



UDRP Case Studies

**Prague
28 June
2012**

David Roache-Turner
WIPO Arbitration and Mediation Center

UDRP Transfer Prohibitions

- UDRP precludes registrant transfer to another registrant or registrar during pendency of a UDRP proceeding, and for 15 days thereafter.
 - UDRP Paragraphs 8 (a) and (b)
- How does this work in practice?

Typical WIPO UDRP case

- Complaint Filing
 - Complaint filed at the Center
 - Via email to domain.disputes@wipo.int
 - Via online form: <http://www.wipo.int/amc/en/domains/filing/udrp/eudrpcomplaint.jsp>
 - (Registrar confirmation of lock on filing?)
 - Complaint registered
 - Typically within hours
 - Case number assigned
 - Registrar Verification request issued

Typical WIPO UDRP case

- Complaint Filing
 - Complaint filed at the Center
 - Via email to domain.disputes@wipo.int
 - Via online form: <http://www.wipo.int/amc/en/domains/filing/udrp/eudrpcomplaint.jsp>
 - (Registrar confirmation of lock on filing?)
 - Complaint registered
 - Typically within hours
 - Case number assigned
 - Registrar Verification request issued

Typical WIPO UDRP case

- Complaint Filing
- Request for Registrar Verification
- Request for Registrar Verification sent to registrar by email – Internic, Radar
- Request registrar to confirm *inter alia* relevant registrant name and contact details and that the domain name has been locked and will remain so during pendency of UDRP proceeding

Typical WIPO UDRP case

- Complaint Filing
- Request for Registrar Verification
- Request for Registrar Verification sent to registrar by email – Internic, Radar
- Request registrar to confirm *inter alia* relevant registrant name and contact details and that the domain name has been locked and will remain so during pendency of UDRP proceeding

Typical WIPO UDRP case

- Complaint Filing
- Request for Registrar Verification
- Confirmation of LOCK and Registrant Information
- Registrar normally responds within two days, confirming the domain name is under LOCK
- In apparent privacy or proxy service cases, registrar typically provides ‘underlying’ registrant data which is often also reflected in the WhoIs

Typical WIPO UDRP case

- Complaint Filing
- Request for Registrar Verification
- Confirmation of LOCK and Registrant Information
- Registrar normally responds within two days, confirming the domain name is under LOCK
- In apparent privacy or proxy service cases, registrar typically provides ‘underlying’ registrant data which is often also reflected in the WhoIs

Typical WIPO UDRP case

- Complaint Filing
- Request for Registrar Verification
- Confirmation of LOCK and Registrant Information
- Notification of Complaint, Response (or Response default), Panel Appointment, Notification of Decision
- Complaint Notified after Center Compliance Review
- Response period of 20 days
- Panel Appointment
- Decision Notified

Typical WIPO UDRP case

- Complaint Filing
- Request for Registrar Verification
- Confirmation of LOCK and Registrant Information
- Notification of Complaint, Response (or Response default), Panel Appointment, Notification of Decision
- Complaint Notified after Center Compliance Review
- Response period of 20 days
- Panel Appointment
- Decision Notified

Typical WIPO UDRP case

- Complaint Filing
- Request for Registrar Verification
- Confirmation of LOCK and Registrant Information
- Notification of Complaint, Response (or Response default), Panel Appointment, Notification of Decision
- Decision Implementation (Registrar and Parties)
- Transfer/Cancellation
 - Registrar confirms implementation date
(Rules, Paragraph 16(a))
 - Implement Decision after 10 business days unless evidence of court filing
(Policy, Paragraph 4(k))
- Denial
 - Though note, registrant prohibition on DN transfer for 15 business days after proceeding concluded
(Policy, Paragraph 8)

WIPO Case Study

What happens when the process
doesn't run smoothly?

WIPO Case No. D2011-0516

<aboutfacebook.com> et al.

- Complaint Filed

- Complaint concerning 23 domain names, one registrant and three registrars submitted to the Center March 21, 2011

WIPO Case No. D2011-0516 <aboutfacebook.com> et al.

- Complaint Filed

- Complaint concerning 23 domain names, one registrant and three registrars submitted to the Center March 21, 2011

WIPO Case No. D2011-0516 <aboutfacebook.com> et al.

- Complaint Filed
- Request for Registrar Verification Transmitted by Center
- On March 22, 2011 including request for confirmation for registrant information and lock

WIPO Case No. D2011-0516

<aboutfacebook.com> et al.

- Complaint Filed
- Request for Registrar Verification Transmitted by Center
- On March 22, 2011 including request for confirmation for registrant information and lock

WIPO Case No. D2011-0516

<aboutfacebook.com> et al.

- Complaint Filed
- Request for Registrar Verification Transmitted by Center
- All Registrars Confirm Lock
- Registrar 1 confirmed registrar lock on March 22
- Registrar 2 confirmed registrar lock on March 22
- Registrar 3 confirmed registrar lock on March 23

WIPO Case No. D2011-0516

<aboutfacebook.com> et al.

- Complaint Filed
- Request for Registrar Verification Transmitted by Center
- All Registrars Confirm Lock
- Registrar 1 confirmed registrar lock on March 22
- Registrar 2 confirmed registrar lock on March 22
- Registrar 3 confirmed registrar lock on March 23

WIPO Case No. D2011-0516

<aboutfacebook.com> et al.

- Complaint Filed
 - Request for Registrar Verification Transmitted by Center
 - All Registrars Confirm Lock
 - Complaint Notified
 - Response Default
 - Panel Appointment
- Complaint notified March 24, 2011
 - Response default notified on April 14, 2011
 - Panel appointed April 20, 2011

WIPO Case No. D2011-0516

<aboutfacebook.com> et al.

- Complaint Filed
 - Request for Registrar Verification Transmitted by Center
 - All Registrars Confirm Lock
 - Complaint Notified
 - Response Default
 - Panel Appointment
- Complaint notified March 24, 2011
 - Response default notified on April 14, 2011
 - Panel appointed April 20, 2011

WIPO Case No. D2011-0516

<aboutfacebook.com> et al.

- After Panel Appointment, Redemption Period Issued
- On May 13, 2011, WIPO Center became aware that status of 21 disputed domain names apparently changed to “redemptionPeriod”.
- Center requested registrar confirmation of status of the disputed domain names, and that paragraph 3.7.5.7 of the ICANN Expired Domain Deletion Policy (EDDP) applied.

WIPO Case No. D2011-0516

<aboutfacebook.com> et al.

- After Panel Appointment, Redemption Period Issued
- On May 13, 2011, WIPO Center became aware that status of 21 disputed domain names apparently changed to “redemptionPeriod”.
- Center requested registrar confirmation of status of the disputed domain names, and that paragraph 3.7.5.7 of the ICANN Expired Domain Deletion Policy (EDDP) applied.

WIPO Case No. D2011-0516

<aboutfacebook.com> et al.

- After Panel Appointment, Redemption Period Issued
- Paragraph 3.7.5.7 EDDP
- “In the event that a domain which is the subject of a UDRP dispute is deleted or expires during the course of the dispute, the Complainant in the UDRP dispute will have the option to renew or restore the name under the same commercial terms as the registrant.”

WIPO Case No. D2011-0516

<aboutfacebook.com> et al.

- After Panel Appointment, Redemption Period Issued
- Paragraph 3.7.5.7 EDDP
- “In the event that a domain which is the subject of a UDRP dispute is deleted or expires during the course of the dispute, the Complainant in the UDRP dispute will have the option to renew or restore the name under the same commercial terms as the registrant.”

WIPO Case No. D2011-0516

<aboutfacebook.com> et al.

- After Panel Appointment, Redemption Period Issued
- Paragraph 3.7.5.7 EDDP
- Registrar Reply 1 – May 16
- “Thank you for your patience. My apologies for the delay. I would like to confirm that the legal counsel for the owner of these names had advised that the domains be deleted prior to the UDRP process. We had proceeded with their request.”
- The Center requested confirmation of Registrar LOCK and any instructions to keep the domain names active.

WIPO Case No. D2011-0516

<aboutfacebook.com> et al.

- After Panel Appointment, Redemption Period Issued
- Paragraph 3.7.5.7 EDDP
- Registrar Reply 1 – May 16
- “Thank you for your patience. My apologies for the delay. I would like to confirm that the legal counsel for the owner of these names had advised that the domains be deleted prior to the UDRP process. We had proceeded with their request.”
- The Center requested confirmation of Registrar LOCK and any instructions to keep the domain names active.

WIPO Case No. D2011-0516

<aboutfacebook.com> et al.

- After Panel Appointment, Redemption Period Issued
- Paragraph 3.7.5.7 EDDP
- Registrar Reply 1 – May 16
- Registrar Reply 2 – May 16
- “Thank you again for your email. Because the domains were deleted before the process of UDRP began, there will not be an ability to lock and hold the domains at this time. The complainant, however, will have the option to register the domains once the registry releases them. Again, please note that the domains were deleted prior to the UDRP.”
- Center noted on May 17, 21 domain names apparently changed to “pendingDelete” status

WIPO Case No. D2011-0516

<aboutfacebook.com> et al.

- After Panel Appointment, Redemption Period Issued
 - Paragraph 3.7.5.7 EDDP
 - Registrar Reply 1 – May 16
 - Registrar Reply 2 – May 16
- “Thank you again for your email. Because the domains were deleted before the process of UDRP began, there will not be an ability to lock and hold the domains at this time. The complainant, however, will have the option to register the domains once the registry releases them. Again, please note that the domains were deleted prior to the UDRP.”
 - Center noted on May 17, 21 domain names apparently changed to “pendingDelete” status

WIPO Case No. D2011-0516

<aboutfacebook.com> et al.

- After Panel Appointment, Redemption Period Issued
 - Paragraph 3.7.5.7 EDDP
 - Registrar Reply 1 – May 16
 - Registrar Reply 2 – May 16
 - Panel Order
- Panel issues Administrative Order on May 17 requesting explanation as to change in circumstances in light of earlier registrar confirmation of Domain Name LOCK on March 22
 - Registrar replies, indicating an error occurred and it has taken action at the Registry level, and that the disputed domain names would be restored, which occurred on May 19.

WIPO Case No. D2011-0516

<aboutfacebook.com> et al.

- After Panel Appointment, Redemption Period Issued
 - Paragraph 3.7.5.7 EDDP
 - Registrar Reply 1 – May 16
 - Registrar Reply 2 – May 16
 - Panel Order
- Panel issues Administrative Order on May 17 requesting explanation as to change in circumstances in light of earlier registrar confirmation of Domain Name LOCK on March 22
 - Registrar replies, indicating an error occurred and it has taken action at the Registry level, and that the disputed domain names would be restored, which occurred on May 19.

WIPO Case No. D2011-0516

<aboutfacebook.com> et al.

- After Panel Appointment, Redemption Period Issued
- Paragraph 3.7.5.7 EDDP
- Registrar Reply 1 – May 16
- Registrar Reply 2 – May 16
- Panel Order
- Decision Notification and Implementation
- Decision ordering Transfer notified on May 24, 2012
- No apparent issues related to decision implementation.

Other Examples

- Other examples of cases which have not gone so smoothly include *Bharti Airtel Limited, Body Corporate v. Ramandeep Singh, USA Webhost, Inc.*, WIPO Case No. D2010-0524, in which registrar delay in confirming lock and absence of any Whois data caused significant complication and delay to the proceeding.
- *Onduline v. Private Registration Do*, WIPO Case No. D2011-1129, in which registrar failure to respond at all to RVR, despite repeated attempts to contact, caused complications.
- *LPG SYSTEMS v. Jerry / Mr. Jeff Yan*, WIPO Case No. D2010-0387, transfer to a new holder and registrar after filing complicating language of proceedings.
- For other examples, see e.g. WIPO Legal Index under “registrar issues”

Next Steps

- Update on preliminary WIPO provider stats
- Back over to the working group