


GigaLaw's

**Domain
Dispute
Digest**



Fourth Quarter, 2021

Another Record-Setting Year for Domain Name Disputes



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For the eighth consecutive year, WIPO has recorded an increase in filings under the Uniform Domain Name Dispute Resolution Policy (UDRP) and other domain name dispute policies. The number of WIPO cases rose about 22 percent last year, and the increase in UDRP decisions across all providers was nearly 37% in the fourth quarter of 2021 compared with the same quarter in the previous year.

“The strong growth can be largely attributed to the greater number of people spending more time online, especially during the COVID-19 pandemic, with trademark owners reinforcing their online presence to offer authentic content and trusted sales outlets to Internet users,” WIPO recently reported.

Cybersquatters remain opportunistic, as I discussed in a recent YouTube video about UDRP decisions involving domain names that take advantage of new attention given to the so-called “metaverse” following Facebook’s rebranding to Meta. Already, UDRP complaints have been filed, decided or settled against the domain names <disneymetaverse.com>, <tencentmetaverse.com>, <metaversecalvinklein.com> and <metaversemorganstanley.com>. For more details about the metaverse cases and what lessons trademark owners should take from them, watch my video: www.youtube.com/GigaLaw

As the following pages show, cybersquatters are continuing to take advantage of trademark owners across all industries, including social media, pharmaceuticals, financial services, retail and more – meaning that no company is immune. And, more trademark owners are invoking the Uniform Rapid Suspension System (URS), which saw an incredible 200 percent spike in disputed domain names.

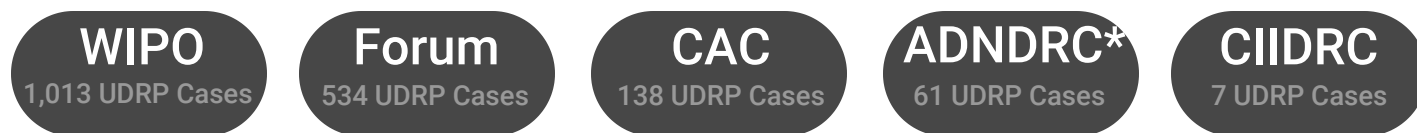
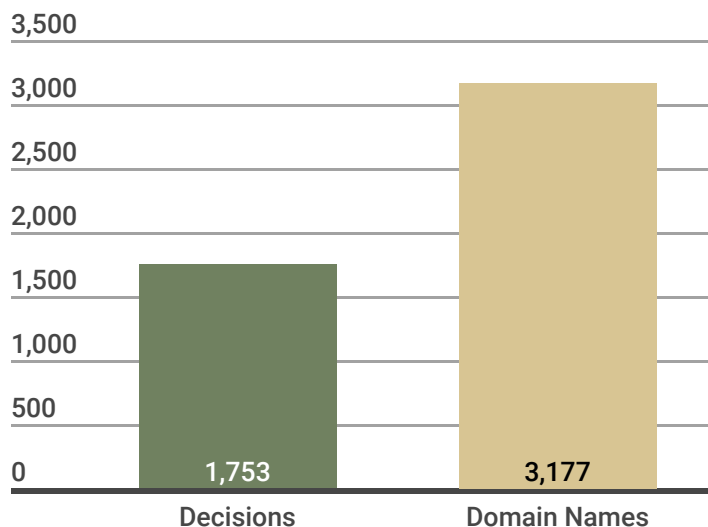
Number of UDRP Decisions and Domain Names

+36.8%

UDRP decisions v. Q4 2020

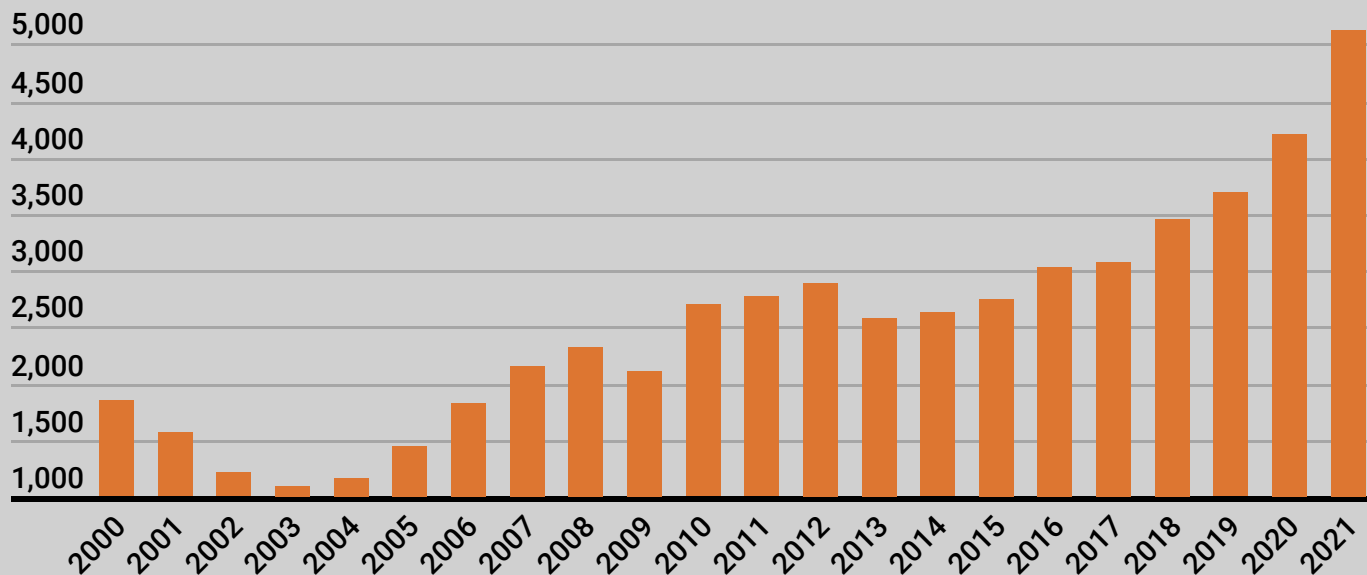
+51.3%

UDRP domain names v. Q4 2020



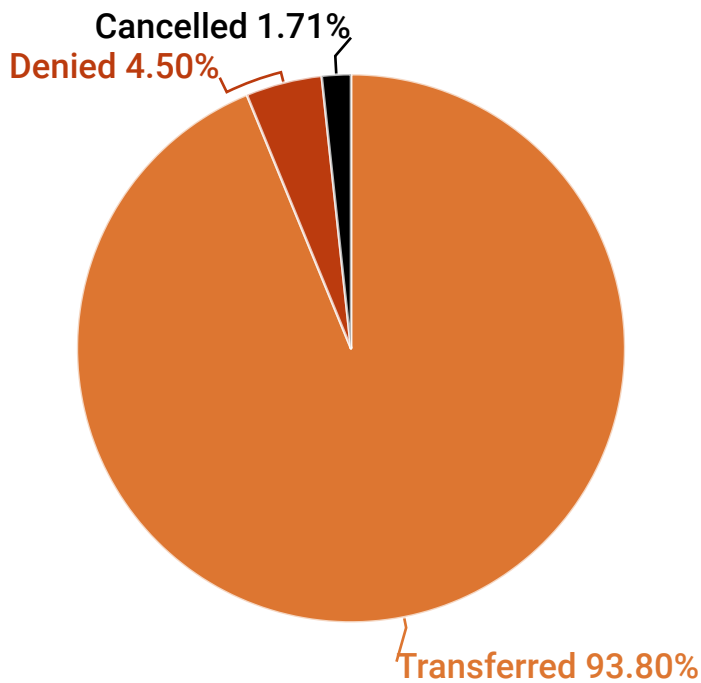
* HKIAC & CIETAC offices only

WIPO Domain Name Cases by Year



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



With more than 95% of disputes decided in favor of the trademark owners who filed them, the UDRP remains more popular than ever.

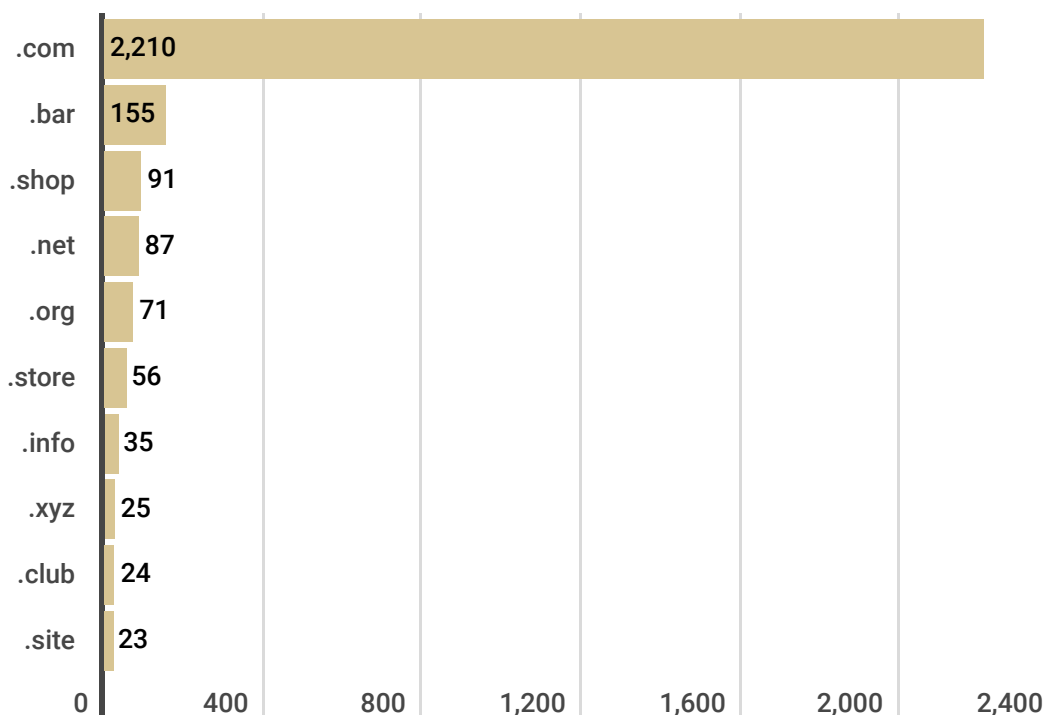
Largest UDRP Cases

WhatsApp, Facebook and Instagram (now all a part of the Meta family) once again were responsible for four of the top 10 largest UDRP complaints decided in the quarter. Large complaints such as these are an efficient way for trademark owners to tackle multiple domain names in a single proceeding.

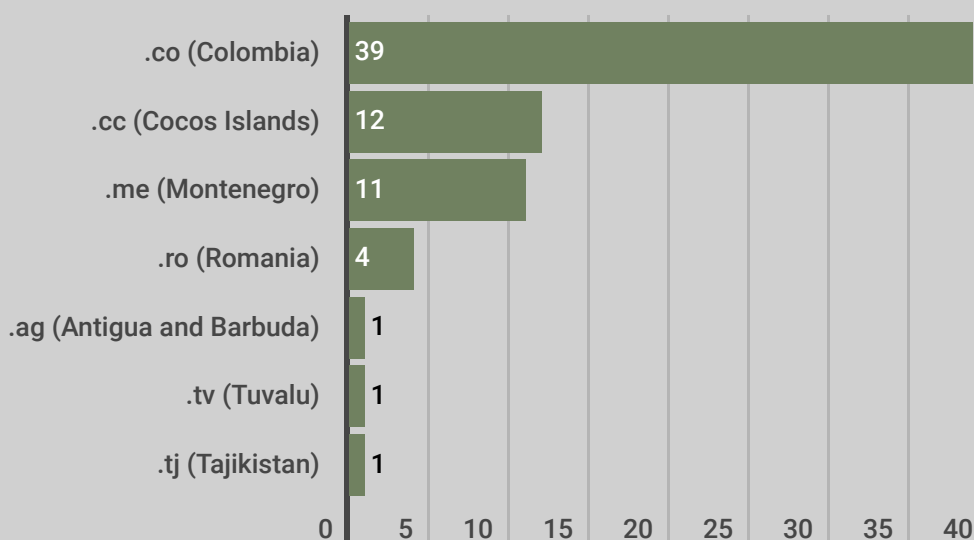
Complainant	Case No.	No. of Domains
WhatsApp	WIPO D2021-2920	154
Transamerica	Fourm 1962452	80
John Hancock	WIPO D2021-2407	69
AARP	Forum 1962697	53
Facebook	WIPO D2021-2722	53
Coupang	Forum 1963447	38
Facebook	WIPO D2021-3201	35
Amazon	Forum 1969562	33
Carrefour	WIPO D2021-2997	31
Instagram	WIPO D2021-3209	30
Boehringer Ingelheim	WIPO D2021-2408	30

Most Common gTLDs in UDRP Cases

After .com (which has always been the most commonly disputed gTLD), .bar suddenly appeared in a relatively large number of UDRP disputes this quarter – thanks to a single case for 154 domain names filed by WhatsApp.

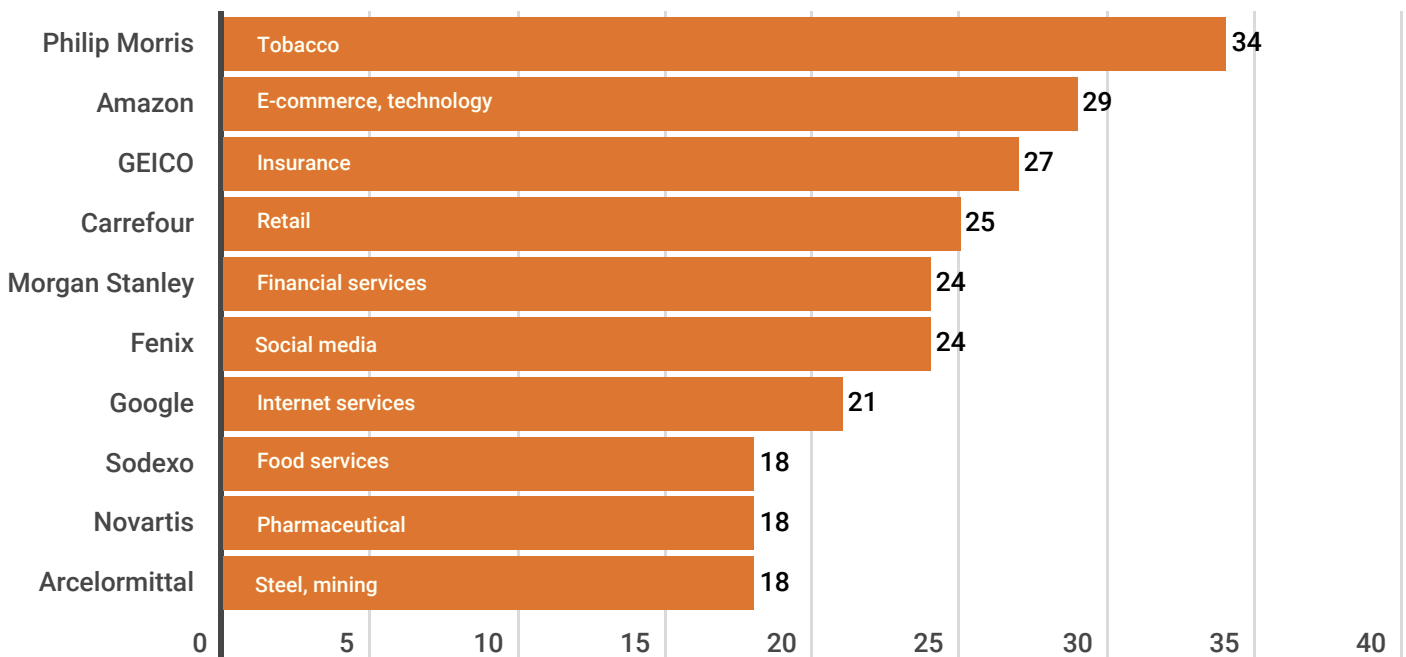


Most Common ccTLDs in UDRP Cases

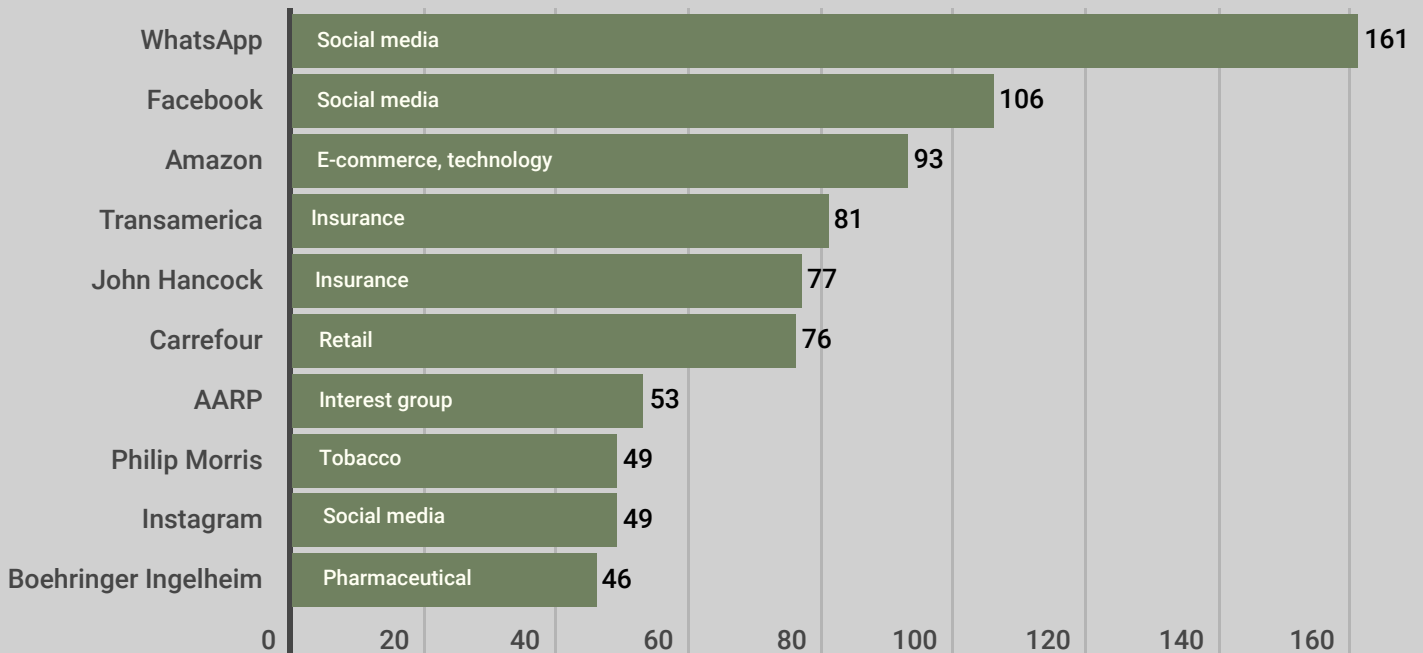


Of the 42 country-code top-level domains that participate in the UDRP, seven appeared in decisions this quarter.

Most Active Trademark Owners (UDRP Cases)



Most Active Trademark Owners (Domain Names in UDRP)



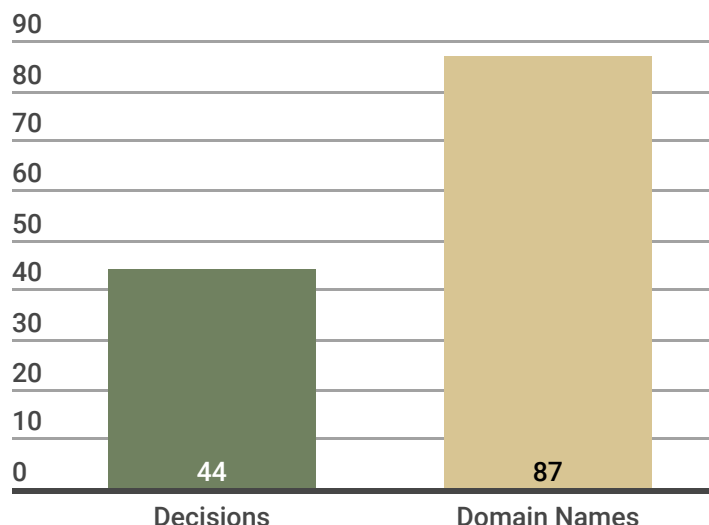
Number of URS Decisions and Domain Names

+51.7%

URS decisions v. Q4 2020

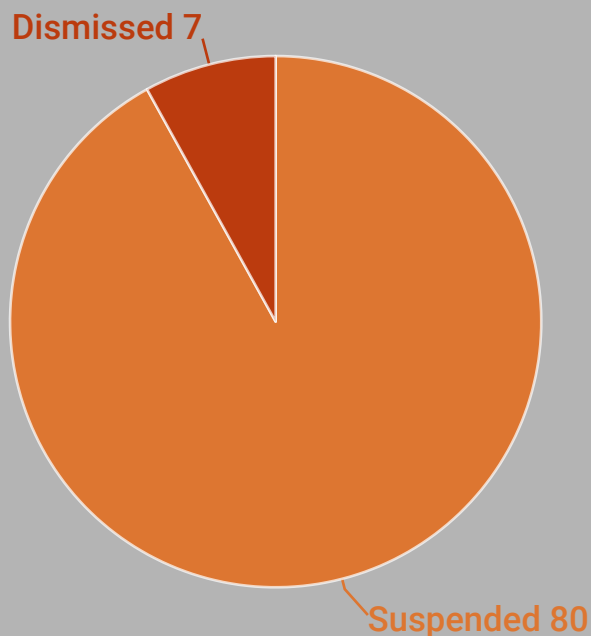
+200%

URS domain names v. Q4 2020



URS or UDRP?

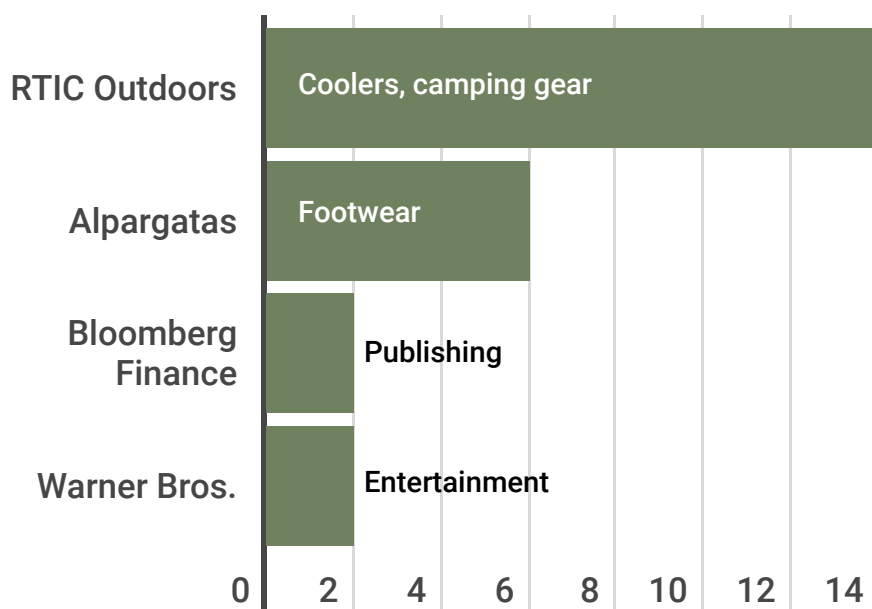
The URS is less expensive than the UDRP, but it does not apply to .com, and it only allows a trademark owner to temporarily suspend (not transfer) a disputed domain name.



URS Outcome

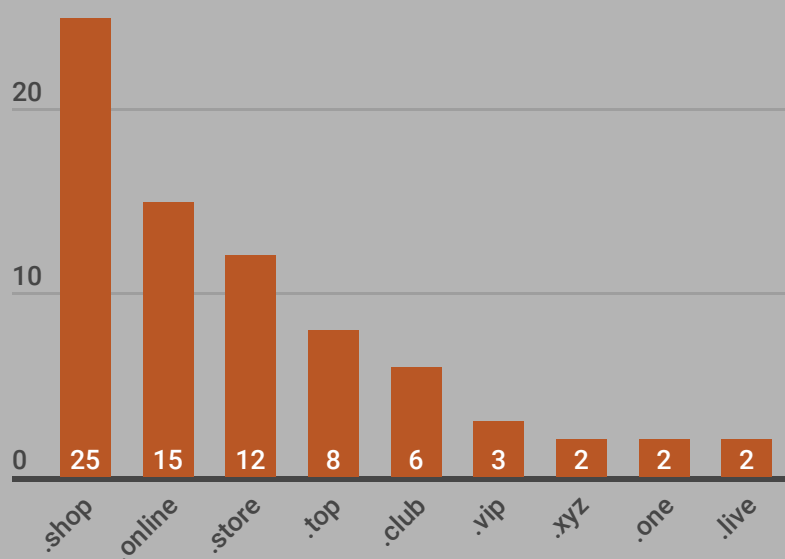
The URS was slightly less favorable than the UDRP for trademark owners in the quarter, though it remains a useful tool under the right circumstances.

Most Active Trademark Owners (URS Cases)



Not only did RTIC – a company that sells coolers, drinkware, bags, and camping items – file the most URS complaints in the quarter (for the second consecutive quarter), but its 14 complaints included 52 domain names, accounting for 60 percent of all domain names disputed under the URS.

Top gTLDs in URS Cases



Only nine gTLDs appeared in URS cases during the quarter, with .shop leading the list – which is not surprising given that it is one of the top 5 most-registered new gTLDs.

Spotlight: Inside the Asian Domain Name Dispute Resolution Centre

In the newest video in an ongoing series of interviews with UDRP service providers, Doug Isenberg of GigaLaw talked with **Kiran Sanghera**, secretary general of the Asian Domain Name Dispute Resolution Centre (ADNDRC) and special counsel for the Hong Kong International Arbitration Centre (HKIAC); and **Tom Leung**, an ADR case manager for HKIAC.

The ADNDRC was jointly established by the China International Economic and Trade Arbitration Commission (CIETAC) and the Hong Kong International Arbitration Centre (HKIAC) in 2002. The HKIAC is one of four offices for the ADNDRC, the others being in Seoul, Beijing, and Kuala Lumpur.

Although the ADNDRC and HKIAC are not as well-known in the United States, or in other parts of the world outside of Asia, as some of the other UDRP service providers, it has seen a spike in domain name disputes recently, as Doug discusses with Kiran and Tom in this interview.

After a slight drop in filings in 2020 due to “severe lockdowns” in mainland China at the beginning of the COVID-19 pandemic, recent UDRP case activity represents “some of the highest figures we’ve had over the last 10 years,” Kiran tells Doug in the interview.

To watch the interview, visit the GigaLaw YouTube channel: www.youtube.com/GigaLaw



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 42 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 most of the 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 (HKIAC) and Beijing (CIETAC) offices, and CIIDRC; and URS data from the Forum and MFSD. Analyzed data is from October 1-December 31, 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 © 2022 The GigaLaw Firm, Douglas M. Isenberg, Attorney at Law, LLC.