

GigaLaw's

Domain Dispute Digest

Second Quarter, 2021

Domain Name Disputes See Busiest Month on Record



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As the second quarter of 2021 came to an end, WIPO – the most active of the six UDRP service providers – reported that “June 2021 has been the busiest filing month since WIPO commenced this service over 20 years ago.”

The GigaLaw estimate on page 3 shows that domain name disputes are on track for an eighth consecutive year of growth, and possibly in a big way: If current trends continue, the number of cases could rise as much as 19 percent, nearly doubling the number of disputes per year since 2013.

And this trend is true for all of the UDRP providers, with varying increases across the board. Since the numbers on page 3 are only a snapshot, here’s what they mean in context for each provider’s UDRP caseload in the quarter:

- WIPO: +15.8 percent
- Forum: +1 percent
- CAC: +36.7 percent
- HKIAC: +105.3 percent
- CIIDRC: +33.3 percent

(The Arab Center for Dispute Resolution (ACDR) did not publish any decisions in Q2 and only published one in Q1.)

The ongoing COVID-19 pandemic is partly responsible for this increase (as cybersquatters seek new opportunities to profit by targeting trademark owners), but it also seems as if more brand owners of all sizes are learning about and taking domain name disputes more seriously than at any time in the past.

For some insights from the newest UDRP service provider, the Canadian International Internet Dispute Resolution Centre (CIIDRC), see my interview on page 9.

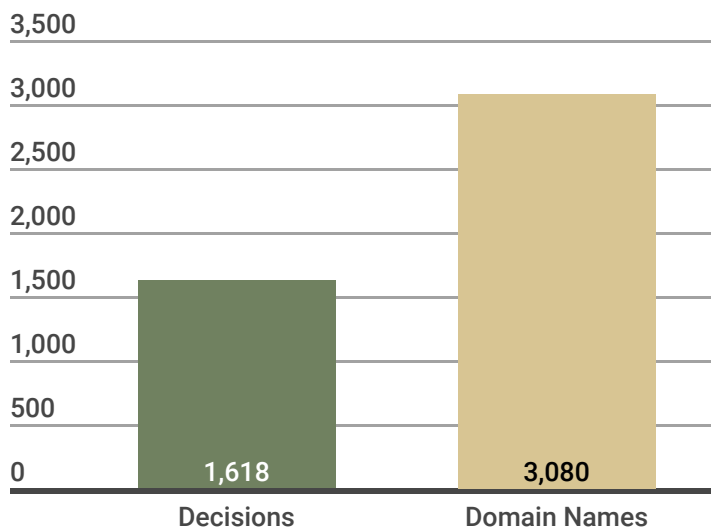
Number of UDRP Decisions and Domain Names

+13.8%

UDRP decisions since last quarter

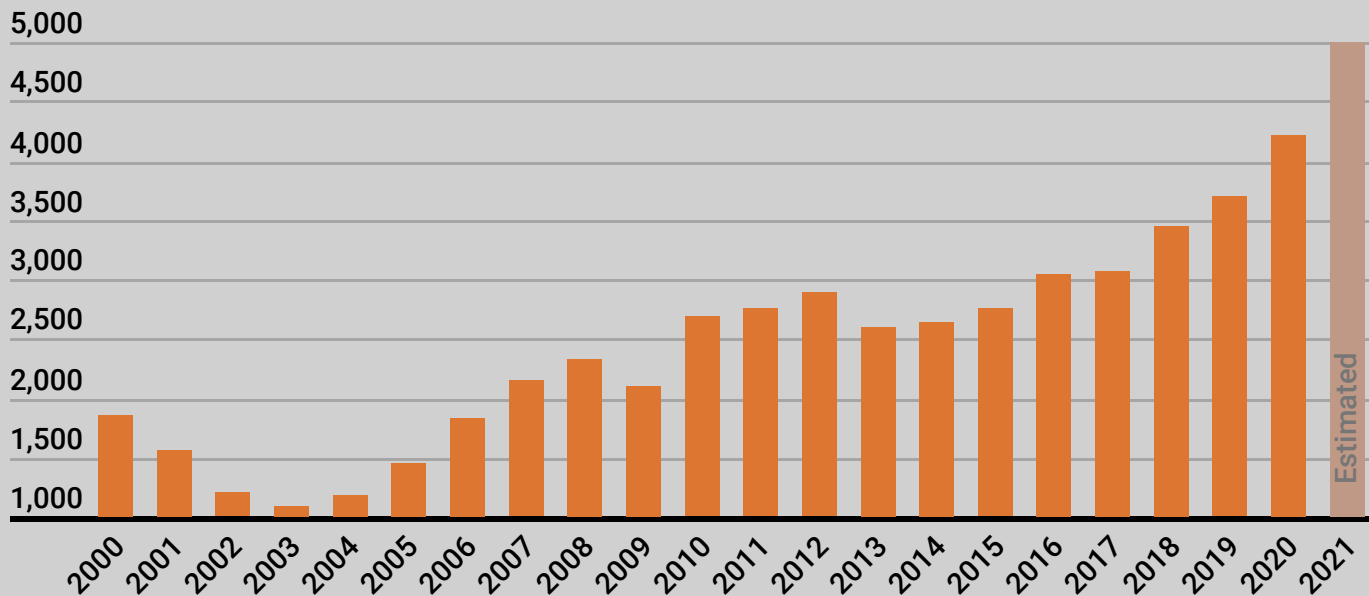
+24.7%

UDRP domain names since last quarter



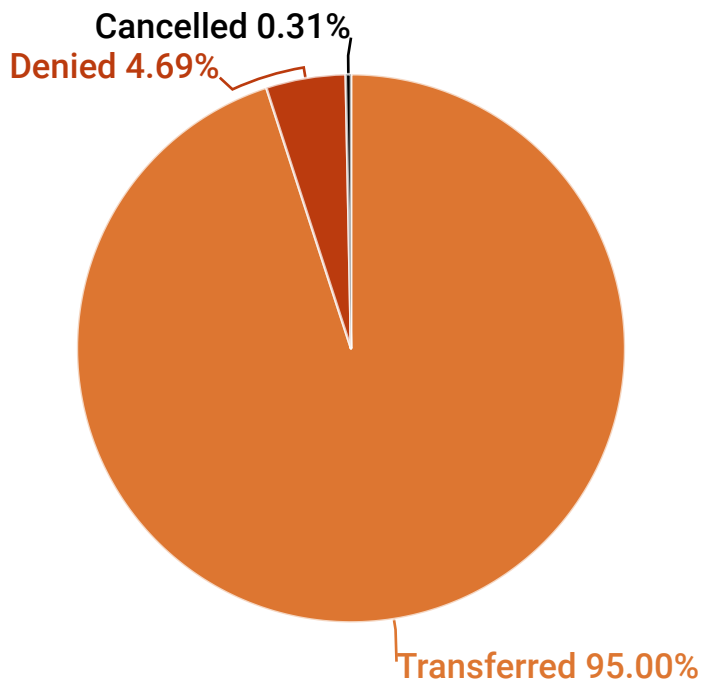
<p>WIPO 913 UDRP Cases</p>	<p>Forum 494 UDRP Cases</p>	<p>CAC 164 UDRP Cases</p>	<p>HKIAC 39 UDRP Cases</p>	<p>CIIDRC 8 UDRP Cases</p>
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WIPO Domain Name Cases by Year



At WIPO, the leading UDRP service provider, the number of domain name disputes continues to surge, rising about 19% thus far in 2021 versus the same period of time in 2020. If the trend continues, the number of disputes filed in 2021 will yet again set a record high. (Note: Data on this graph includes all domain name dispute policies administered by WIPO, including cases outside of the UDRP, such as ccTLD-specific policies.)

UDRP Outcome



As always, the overwhelming majority of trademark owners continue to win their UDRP disputes, with 95% of domain names in the quarter resulting in decisions to transfer.

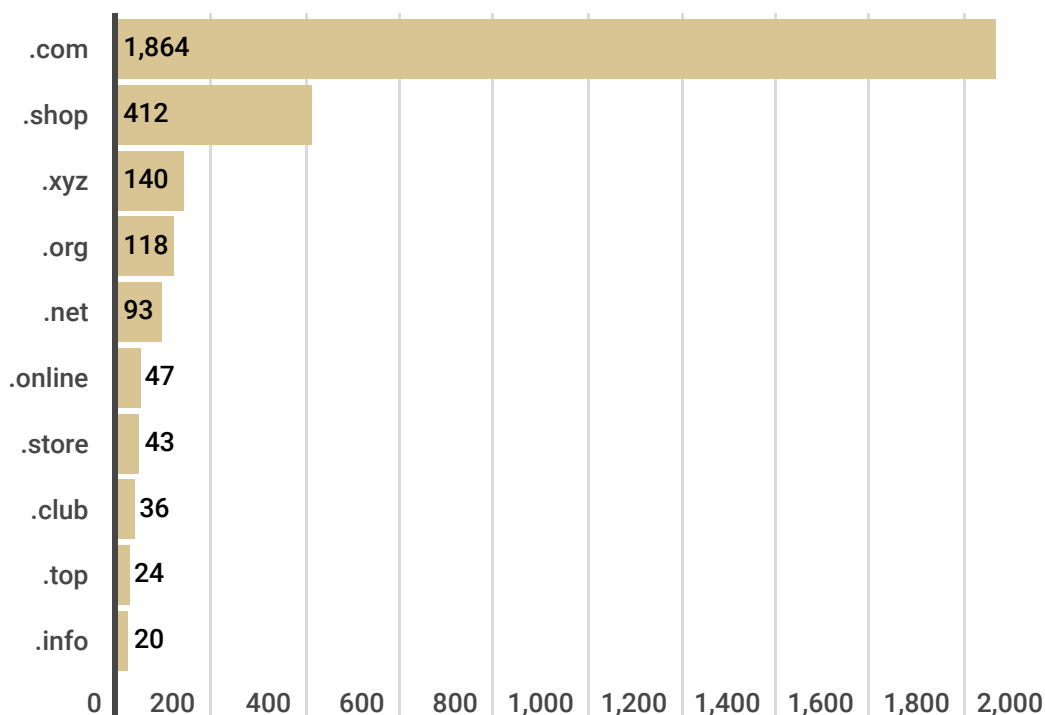
Largest UDRP Cases

The largest UDRP complaint of the quarter was filed by Clorox, the manufacturer of cleaning products. Like other recent domain name disputes, the cybersquatter in this case took advantage of the COVID-19 pandemic, using the domain names to advertise cleaning products from various brands, including Clorox's competitors.

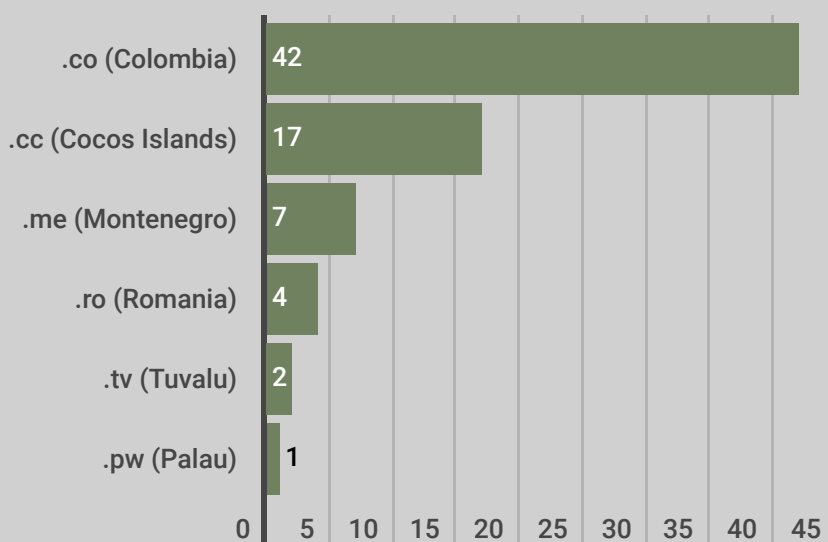
Complainant	Case No.	No. of Domains
Clorox	WIPO D2021-0781	367
Gucci	WIPO D2020-3211	204
Lego	WIPO D2020-3305	79
Instagram	WIPO D2021-1294	73
Instagram	WIPO D2021-1125	33
Dareos	WIPO D2021-1089	30
Hackensack Meridian Health	Forum 1941397	27
Country Mutual Insurance	Forum 1944350	24
Wolverine World Wide	Forum 1942949	20
Google	Forum 1941377	17

Most Common gTLDs in UDRP Cases

Two new gTLDs – .shop and .xyz – captured an unusually large percentage of disputed domain names in the quarter (with many of the .shop domain names appearing in the Clorox case discussed on page 4).

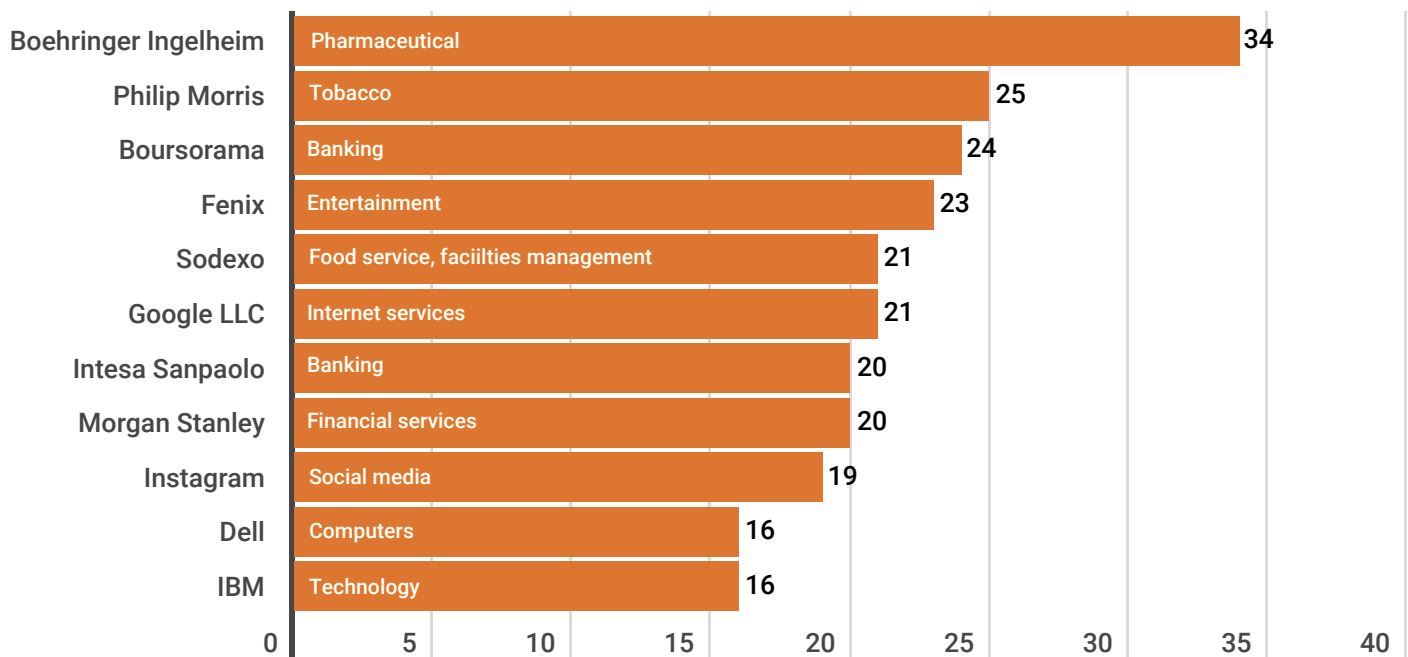


Most Common ccTLDs in UDRP Cases

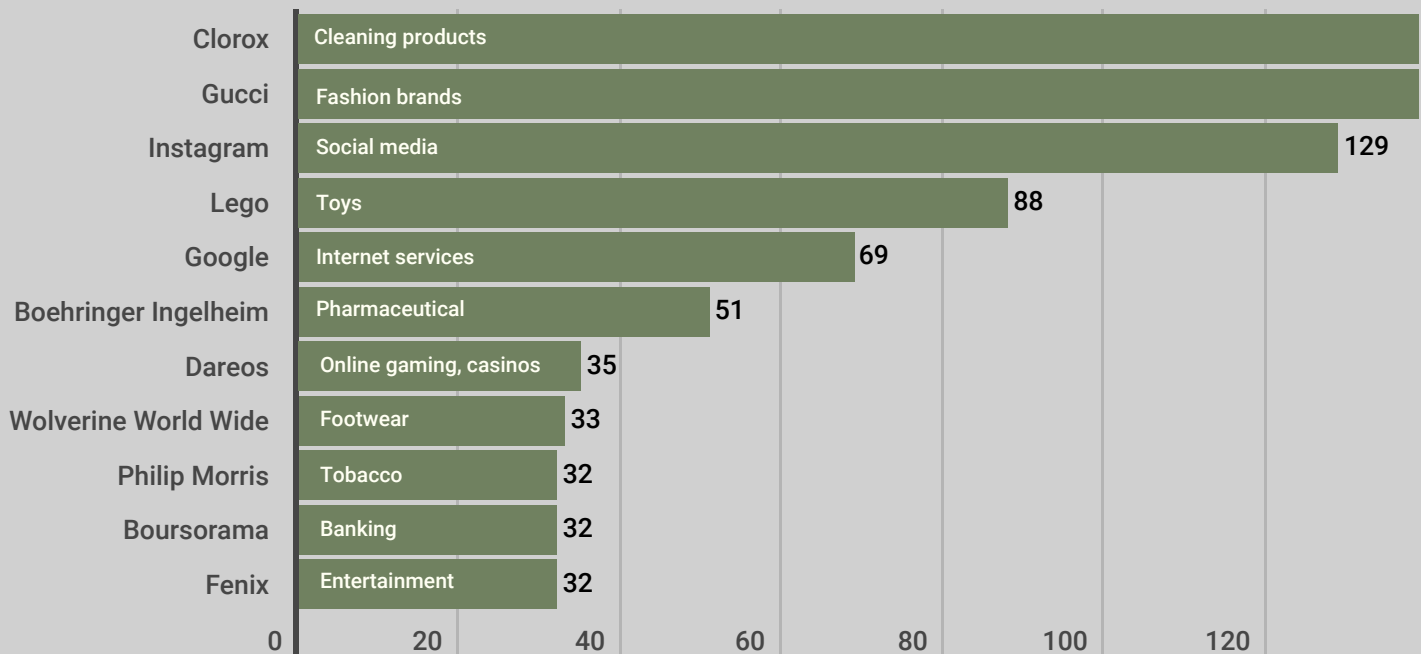


Given its similarity to .com, the .co ccTLD remains a common target for cybersquatters. Another popular ccTLD, .cc, saw a spike in UDRP cases, appearing 14 times more frequently in disputed domain names than in the previous quarter.

Most Active Trademark Owners (UDRP Cases)



Most Active Trademark Owners (Domain Names in UDRP)



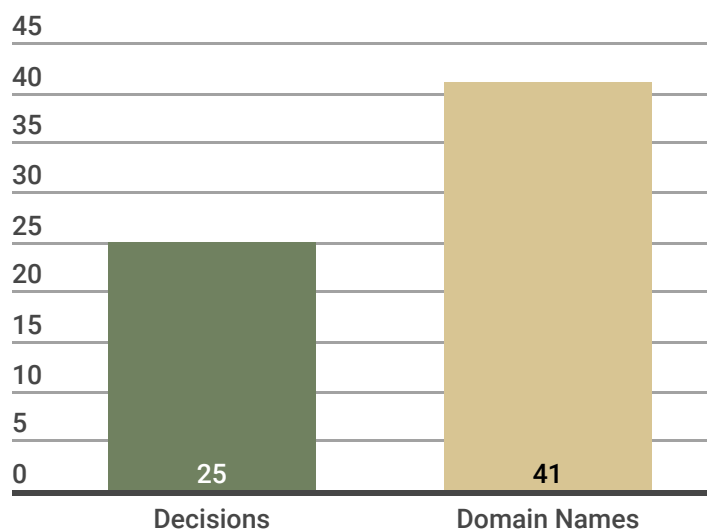
Number of URS Decisions and Domain Names

-19.4%

URS decisions since last quarter

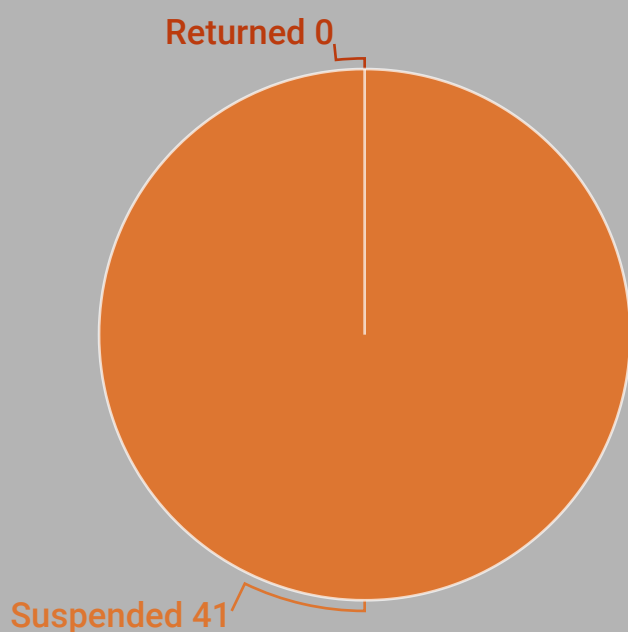
+17.1%

URS domain names since last quarter



URS or UDRP?

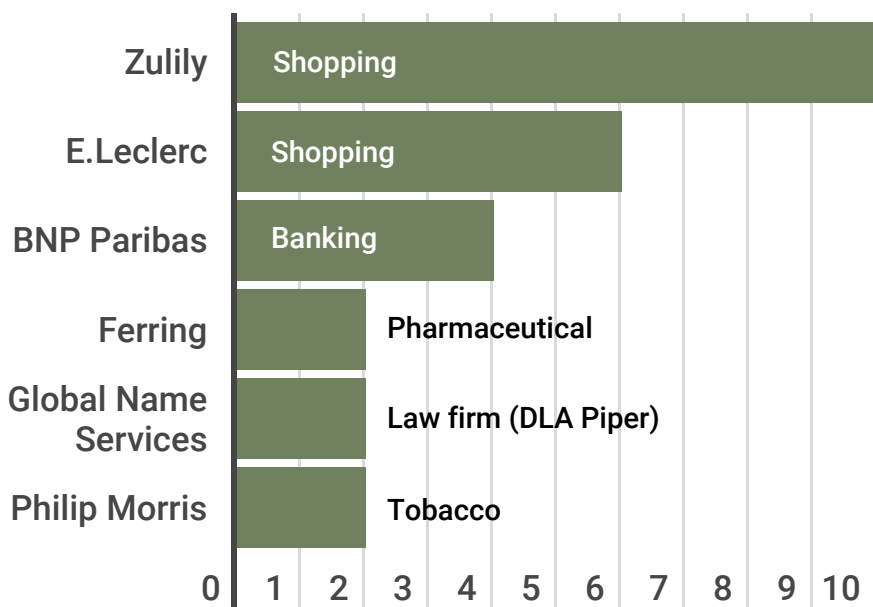
The URS is less expensive than the UDRP, but it does not apply to .com, and it only allows a trademark owner to temporarily suspend (not transfer) a disputed domain name.



URS Outcome

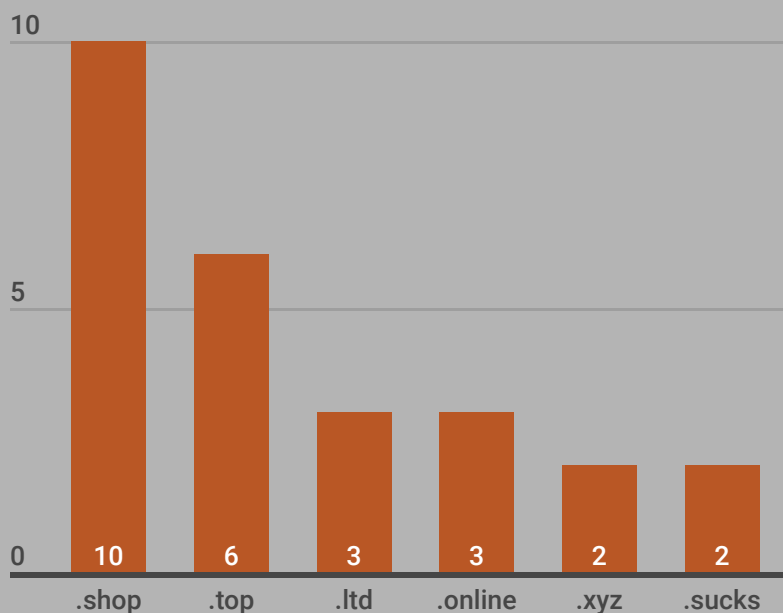
While the URS, like the UDRP, has always resulted in a high number of decisions in favor of trademark owners, 100% of all URS decisions in the quarter resulted in suspensions. However, the number of URS cases actually fell, indicating the ongoing unattractive nature of the URS process, although one unusually large URS case, filed by Zulily (which operates a shopping site) for 10 domain names helped result in an increase in the total number of domain names in URS cases this quarter.

Most Active Trademark Owners (URS Cases)



Given the small number of URS cases, this list shows all trademark owners that pursued more than one domain name through the URS process during the quarter.

Top gTLDs in URS Cases



In addition to those gTLDs shown to the left, each of the following appeared in one URS case in the quarter:

- .club
- .website
- .site
- .vip
- .link
- .org
- .today
- .work
- .solutions
- .scot
- .store
- .cloud
- .icu
- .cam
- .fun

Spotlight: Inside the CIIDRC

In a new video interview available on YouTube, Doug Isenberg of GigaLaw interviews two guests from the Canadian International Internet Dispute Resolution Centre (CIIDRC): Barry Penner, Managing Director of the Vancouver International Arbitration Centre, of which CIIDRC is a division; and Ina Ergasheva, CIIDRC's assistant director.

CIIDRC is the newest of the six UDRP service providers, although it has been offering domain name dispute services under the .ca (Canada) top-level domain for a number of years.

In the video, Doug talks with Barry and Ina about how CIIDRC became a UDRP service provider, the resources it offers to complainants and respondents, and filing trends. They also discuss how the pandemic has affected its operations and domain name disputes in general.

“Our goal is to have a streamlined process, to keep it straightforward and simple and clean, in order to help distinguish ourselves and make us a service provider that people would want to use,” Barry tells Doug in the interview.

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



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 Doug 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 April 1-June 30, 2021, 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.