


GigaLaw's

**Domain
Dispute
Digest**



First Quarter, 2022

Domain Name Disputes Setting More Records in 2022



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After eight years of record-setting growth, domain name disputes are on the rise again in 2022, with the number of cases across most of the Uniform Domain Name Dispute Resolution Policy (UDRP) providers up 20 percent in the first quarter of the year, as compared with the same quarter in 2021. Plus, at WIPO, the largest of the service providers, cases are on track for a ninth year of growth; if filings remain the same for the rest of the year, the number of cases will rise just over 7 percent.

In January, reporting on what WIPO called “strong demand” for its cybersquatting services, the U.N. agency repeated its former observation: “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.”

In my legal practice, I’ve observed an increasing number of settlements in UDRP cases, with more cybersquatters willing to voluntarily transfer a domain name after a complaint has been filed instead of facing a published decision. In a recent blog post and video on this topic, “[When to Settle \(or Not Settle\) a Domain Name Dispute](#),” I offered three reasons why trademark owners might want to consider settlements: to guarantee the outcome, to gain control of a domain name more quickly, and to obtain a partial refund of the filing fee (depending on when the settlement occurs and where it was filed).

Finally, as shown by the data on the following pages, some of the most active filers of UDRP complaints remain some of the most-recognized brands, but a number of smaller and lesser-known companies are also now using the domain name dispute process more frequently to protect their rights online.

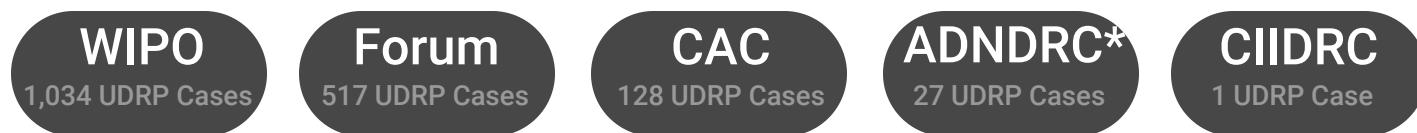
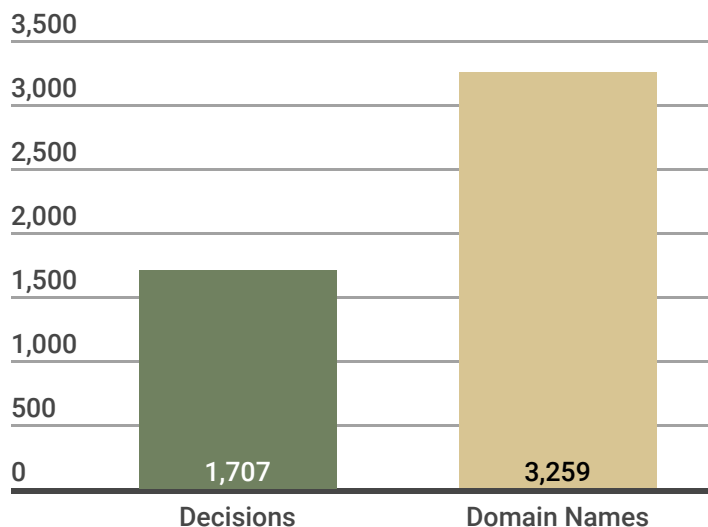
Number of UDRP Decisions and Domain Names

+20.0%

UDRP decisions v. Q1 2021

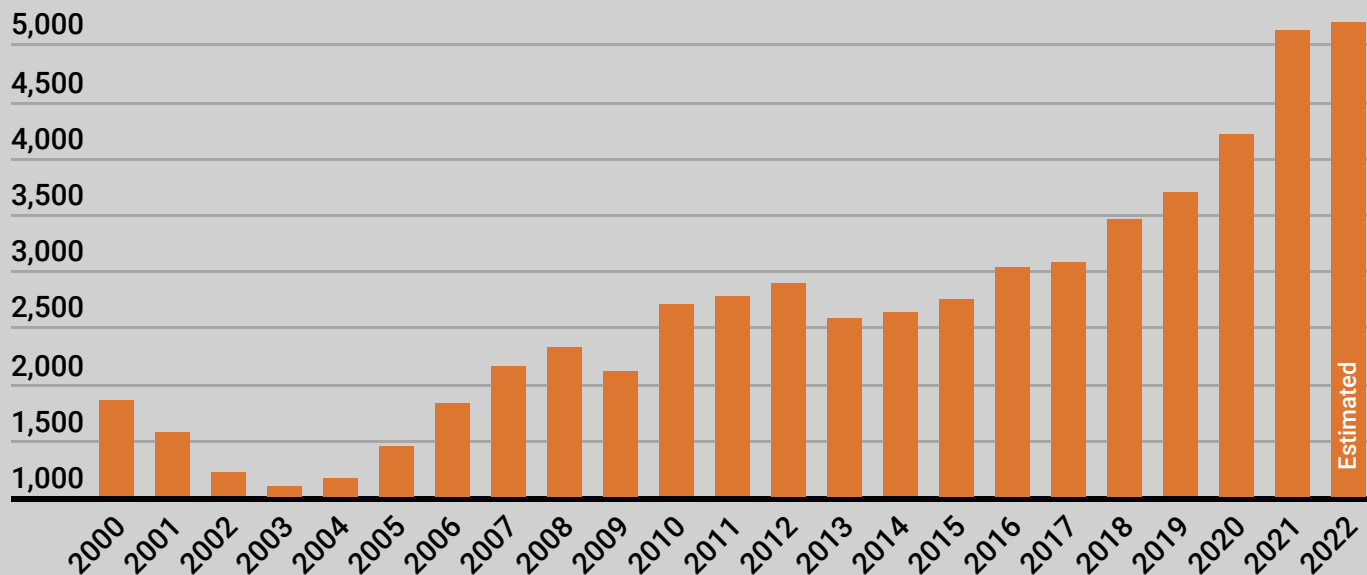
+31.9%

UDRP domain names v. Q1 2021



* HKIAC office only

WIPO Domain Name Cases by Year



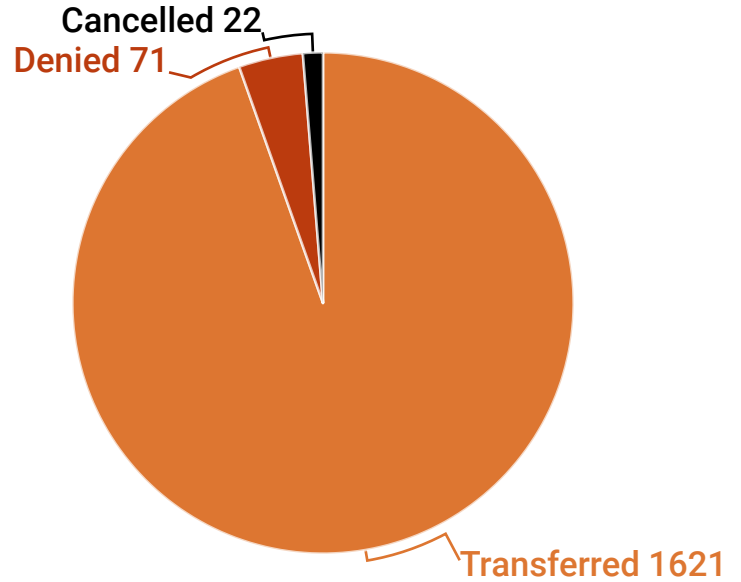
Data on this graph includes all domain name dispute policies administered by WIPO, including cases outside of the UDRP, such as ccTLD-specific policies. Estimate of 2022 cases is based on data as of May 12, 2022.

UDRP Outcome

94.6% Transferred

4.1% Denied

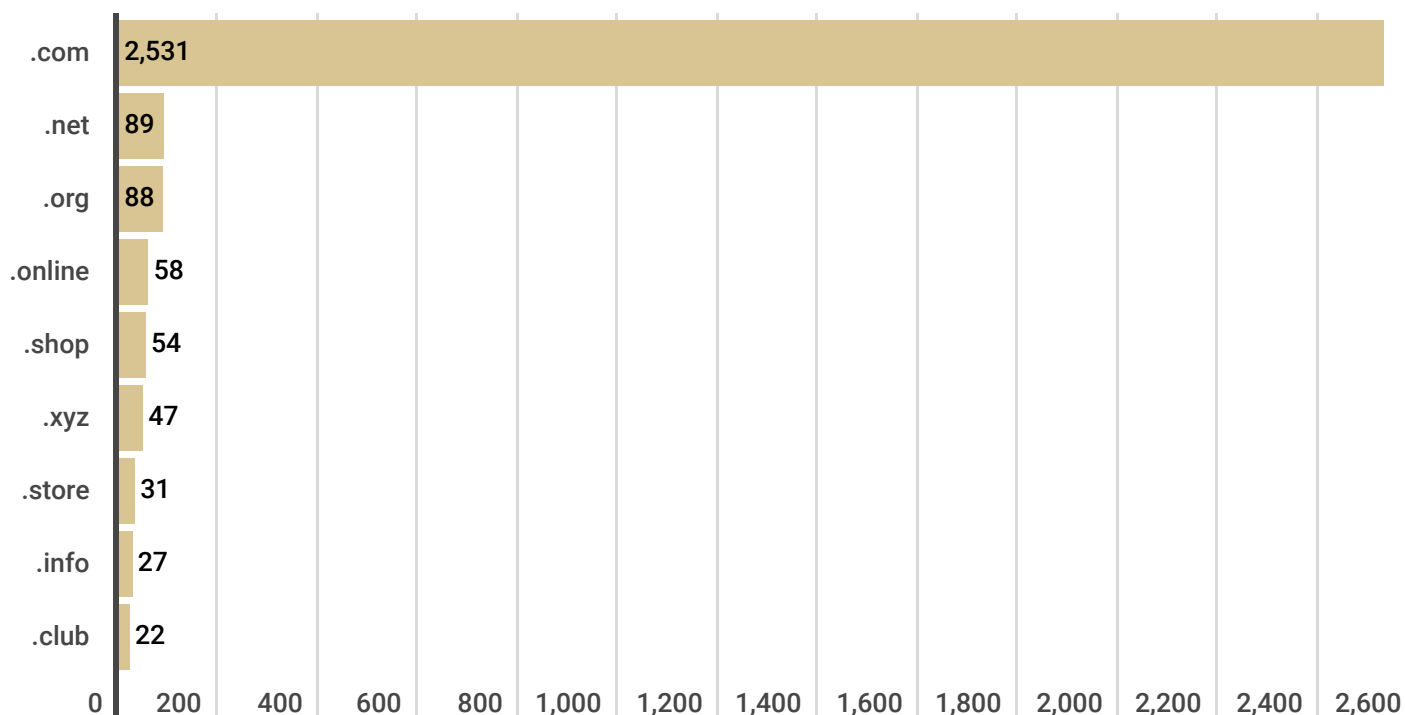
1.3% Cancelled



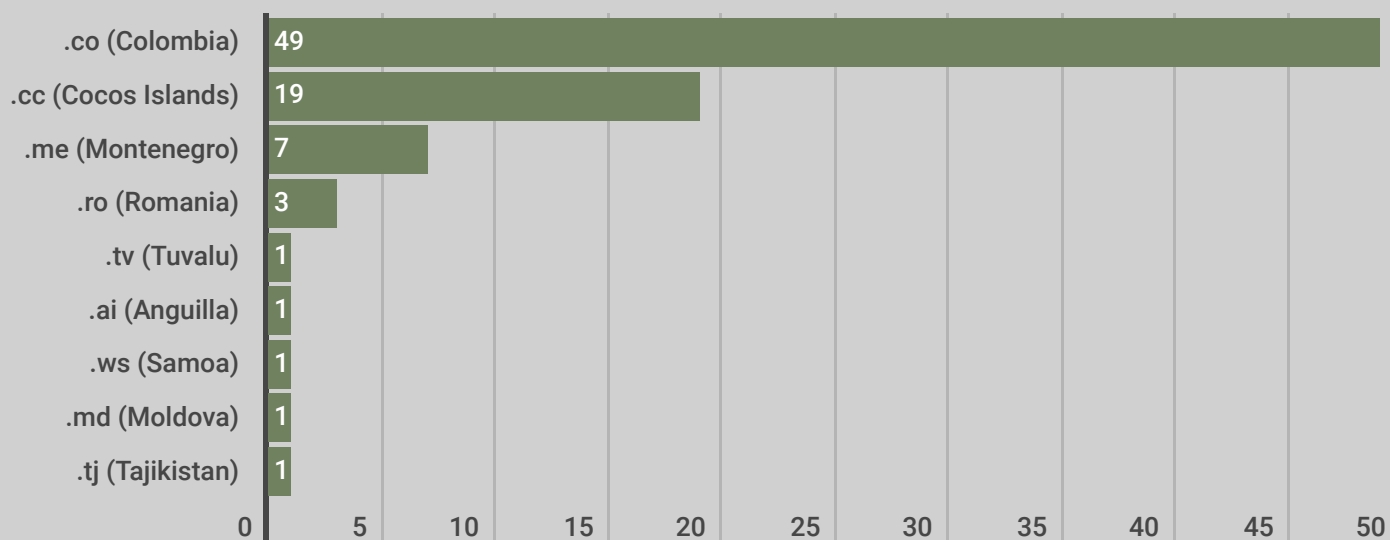
Largest UDRP Cases

Complainant	Case No.	No. of Domains
Axel Arigato	WIPO D2021-4029	101
Wolverine	Forum 1973515	77
Thursday Boot Co.	WIPO D2021-4291	61
Wolverine	Forum 1977385	59
LendingClub Bank	CAC 104298	57
Wynn Resorts	Forum 1976346	56
CenterPoint Energy	WIPO D2021-4046	55
Dareos	WIPO D2022-0224	41
NoBull	Forum 1977635	40
Instagram	WIPO D2022-0073	38

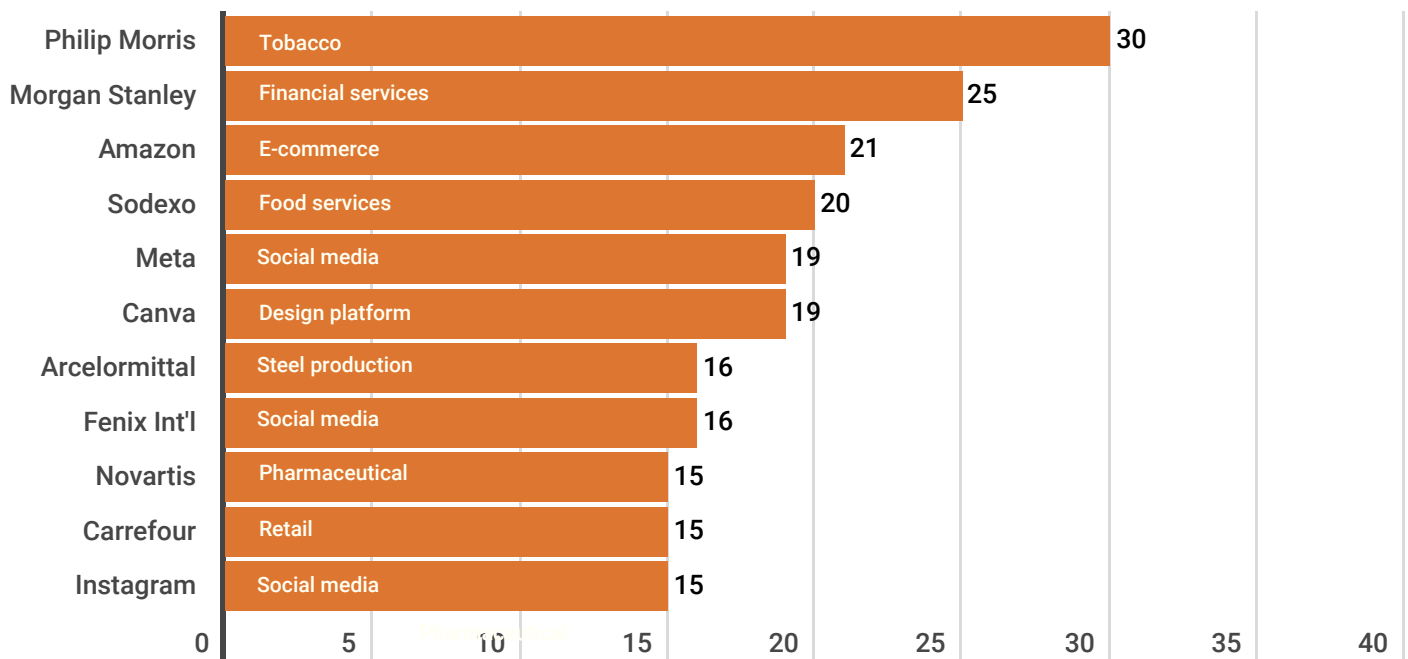
Most Common gTLDs in UDRP Cases



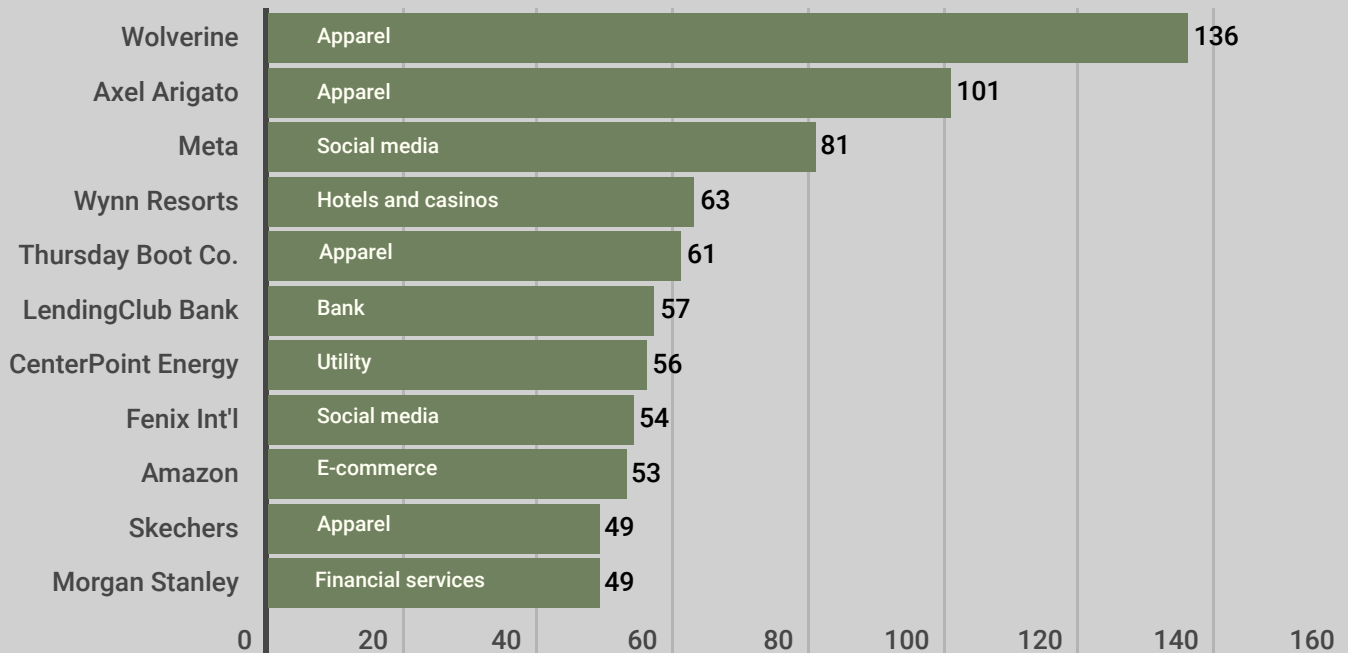
Most Common ccTLDs in UDRP Cases



Most Active Trademark Owners (UDRP Cases)



Most Active Trademark Owners (Domain Names in UDRP)



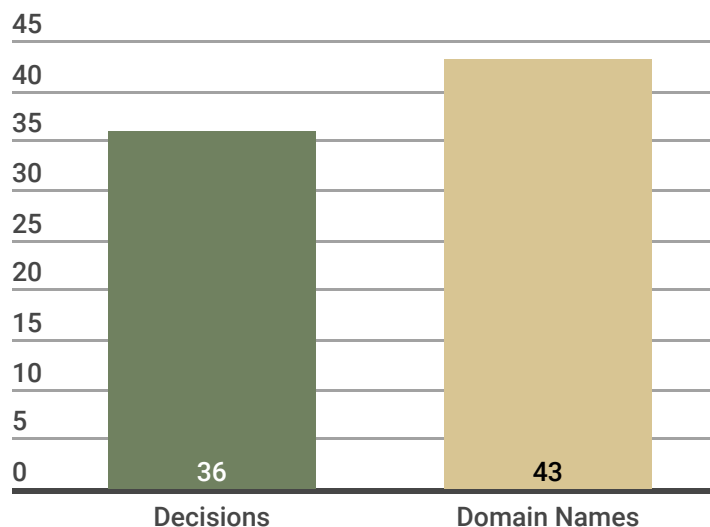
Number of URS Decisions and Domain Names

+16.1%

URS decisions v. Q1 2021

+22.9%

URS domain names v. Q1 2021



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.

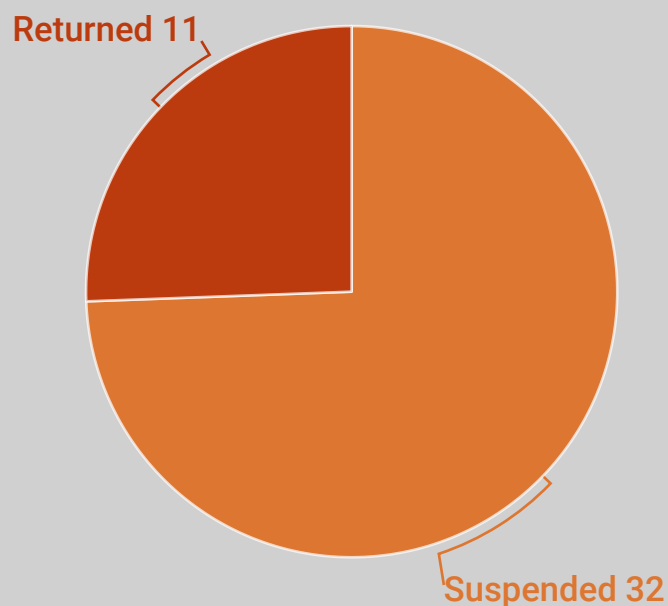
URS Outcome

74.4%

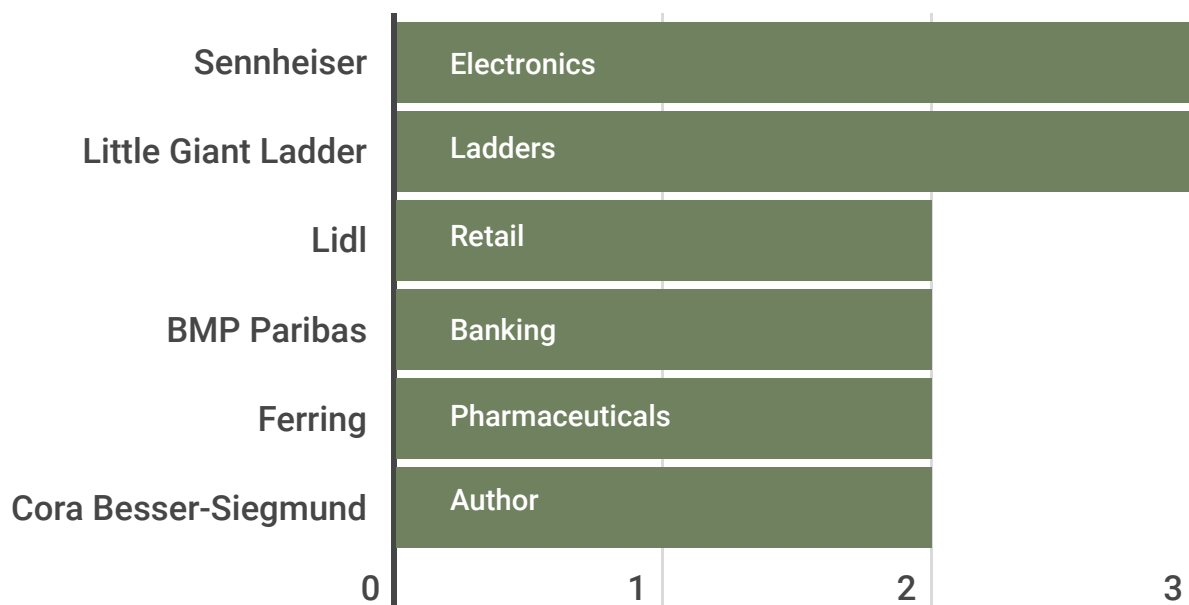
Suspended

25.6%

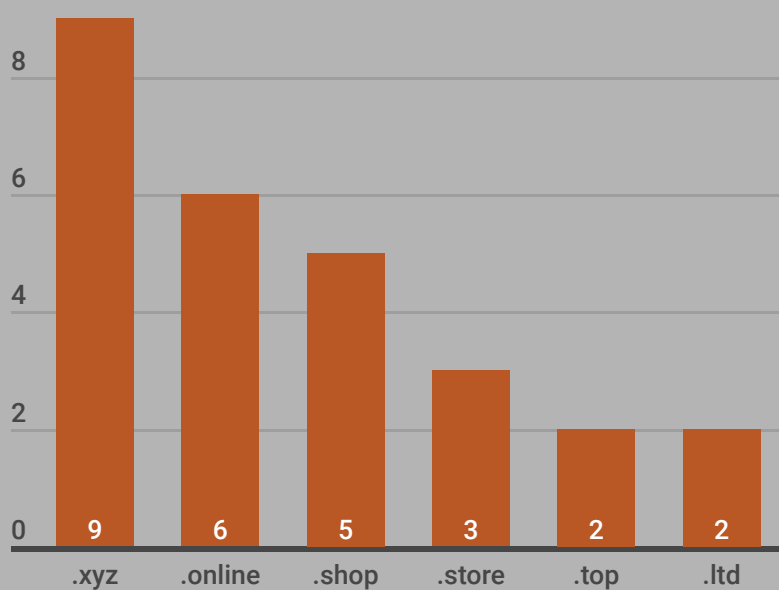
Returned



Most Active Trademark Owners (URS Cases)



Top gTLDs in URS Cases



Spotlight: Domain Name Disputes in Ukraine

Domain name disputes may seem like an unimportant topic in the context of a real war between two countries, but the Russian invasion of Ukraine and the ongoing devastation there may have some people wondering how cybersquatting issues are handled in those parts of the world.

In a new video (link below), I explain the .UA Domain Name Dispute Resolution Policy, which went into effect in 2019 and is based on the UDRP, with one significant substantive difference: The .UA policy only requires a trademark owner to prove that a domain name was registered or is being used in bad faith, not both.

I also discuss a number of procedural differences between the .UA dispute policy and the UDRP, including the language of proceedings (limited to English, Russian or Ukrainian) and the “mutual jurisdiction” provision (which is limited to the courts of Ukraine).

In the video, I also note that the World Intellectual Property Organization (WIPO) – which is the only provider of dispute services under the .UA policy – has issued a statement that applies to .UA disputes, or perhaps even to other domain name disputes that involve complainants or respondents from Ukraine or Russia, offering assistance for those who “are unable, or anticipate being unable, to perform an action within the prescribed time limits” because of the war.



Watch on YouTube: www.Giga.Law/ukraine-2022

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) office, and CIIDRC; and URS data from the Forum and MFSD. Analyzed data is from January 1-March 31, 2022, 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.