

# ■ Quick Guide to WIPO Domain Name Dispute Resolution Services for the .EU ccTLD

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# In this webinar

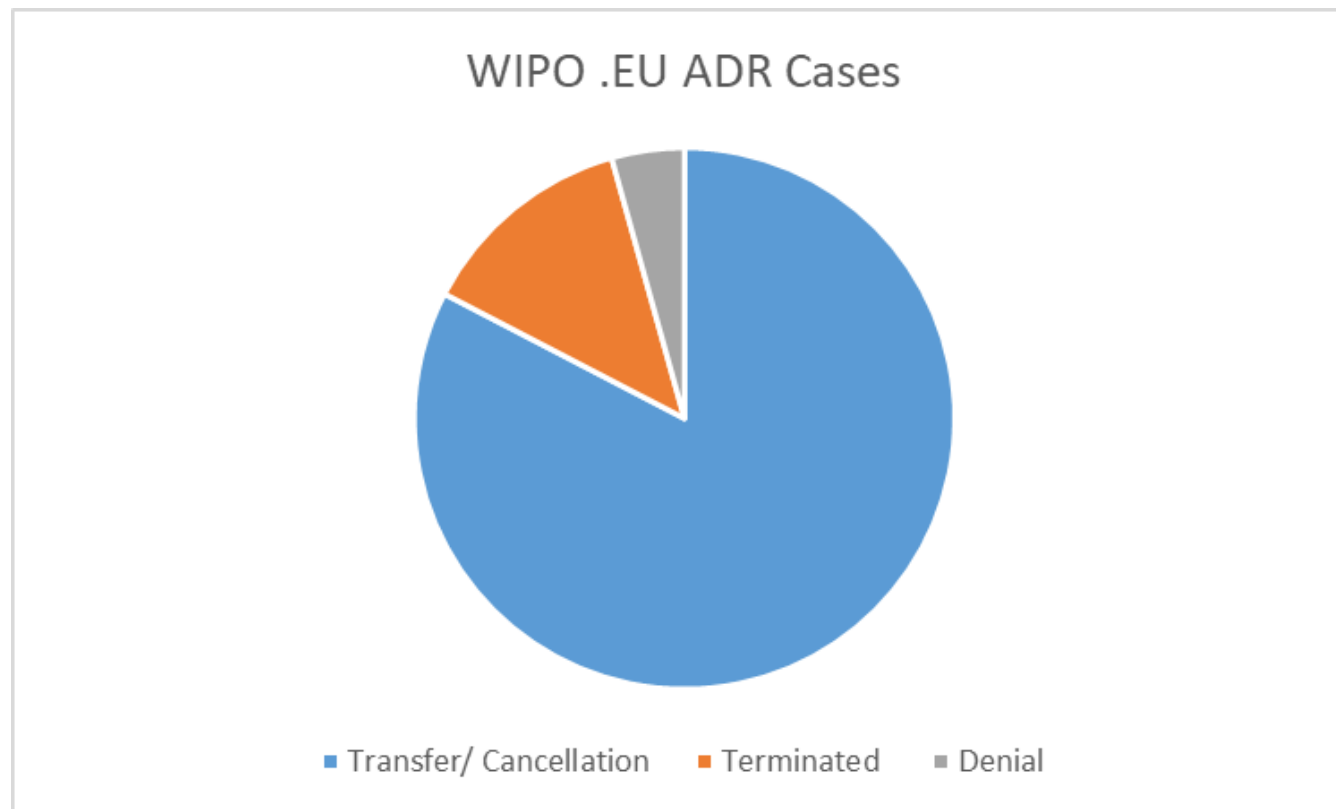
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# In this webinar

- The main characteristics of .EU ADR proceedings as compared to the UDRP
- The main benefits of filing a case with WIPO in comparison to court litigation
- EURid's recent measures to tackle online abuses

# WIPO .EU ADR cases

■ Since June 2017, WIPO has administered 73 .EU ADR cases



■ 4 pending, 57 decided, 9 terminated

■ <Instagram.eu>



■ <fondazionearmani.eu>



■ <airbnb.eu>



■ <carrefour-romagna.eu>



[www.wipo.int/amc/en/domains/cctld/eu/index.html](http://www.wipo.int/amc/en/domains/cctld/eu/index.html)

## WIPO Domain Name Dispute Resolution Service for .EU

Country / Territory Code	.EU
Country / Territory Name	European Union
Whois Search	<a href="#">Whois Search</a>
Dispute Resolution Policy	<a href="#">Regulation (EC) No 733/2002</a> <a href="#">Regulation (EC) No 874/2004</a> <a href="#">Regulation (EC) No 1654/2005</a> <a href="#">Regulation (EC) No 1255/2007</a> <a href="#">Regulation (EC) No 560/2009</a> <a href="#">Regulation (EU) No 2019/517</a>
Procedural Rules	<b><i>Variation of UDRP</i></b> <a href="#">.eu Alternative Dispute Resolution Rules (the "ADR Rules")</a>

### WIPO Toolkit

[Panel Decisions](#)

[WIPO Model Complaint](#)

[WIPO Model of Complainant's Request to change the Language of the ADR Proceeding](#)

[WIPO Model Response](#)

[WIPO Model Response to Complainant's Request to change the Language of the ADR Proceeding](#)

[Schedule of Fees](#)

# .EU Dispute Policy and Procedural Rules

- New Regulation (EU) No 2019/517
- .EU Alternative Dispute Resolution Rules (the “ADR Rules”)
- WIPO Supplemental Rules for .EU Alternative Dispute Resolution Rules (the “Supplemental Rules”)

# Model Complaint (and Response)

■ Available in all 24 EU languages

<b>WIPO Model Pleadings</b>	<p><b><i>Complainant</i></b></p> <p><a href="#">WIPO Model Complaint</a></p> <p><a href="#">WIPO Model of Complainant's Request to change the Language of the ADR Proceeding</a></p> <p><b><i>Respondent</i></b></p> <p><a href="#">WIPO Model Response</a></p>
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# Language of Proceedings

- “...shall be the language of the registration agreement for the disputed domain name...”

The screenshot shows the .eu WHOIS search interface. At the top, there is a search bar with the text "WHOIS search" and a "Search" button. Below the search bar, the ".eu" logo is displayed on the left, and navigation links for "Home", "News", "Register a domain name", "My .eu", "Become a registrar", "Whois", and "About us" are on the right. A language selector for "English (en)" is also present.

The main content area displays the search results for a domain that is "Not available for registration". A link "(What does that mean?)" is provided below this message.

The results are divided into two main sections: "WHOIS DATA" and "REGISTRANT".

**WHOIS DATA**

WHOIS DATA	
Domain name	[Redacted]
Status	In Use ?
Registered	20 Apr 2006
Expiry date	30 Apr 2022
Last update	1 May 2017

**REGISTRAR**

REGISTRAR	
Organisation	GANDI
Website	https://www.gandi.net

Below the registrar information, there are three links:

- [Inaccurate registrant data](#)
- [Dispute the registration](#)
- [Request an authorisation code](#)

**REGISTRANT**

REGISTRANT	
Name	[Redacted]
Organisation	[Redacted]
Language	English
Address	[Redacted] TORINO IT
Phone	[Redacted]
Fax	[Redacted]
Email	ddd11722019c8d84af96c6b451fa941b-1825944@contact.gandi.net

# Complainant's Request to change the Language of the ADR Proceeding

- **Pre-complaint** (paragraph A(3) of the ADR Rules)
  - Unless agreed between the parties, the complainant, **before initiating a complaint**, may file a **written request**
- Separate additional fee (EUR 500)
- Complainant's Request available in 24 languages

#### COMPLAINANT'S REQUEST TO CHANGE THE LANGUAGE OF THE ADR PROCEEDING

This Request is submitted in accordance with Paragraph A(3) of the .eu Alternative Dispute Resolution Rules (the "ADR Rules") and the World Intellectual Property Organization Supplemental Rules for .eu Alternative Dispute Resolution Rules (the "Supplemental Rules").

This Request is filed by the Complainant who may file a request, before initiating a Complaint, that the language of the ADR Proceeding will be different than the language of the Registration Agreement for the disputed domain name.

In accordance with Paragraph A(3)(b)(1) this Request shall include the following information:

i. **The Complainant**  
(ADR Rules, Paragraphs B(1)(b)(2) and (3))

The Complainant in this administrative proceeding is: *[provide full name and, if relevant, corporate or legal status.]*

The Complainant's authorized representative in this administrative proceeding is: *[provide full name and, if relevant, corporate or legal status.]*

The Complainant's preferred method of communications directed to the Complainant is: [...].

ii. **The Respondent**  
(ADR Rules, Paragraph B(1)(b)(5))

The Respondent is: *[identify Respondent (the domain name holder), (including full name, and if relevant, corporate or legal status, place of incorporation and principal place of business, or residence)]. Copies of the printout of the database search(es) conducted on [date] are provided as Annex [Annex number].*

iii. **The Domain Name(s) and Registrar(s)**  
(ADR Rules, Paragraphs B(1)(b)(6) and (7))

This Request concerns the domain name(s) identified below:

*[Identify precisely the disputed domain name(s). You are also invited to indicate the date(s) of domain name registration.]*

# First element – Rights covered

- Limited to rights protected in the EU
- A complaint under the ADR Rules may be based on:
  - national and EU trademarks
  - geographical indications or designations of origin, and
  - **if protected in the Member-State where they are held:**  
unregistered trademarks, trade names, business identifiers, company names, family names, and distinctive titles of protected literary and artistic works

# Legal Criteria (ADR Rules)

- Complainant must establish the first element (rights), and

- **either:**

- why the domain name has been registered by its holder without rights or legitimate interests; **or**

- why the domain name should be considered as having been registered or being used in bad faith

# Remedies

- Similar to the UDRP, remedies available are:
  - **transfer**
  - **revocation** [cancellation]
- If a complainant requests transfer of the disputed domain name, **the complainant must provide evidence that the complainant satisfies the general eligibility [presence] criteria**

# Eligibility criteria

■ As of October 19, 2019:

- A Union citizen [independent of residence];
- A natural person [if not a citizen] who is a resident of a Member State and Iceland, Liechtenstein and Norway;
- A [commercial] undertaking that is established in the Union, Iceland, Liechtenstein and Norway;
- an organization that is established in the Union, Iceland, Liechtenstein and Norway without prejudice to the application of national law

# Reduced Filing Fees in WIPO .EU ADR Cases

- EURid-subsidized
- Extended by EURid until **December 31, 2020**
- For a [typical] single member panel involving 1 to 5 domain names the reduced filing fee is currently **EUR 100**
  - *vs normally EUR 1,300*
  - *[Panelist: EUR 900; WIPO Center: EUR 400]*



# Model Response

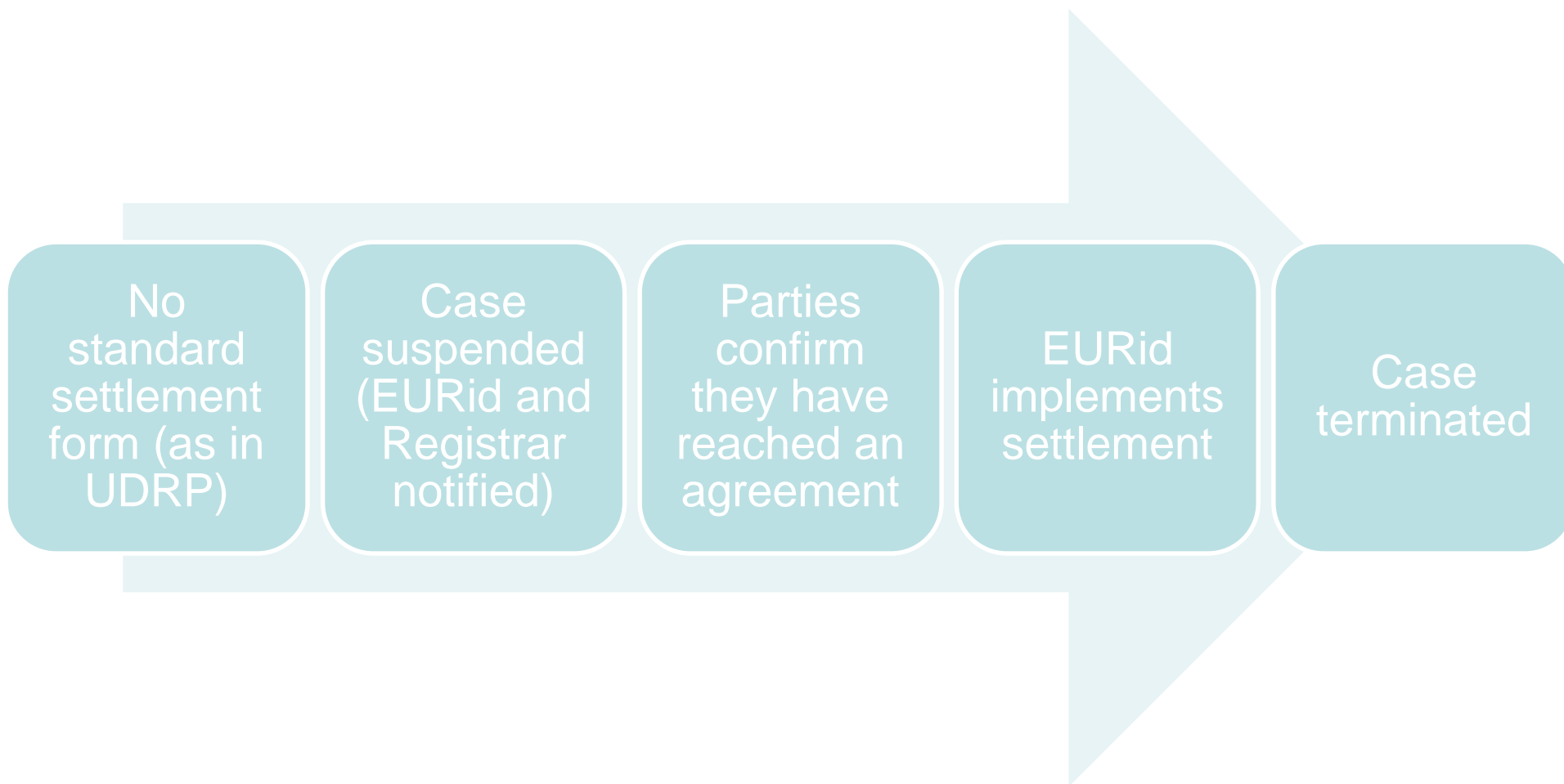
■ Available in 24 Languages

WIPO Model Pleadings	<b><i>Complainant</i></b>
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	<a href="#">WIPO Model Response</a>

# Response Formalities

- Any Respondent communication triggers a **compliance review**
  - If not compliant: Deficiency Notification
  - 7 days to cure deficiencies
  - If not cured: Notification of Default (copy of non-compliant response provided to the complainant)
- **If Compliant Response received:** acknowledged (copy provided) to both parties
- **If no Response received:** Default

# Suspension and Settlement



# Main benefits of the ADR procedure

- Time-effective procedure (3 months)
- Cost-effective procedure (100 EUR)
- Online procedure (WIPO model pleadings available for parties)
- “Appeals” to court still possible if desired (but rarely used)

# EURid's role

- Providing relevant information about the disputed domain name and the respondent, by replying to the RVR
- Blocking the disputed domain name during the pendency of an ADR dispute
- Implementing a settlement agreement between the Parties
- Implementing a Panel's decision
- Registrars do not have a role, but are copied in relevant communications

# Update on .EU registrations

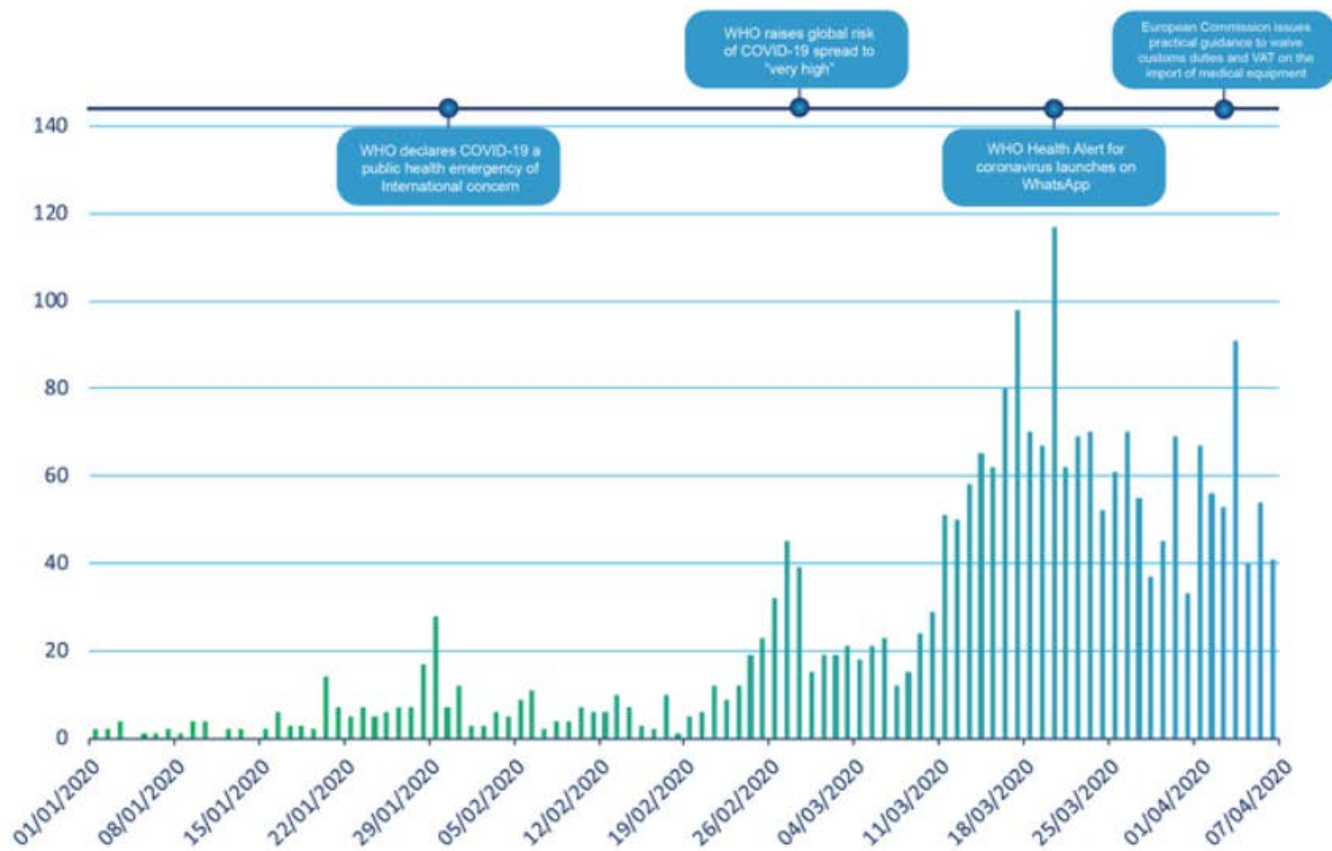
- COVID-19 and the .EU environment
- COVID-19 and extraordinary measures on .EU domain names
- Affect on .EU registrations?



Distribution of COVID19-related registered .eu domain names based on registrant's country code



## COVID19-related .eu domain names registered January - April 2020







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## Covid-19 Update on WIPO's UDRP and ccTLD Case Operations

May 20, 2020

(Original date of publication: March 20, 2020)

In a [communication](#) of March 20, 2020, WIPO confirmed the deployment of its business continuity program in the face of the COVID-19 outbreak.

As part of its overall response to this global crisis, WIPO remains committed to providing its full domain name dispute resolution services.

Indeed, significant numbers of cases continue to be filed with WIPO, notably in the biotech/pharma, Internet/IT, banking/finance, and events-related categories.

(This includes cases concerning COVID-19 related domain names, such as:  
 <coronagileadsciences.com> ([WIPO Case No. D2020-0776](#)), <dettolhandsanitizer.com>,  
 <facebookcovid19.com>, <gileadcopay.co>, <hmrc-refund-covid-19.com>, <tokyo2021.cn>,  
 <tokyo2021.org>, <sanofivaccine.com> and <wwwlillycovid19testing.com>.)

As the situation continues to evolve and impact individuals and businesses worldwide, parties are kindly requested to understand that a degree of flexibility and discretion may be appropriate or necessary in individual case scenarios.

As before, you may submit:


- case filing to [domain.disputes@wipo.int](mailto:domain.disputes@wipo.int)
- case-specific queries to [domain.disputes@wipo.int](mailto:domain.disputes@wipo.int)
- general questions to [arbiter.mail@wipo.int](mailto:arbiter.mail@wipo.int)

We thank all parties and UDRP stakeholders. Any material developments will be posted.

With our best wishes,

WIPO Arbitration and Mediation Center

<https://www.wipo.int/amc/en/center/wipocenterupdate.html>



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## WIPO Cybersquatting Case Filing Surges During COVID-19 Crisis

June 3, 2020

The COVID-19 pandemic appears to have fueled an increase in cybercrime. This is also true for cybersquatting cases filed with WIPO's Arbitration and Mediation Center, which has clocked a steady increase as compared with the same period last year.

As much of the world has been working from home, businesses and consumers are relying heavily on the Internet and related IT resources – whether to engage in their “day jobs”, to shop online, or to inform themselves on staying safe in the current pandemic.

Many domain name registration authorities have even reported an increase in the number of domain names registered. These may be used for news/information sites, or even to provide new business offerings, but much like social media platforms, are also being used to spread misinformation and to engage in illegal and fraudulent activities.

Since 1999, brand owners have used the WIPO-developed [UDRP \(Uniform Domain Name Dispute Resolution Policy\)](#) to address so-called cybersquatting, i.e., the bad-faith registration and use of a domain name targeting a trademark. Among other important design elements, the UDRP operates globally, and online, which means that cases are far more efficient and less expensive than court litigation around the world.

As a time-tested tool for reclaiming infringing domain names from bad actors, the UDRP has served trademark owners in nearly 48,000 WIPO cases already. Increasingly, in addition to cases in generic Top-Level Domains (gTLDs) like .COM, this includes cases under national domains, so-called ccTLDs (country code Top-Level Domains), such as .CN and .中国 for China, .EU for the European Union, or .UA for Ukraine.

As part of its overall response to the COVID-19 crisis, WIPO has continued to provide its full domain name dispute resolution services. Indeed, in the face of increased abuse towards brand owners and consumers, significant numbers of cases are being filed with WIPO, notably in the biotech/pharma, Internet/IT, banking/finance, and events-related categories.

Such filing now also includes disputes concerning COVID-19 related domain names, such as the following representative sample:

- <coronagileadsciences.com> (WIPO Case No. D2020-0776)
- <dettolhandsanitizer.com>
- <facebookcovid19.com> (WIPO Case No. D2020-0885)
- <gileadcopay.co>
- <hmrc-refund-covid-19.com>
- <tokyo2021.cn>

# Contact us

- Queries: [arbiter.mail@wipo.int](mailto:arbiter.mail@wipo.int)
- Further information: <https://www.wipo.int/amc/en/domains>
  
- **WIPO Center Domain Name Newsletter**
  - [https://www3.wipo.int/newsletters/en/#adr\\_highlights](https://www3.wipo.int/newsletters/en/#adr_highlights)
- **WIPO Center Webinars**
  - <https://www.wipo.int/amc/en/events/webinar.html#upcoming>
  
- **WIPO Center Offices**
  - Geneva, Switzerland
  - Singapore, Singapore