


GigaLaw's

**Domain
Dispute
Digest**



Third Quarter, 2020

What About the URS?



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Starting with this issue, GigaLaw's Domain Dispute Digest includes data about the Uniform Rapid Suspension System (URS) in addition to the Uniform Domain Name Dispute Resolution Policy (UDRP).

Although the UDRP remains – by far – the most popular and helpful legal tool to fight cybersquatters, the URS is important because it is the only other global domain name dispute policy. The URS was created as part of ICANN's expansion of the domain name system in recent years.

The URS was intended to be a quicker and less-expensive alternative to the UDRP, but in reality it has turned out to be much less helpful and, as the data on page 7 of this issue makes clear, is not very popular, for two primary reasons (among many others):

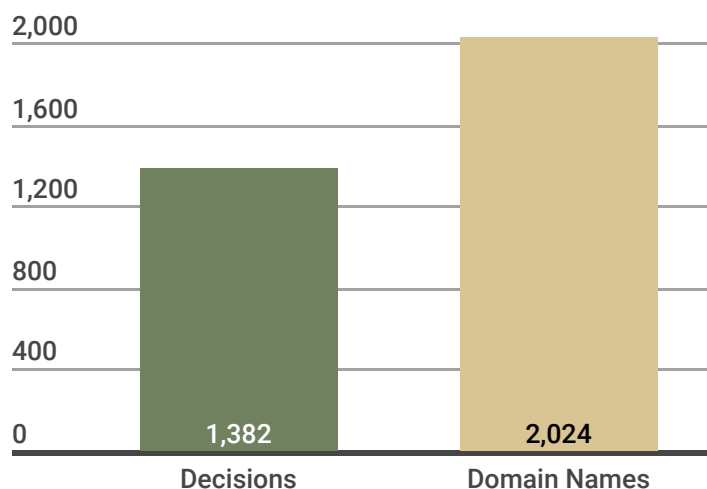
- The URS is generally applicable only to the so-called new global or generic top-level domains (gTLDs) and does *not* apply to the legacy gTLDs such as .com, .net, and .org.
- The URS only allows a trademark owner to get a domain name *temporarily suspended*, not transferred.

Still, for trademark owners facing a clear-cut cybersquatting problem in one of the new top-level domains, the URS may be worth considering, especially if timing and budget are important.

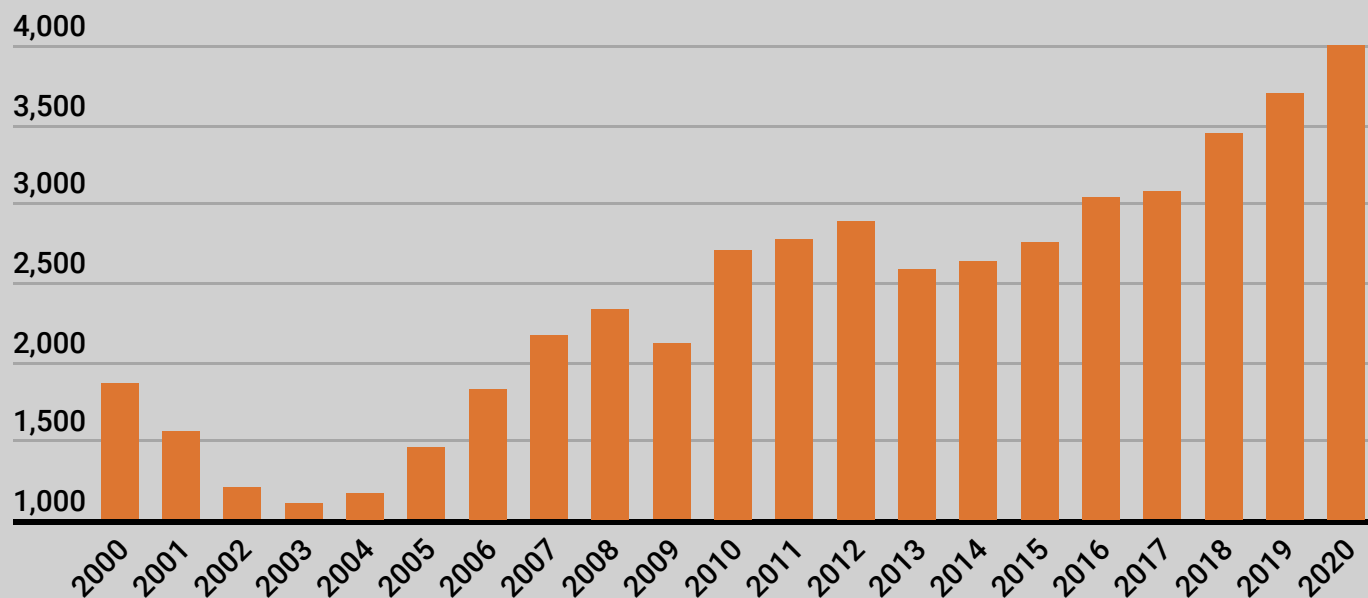
I provide many more details about the URS, how it works, and what is required to file (and win) a URS complaint in episode number 12 of my GigaLaw masterclass on domain name disputes, "What is the URS?" at www.Giga.Law/masterclass

Number of UDRP Decisions and Domain Names

The number of disputed domain names in UDRP cases, as well as the total number of UDRP cases itself, remained consistent since the previous quarter, although the average number of domain names per case dropped slightly from 1.60 to 1.46.

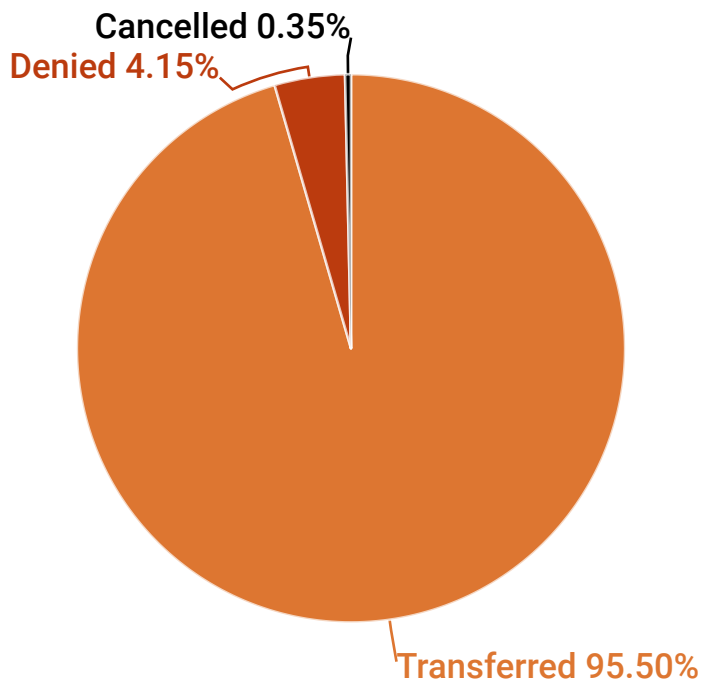


WIPO Domain Name Cases by Year



If the trend continues, 2020 is likely to set another record for the number of domain name disputes filed at WIPO, the largest provider of UDRP disputes. (Note: Data for 2020 is extrapolated for the full year, as of October 21, 2020, and includes all domain name dispute policies administered by WIPO, including non-UDRP.)

UDRP Outcome



Trademark owners continue to win almost all UDRP decisions, with 99.65% of all outcomes resulting in orders either to transfer or cancel the disputed domain names – making clear that the UDRP remains a very powerful tool to combat cybersquatting.

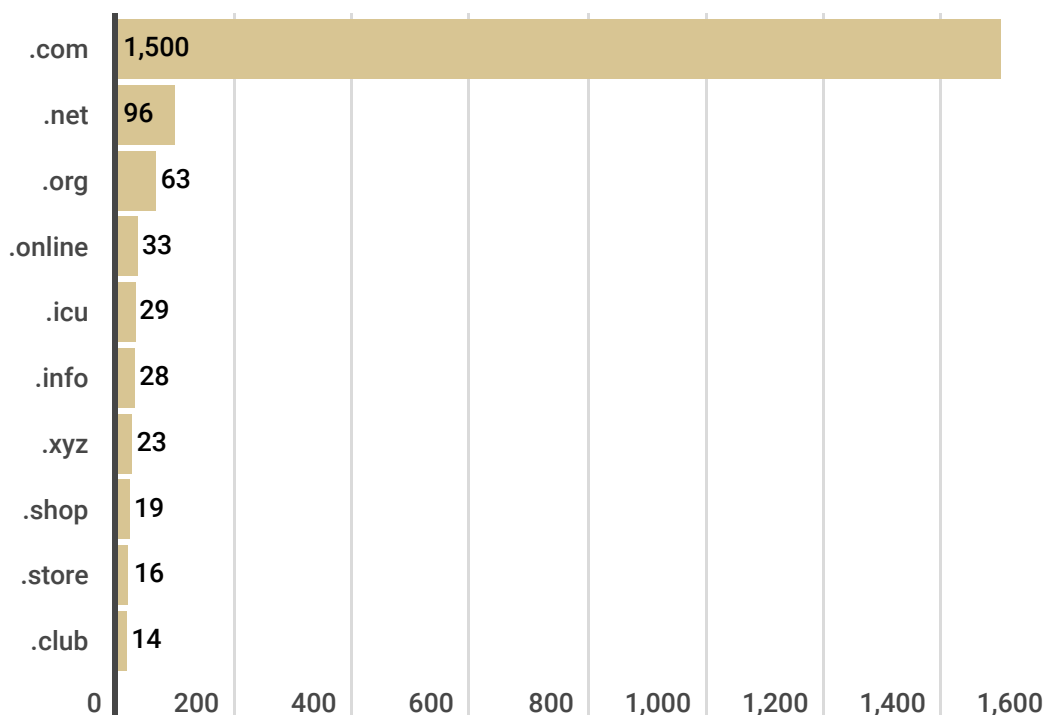
Largest UDRP Cases

Large UDRP cases remain the exception, but one trademark owner, Dareos (owner of the VULKAN trademark for use in connection with gaming, casino and entertainment services) filed three of the 10 largest complaints (for a total of 115 domain names); and Instagram filed two of the 10 largest complaints (23 domain names).

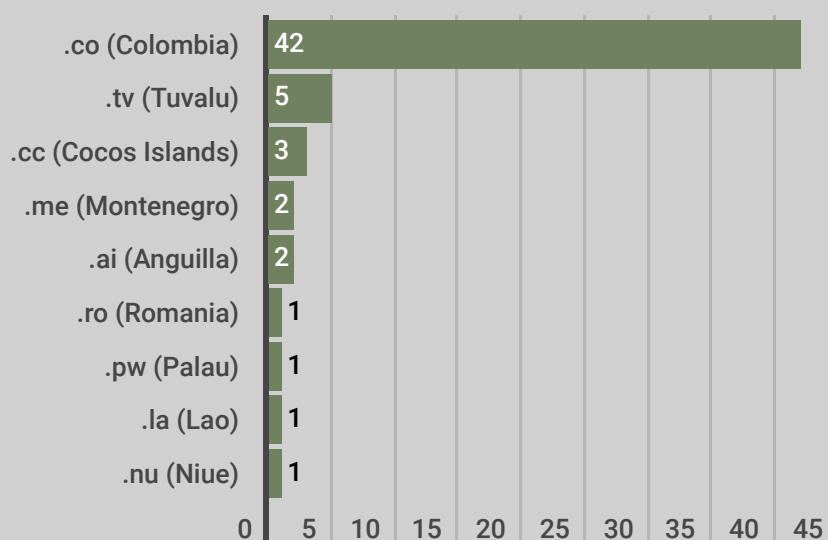
Complainant	Case No.	No. of Domains
Dareos	WIPO D2020-1232	77
Milliman	WIPO D2020-1836	31
Agfa-Gevaert	WIPO D2020-1096	25
Confed. Nat'l du Credit Mutuel	WIPO D2020-0707	21
Dareos	WIPO D2020-0986	19
Dareos	WIPO D2020-1726	19
Brooks Sports	Forum 1899225	15
Hyundai Motor Company	WIPO D2020-1945	14
Bank of America	Forum 1904533	12
Facebook/Instagram/WhatsApp	WIPO D2020-1925	12
Instagram	WIPO D2020-1274	11

Most Common gTLDs in UDRP Cases

As always, .com domain names are by far the most frequently disputed gTLD, followed by .net and .org. Many of the others on this list remained the same since last quarter, with .site dropping off and .store being added.

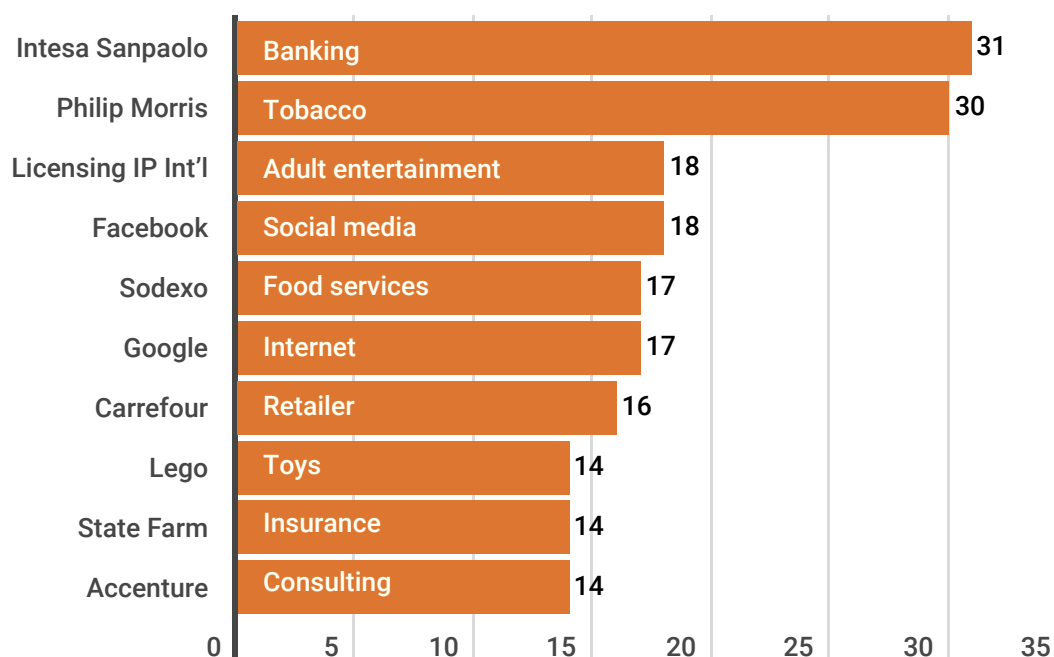


Most Common ccTLDs in UDRP Cases



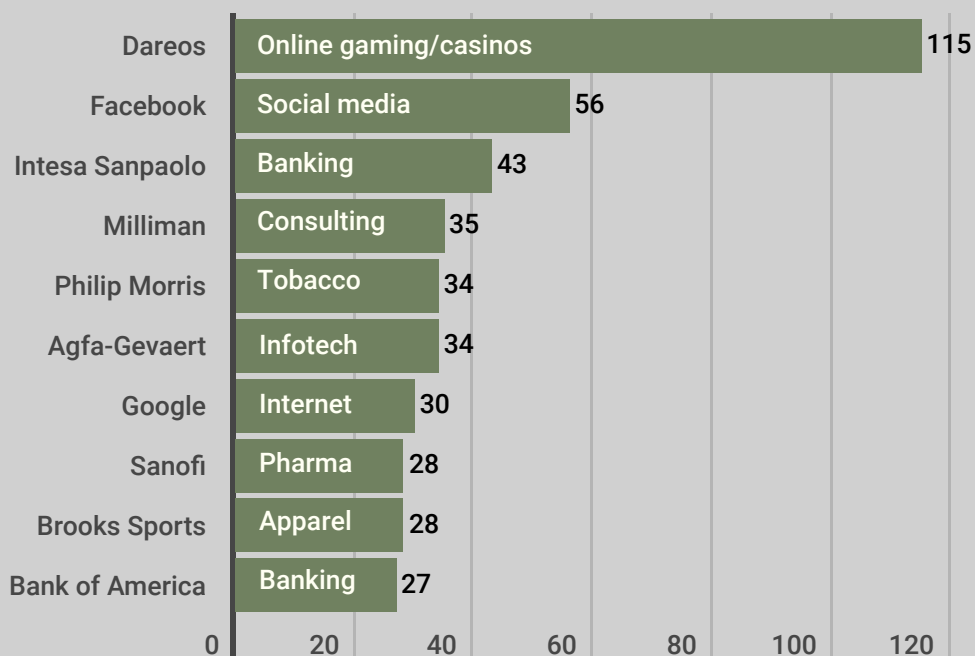
Yet again, .co domain names are the most frequently disputed ccTLD under the UDRP, given the similarity to .com. Interestingly, while .ai domain names are gathering some attention (given the use of “AI” as an acronym for artificial intelligence), they are not subject to many UDRP proceedings.

Most Active Trademark Owners (UDRP Cases)



While a number of trademark owners consistently file multiple UDRP complaints (Philip Morris, Licensing IP, Google), others are new to this list since last quarter (Intesa Sanpaolo, Sodexo, Carrefour), perhaps indicating the growing awareness of the UDRP.

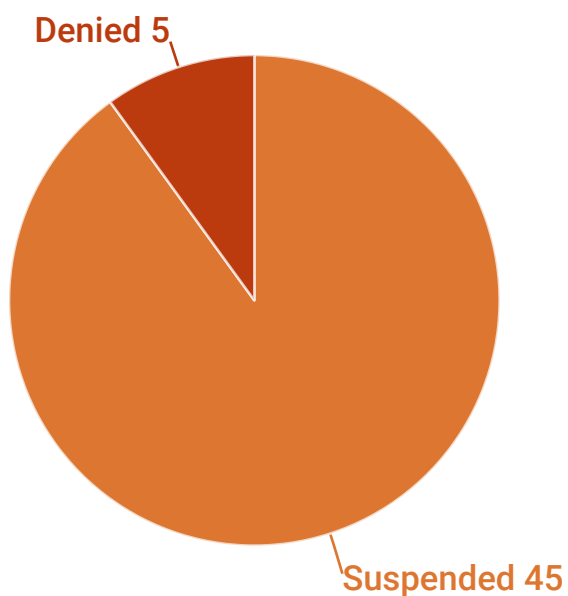
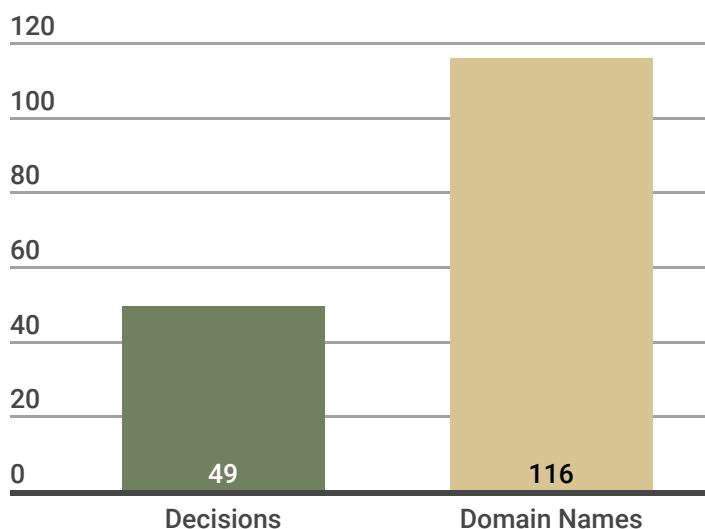
Most Active Trademark Owners (Domain Names in UDRP)



The most active trademark owners in UDRP cases represent a wide and diverse variety of industries, an acknowledgment that no one is immune from being a target of cybersquatting.

Number of URS Decisions and Domain Names

As described in more detail on page 2, the URS remains an unpopular domain name dispute policy, with only 49 decisions this quarter at the Forum and MFSD (compared with 1,382 decisions at the most popular UDRP service providers, page 3).

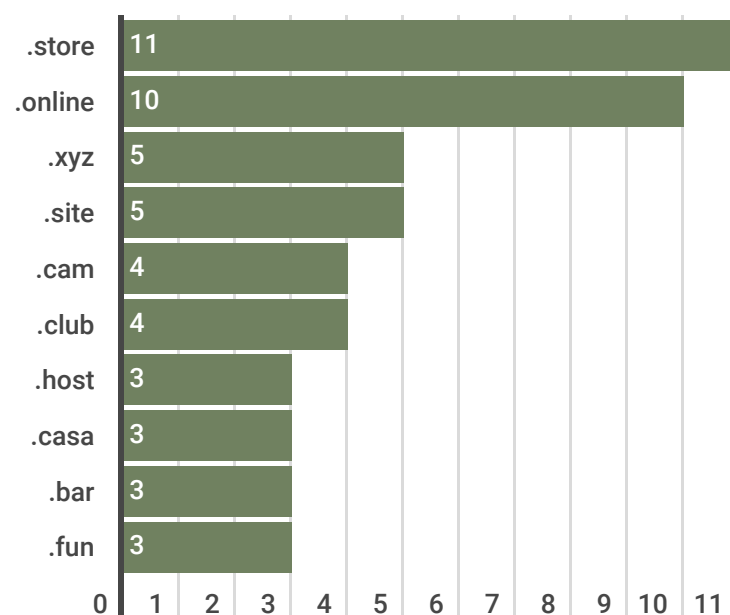


URS Outcome

Trademark owners win a similar percentage of domain name disputes under the URS as under the UDRP (page 4), making clear that the URS is an effective tool for those few who choose to use it.

Top gTLDs in URS Cases

Some of the most frequently disputed gTLDs under the URS (.store, .online, .xyz, .site, .club) are also popular under the UDRP (page 5), indicating that these are likely among the top choices of cybersquatters in general.



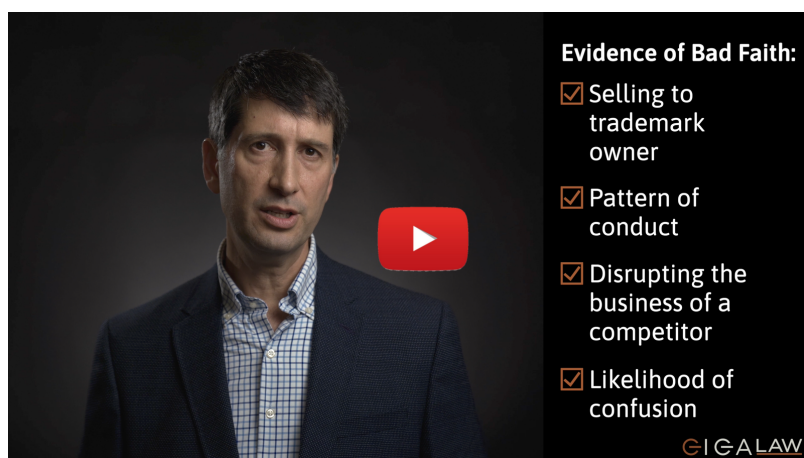
Spotlight: Masterclass on Domain Name Disputes

We have created and released for free on YouTube a 14-part series of videos, “Domain Name Disputes: A Masterclass.”

The videos begin by introducing the concept of domain name disputes and cybersquatting and by explaining why trademark owners should be concerned about the adverse impacts of counterfeiting, phishing and other scams. The videos then explore the importance and requirements of the Uniform Domain Name Dispute Resolution Policy (UDRP), including in-depth episodes on all three parts of the UDRP’s important test. Later episodes examine various UDRP nuances, including the impact of privacy and proxy services, as well as the European Union’s General Data Protection Regulation (GDPR).

Finally, the masterclass concludes with a discussion of the Uniform Rapid Suspension System (URS) – an alternative to the UDRP – and specific dispute policies that apply to various country code top-level domains (ccTLDs).

To watch any or all episodes of the masterclass, visit www.Giga.Law/masterclass



Masterclass Episodes

- #1: What is a Domain Name Dispute?
- #2: What is the UDRP?
- #3: How Long Does the UDRP Take?
- #4: How Much Does the UDRP Cost?
- #5: What Type of Trademark is Required to File a UDRP Complaint?
- #6: When is a Domain Name Confusingly Similar to a Trademark?
- #7: What are Rights or Legitimate Interests?
- #8: What is Bad Faith Under the UDRP?
- #9: Large UDRP Complaints
- #10: Privacy Services and the GDPR
- #11: Where to File a UDRP Complaint
- #12: What is the URS?
- #13: ccTLD Dispute Policies
- #14: Top 10 List

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 the World Intellectual Property Organization (WIPO), the Forum, and other domain name dispute providers.

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 July 1-September 30, 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 © 2020 The GigaLaw Firm, Douglas M. Isenberg, Attorney at Law, LLC.