national sections in Argentina, Austria, Belgium, Brazil, Chile, China, Colombia, Czech Republic, Greece, Hungary, India, Ireland, Israel, Mexico, Netherlands, New Zealand, Peru, Singapore, South Korea, Spain and the United States of America, and individual members in a further 49 countries.

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