


GigaLaw's

**Domain
Dispute
Digest**



Fourth Quarter, 2020

A Record-Breaking Year for Domain Name Disputes



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As the data on the following pages show, 2020 was a record year for domain name disputes.

Because this report only began tracking detailed statistics in cases under the Uniform Domain Name Dispute Resolution Policy (UDRP) a year ago, it is impossible to know exactly how the 2020 numbers from all of the UDRP service providers compare with those from the past. But at WIPO, the largest UDRP service provider, a record 4,204 cases were filed last year – representing a hefty increase of 13.8 percent in the number of disputes under the UDRP and other domain name dispute policies it handles.

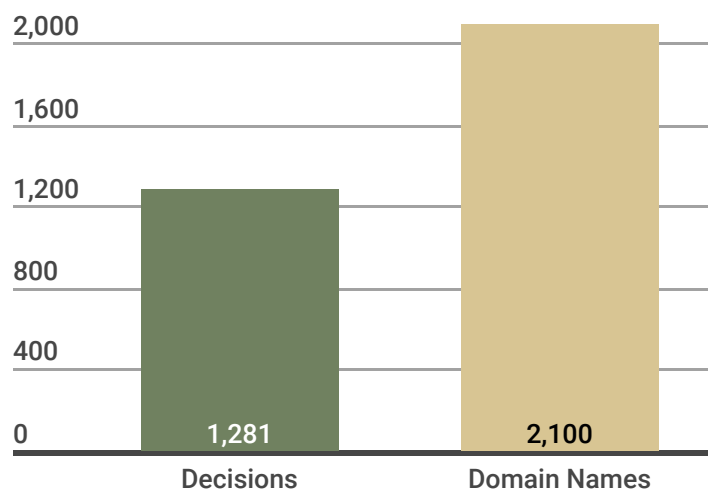
In my interview with Erik Wilbers and Brian Beckham of WIPO (see page 8), we discuss some of the reasons for this surge, which include:

- New opportunities for cybersquatters created by the pandemic, including domain names that contain a trademark plus the words “covid,” “coronavirus” or “vaccine.” (I discuss this issue in a video on the [GigaLaw YouTube channel](#), “[Coronavirus-Related Cybersquatting](#)”).
- The increased use of privacy and proxy services, as well as the European Union’s General Data Protection Regulation, which makes it more difficult to identify domain name registrants, forcing trademark owners to file more UDRP complaints.
- A general growth in domain name registrations, which now number more than 370 million.
- Increased awareness of the UDRP, including the addition of a new UDRP service provider, the Canadian International Internet Dispute Resolution Centre (CIIDRC).

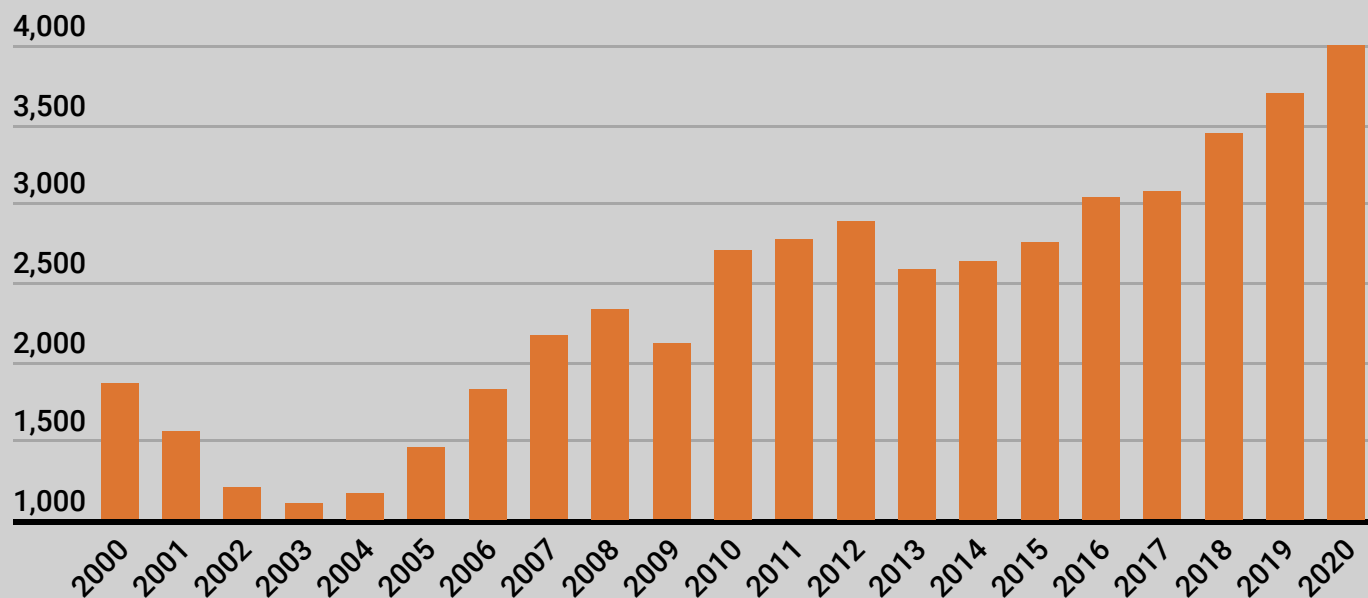
For regular updates on UDRP data and trends, subscribe to the GigaLaw YouTube channel: www.youtube.com/GigaLaw

Number of UDRP Decisions and Domain Names

The number of disputed domain names increased about 3.75 percent over the quarter, while the number of decisions dropped by about 7.3 percent – indicating that the average number of domain names per case rose, to about 1.64 (although more than 86 percent of all cases contain only a single domain name).

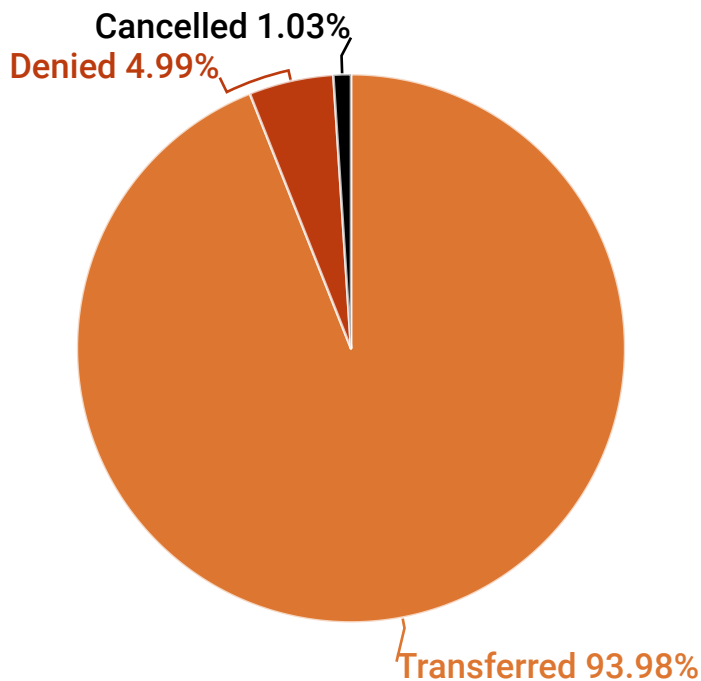


WIPO Domain Name Cases by Year



As discussed on page 2, the number of domain name disputes set a record in 2020, with cases at WIPO – the largest UDRP service provider – increasing 13.8 percent. (Note: Data includes all domain name dispute policies administered by WIPO, including non-UDRP.)

UDRP Outcome



Although trademark owners continue to win (via transfers or cancellations) more than 95 percent of all UDRP decisions, this quarter saw an increase in the number of domain name registrants that successfully defended their registrations, indicating that trademark owners should not take anything for granted when filing UDRP complaints.

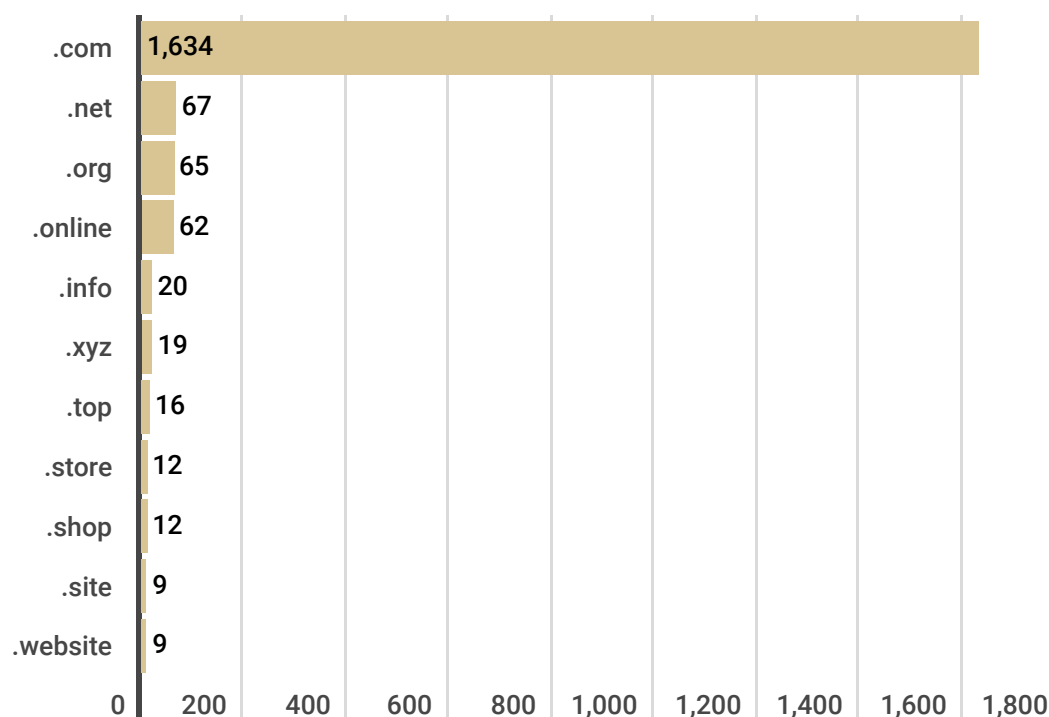
Largest UDRP Cases

Insurance company John Hancock and gambling and casino operator Dareos (owner of the VULKAN trademark) filed the largest UDRP complaints in the quarter, each of which contained 81 domain names. While most of the companies on this list are frequent filers, Oboleo (operator of the “Secret Benefits” dating website) filed its first UDRP complaint.

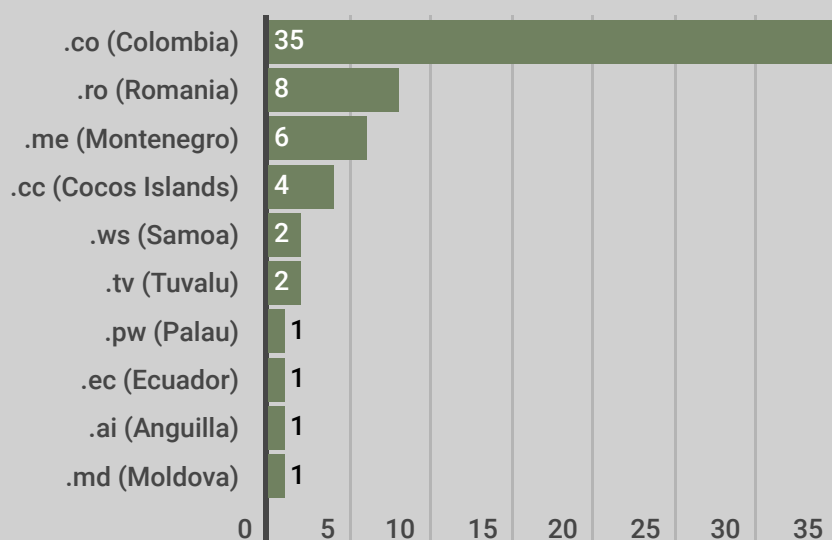
Complainant	Case No.	No. of Domains
John Hancock	WIPO D2020-1889	81
Dareos	WIPO D2020-2581	81
Oboleo	WIPO D2020-1952	55
Blanco	Forum 1916989	48
Brighthouse	Forum 1913833	39
Ball Corp.	Forum 1919288	39
Confed. Nat'l du Credit Mutuel	WIPO D2020-1914	36
Virgin Enterprises	WIPO D2020-2385	34
Bio Farma	CAC 103360	12

Most Common gTLDs in UDRP Cases

Yet again, .com, .net, and .org remain the most frequently disputed top-level domains, though .com's share grew slightly in the quarter, from about 74 percent to almost 78 percent.

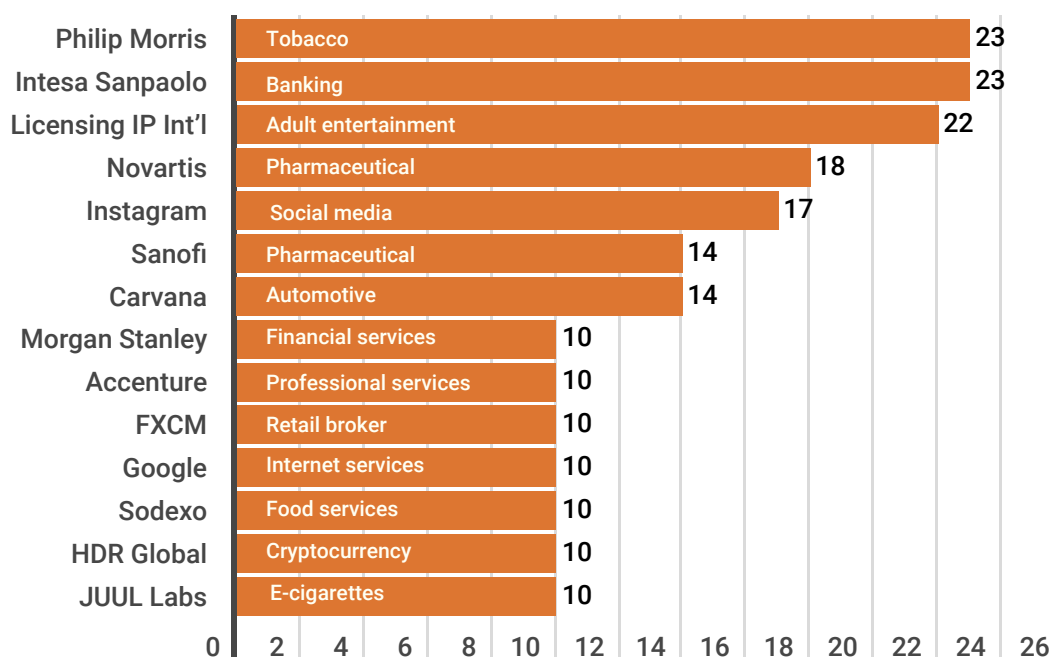


Most Common ccTLDs in UDRP Cases



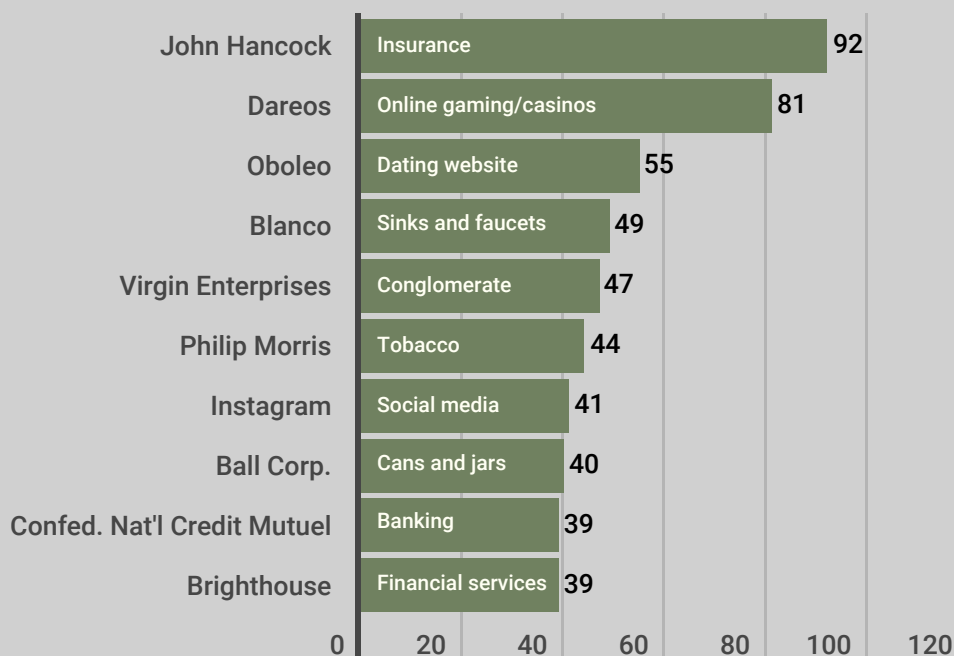
Given its similarity to .com, .co is still the most commonly disputed country-code top-level domain (ccTLD). Although 40 ccTLDs participate in the UDRP process, only 10 of them appeared in decisions this quarter.

Most Active Trademark Owners (UDRP Cases)



A number of new companies have joined the list of most active filers of UDRP complaints – Novartis, Instagram, Carvana, FXCM, Sodexo, HDR Global, and JUUL Labs – indicating that no high-profile trademark owner is immune from being a target of cybersquatting.

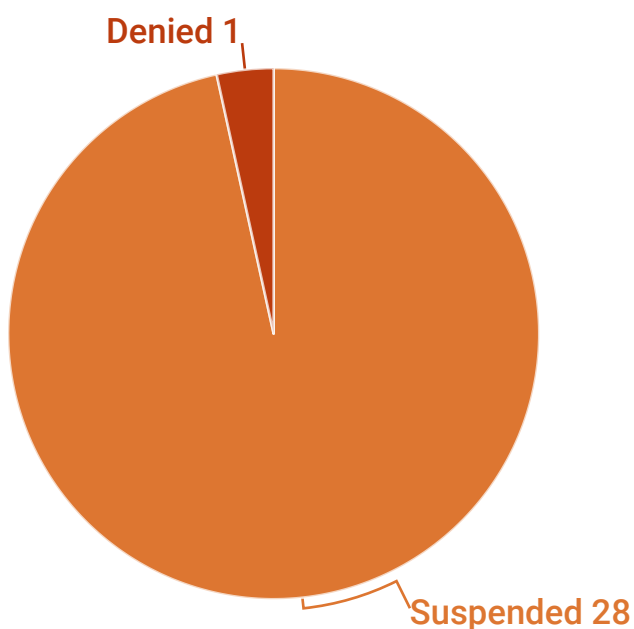
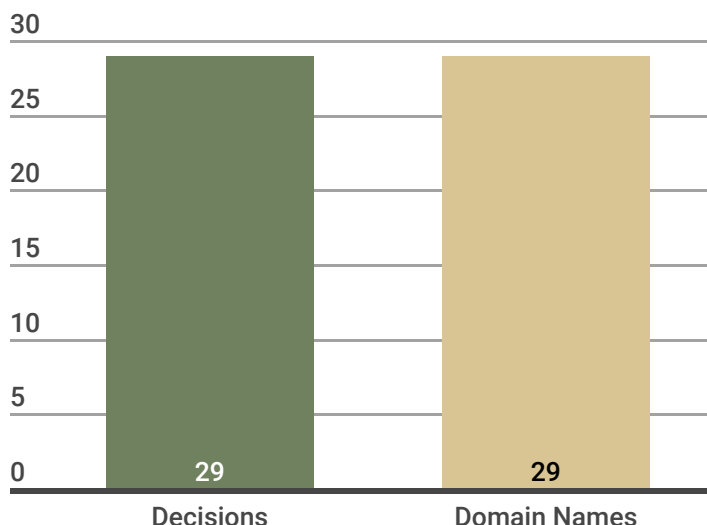
Most Active Trademark Owners (Domain Names in UDRP)



As in the chart above, some relative newcomers to the UDRP (such as Ball Corp.), identified cybersquatters with large portfolios targeting their brands – indicating that all industries are using the UDRP to protect themselves online, especially during the ongoing pandemic.

Number of URS Decisions and Domain Names

The number of URS decisions, as well as the total number of disputed domain names in URS cases (a 1:1 ratio this quarter), continues to drop, indicating that the URS may be losing its limited appeal as an alternative to the UDRP.

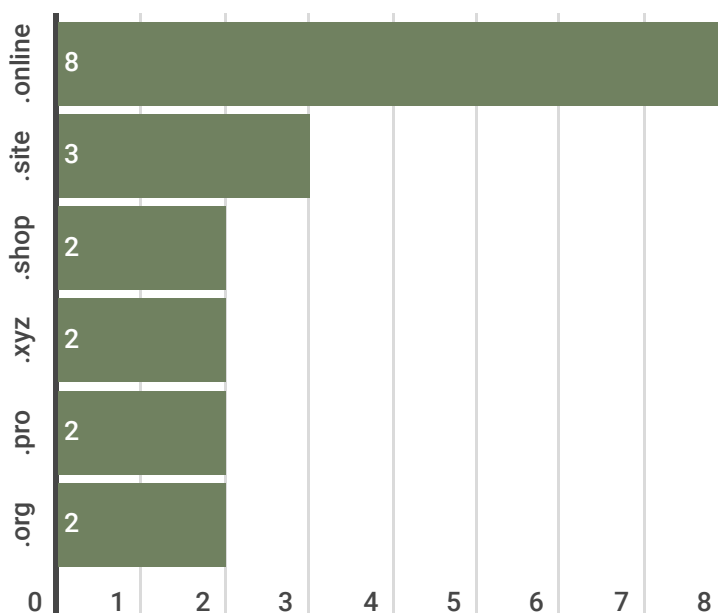


URS Outcome

Despite its lack of popularity, the URS remains an effective tool for those trademark owners who use it, with almost all decisions in their favor this quarter.

Top gTLDs in URS Cases

Although crafted as an alternative dispute policy for the new gTLDs, the URS now applies to .org, which appears in two cases this quarter. For background, watch the GigaLaw video, "[URS Now Applies to .org Domain Names.](#)"



Spotlight: WIPO Interview at 50,000 Domain Name Disputes

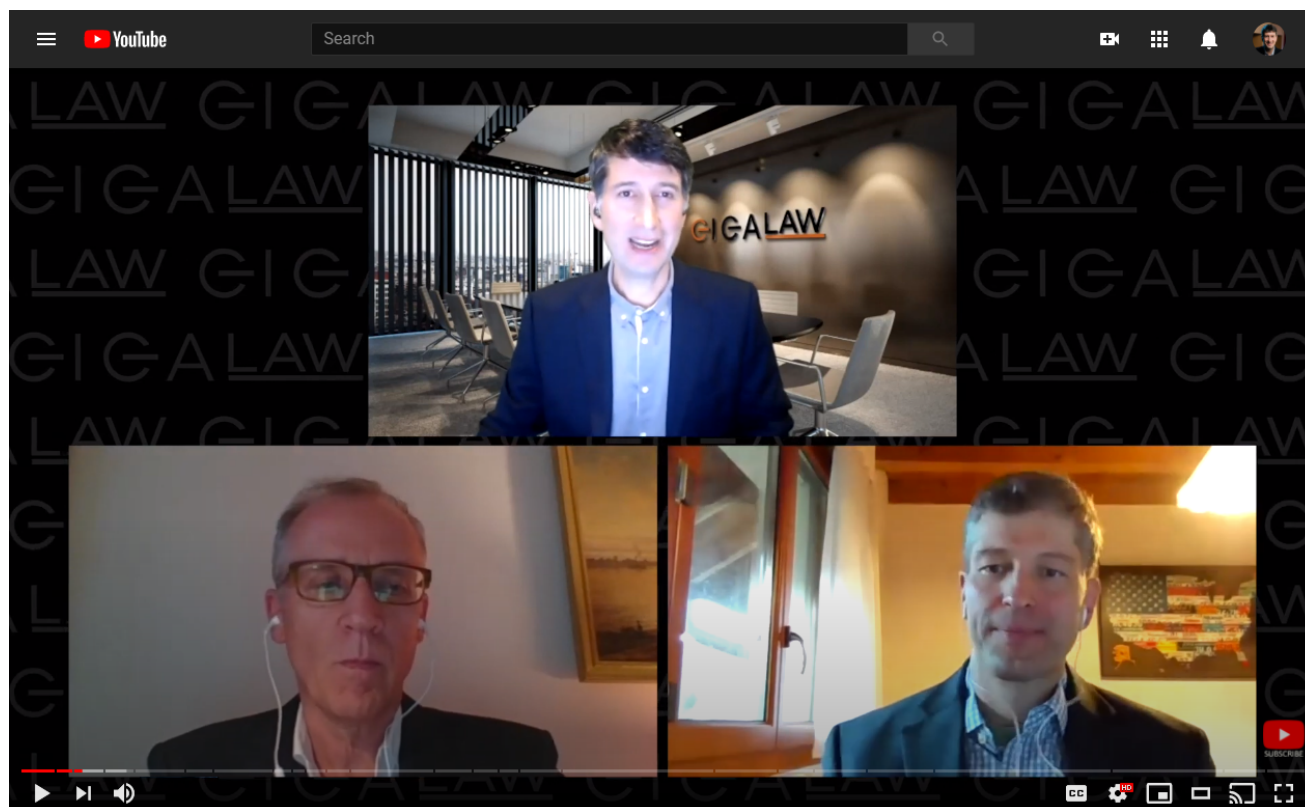
Just as the 50,000th domain name dispute was filed at the World Intellectual Property Organization (WIPO), Doug Isenberg had the privilege to interview two of the people who shoulder much of the responsibility for the Uniform Domain Name Dispute Resolution Policy (UDRP).

In this half-hour [video](#) conversation, Doug talked with Erik Wilbers, director of WIPO's Arbitration and Mediation Center; and Brian Beckham, head of the Center's Internet Dispute Resolution Section.

Shortly after the discussion, WIPO issued a press release about its 50,000th domain name dispute, calling it "a major milestone capping two decades of pro-consumer activity ensuring Internet users can easily find genuine sites for the brands they love and trust."

The interview discusses why UDRP complaints are on the rise, how WIPO is handling an ongoing surge in domain name disputes even during the coronavirus pandemic, and much more.

To watch the interview, visit the GigaLaw YouTube channel at www.youtube.com/GigaLaw or go directly to youtu.be/ZWsQHA0iWBI



About Domain Name Disputes and GigaLaw

This report focuses primarily on the Uniform Domain Name Dispute Resolution Policy (UDRP), the ICANN policy that provides trademark owners with an inexpensive and quick legal process to combat cybersquatting. It applies to .com and all of the global or generic top-level domains (gTLDs), as well as about 40 country-code top-level domains (ccTLDs). This report also includes data on the Uniform Rapid Suspension System (URS), a more limited policy that primarily addresses only disputes in the new gTLDs (.aaa to .zuerich) created in recent years.

Doug Isenberg (right), founder of GigaLaw and one of the world's most active domain name attorneys, frequently represents trademark owners under the UDRP, the URS and ccTLD-specific policies. He filed the largest UDRP complaint ever, for more than 1,500 domain names, in 2009. He also serves as a domain name panelist for five of the six UDRP service providers, including the World Intellectual Property Organization (WIPO) and the Forum.

The *World Trademark Review* has said that Isenberg is “a whiz on all things to do with Internet law and domain names.”

For more information, visit www.Giga.Law or email Doug@Giga.Law



This issue of GigaLaw's Domain Dispute Digest includes UDRP data from WIPO, the Forum, CAC, ADNDRC's Hong Kong office (HKIAC), and CIIDRC; and URS data from the Forum and MFSD. Analyzed data is from October 1-December 31, 2020, unless otherwise noted. This report is for general informational purposes only, provides only a summary of specific issues, and is not intended to be and should not be relied upon as legal advice regarding any specific situation. This report is not intended to create, and does not constitute, an attorney-client relationship. Readers should consult with legal counsel to determine how laws, policies or decisions and other topics discussed in this report apply to the readers' specific circumstances. This report may be considered attorney advertising under court rules of certain jurisdictions. Copyright © 2021 The GigaLaw Firm, Douglas M. Isenberg, Attorney at Law, LLC.