

Fast Facts: Domain Name Dispute Resolution

What is the FORUM Dispute Resolution Program?

- The [National Arbitration Forum](#) (FORUM) is an international leader in arbitration and mediation services. In 1999, the FORUM was approved by the Internet Corporation of Assigned Names and Numbers ([ICANN](#)), an international agency that oversees the Internet, to provide resolution services for domain name disputes around the world, under policies such as the Uniform Domain Name Dispute Resolution Policy ([UDRP](#)).
- More than 14,000 cases have been filed with the FORUM domain name dispute resolution program since the program's inception.
- FORUM domain name caseload volumes per year have increased steadily. The program now sees approximately 1,800 case filings a year.

| FORUM Domain Name Case Filings By Year | |
|---|-------|
| Year | Total |
| 1999-2001 | 1860 |
| 2002 | 1264 |
| 2003 | 937 |
| 2004 | 1023 |
| 2005 | 1369 |
| 2006 | 1658 |
| 2007 | 1805 |
| 2008 | 1770 |
| 2009 | 1759 |

What is a Domain Name Dispute?

Disputes arise from abusive registrations of domain names and infringements, such as:

- **Cybersquatting:** The act of registering and using a domain name with bad faith intent to profit from the goodwill of someone else's trademark. Examples of "bad faith" include directing web traffic to the website of a competitor or planning to sell the domain name to the trademark holder for a profit.
- **Typosquatting:** A form of cybersquatting using a domain name that contains a misspelling, or typo, of someone else's trademark. For example, the registered owner of hotmail.com used Microsoft's HOTMAIL trademark with the bad faith intent to profit from it.

Why Fight For Domain Names?

- Domain names are valuable assets; they allow Internet users to easily find and communicate with a company, product, service, individual, or trademark holder. As unique identifiers, domain names can damage a party's identity when improperly used.
- Parties faced with domain name infringement should consider quick, inexpensive, international, neutral, and expert legal action through the National Arbitration Forum domain name dispute resolution program. The benefits of FORUM domain name dispute resolution include:
 - **Quick:** Domain name dispute resolution is significantly shorter than litigation at around 50 days from date filed to date decided.
 - **Inexpensive:** Domain name dispute resolution is priced low, starting at \$1,300 plus legal fees.
 - **International:** Available around the world, domain name dispute resolution proceedings can be conducted by Panelists in several languages including English, French, Japanese, Spanish, Russian, and Chinese.
 - **Neutral and Expert:** Domain name dispute resolution cases follow established policies and rules, and are heard and decided primarily by intellectual property lawyers with specialized domain name, trademark, copyright, and/or e-commerce experience.

Step-By-Step: Domain Name Dispute Resolution

The Policies:

- Organizations such as the Internet Corporation of Assigned Names and Number (ICANN), NeuStar, and New.net created and continue to sponsor official domain name dispute resolution policies including the Uniform Dispute Resolution Policy (UDRP). Different policies and rule sets were created to govern the different TLDs (top level domains), extensions such as .com, .org, .biz, or .net.
- Each policy also has a set of corresponding Supplemental Rules issued by the National Arbitration Forum (FORUM). These [Supplemental Rules](#) govern the FORUM's procedures for administering domain name dispute cases.

The Decision:

- A final decision is reached after an independent panel conducts a close examination of the three elements of the ICANN policy, listed below. All elements must be satisfied before a disputed domain name will be transferred to the Complainant. If all three elements are not satisfied the claim will be denied. The three elements are:
 - **Identical and/or Confusingly Similar:** The domain name registered by the Respondent is identical or confusingly similar to a trademark or service mark in which the Complainant has rights.
 - **Rights or Legitimate Interests:** The Respondent has no rights or legitimate interests in respect of the domain name.
 - **Registration and Use in Bad Faith:** The domain name has been registered and is being used in bad faith.

The Process:

1. A party files a domain name Complaint with the FORUM in accordance with the appropriate policy and Supplemental Rules. A copy is sent to or transmitted to the Respondent and the disputed domain name's registrar.
2. Once the case is filed, the FORUM reviews the Complaint for administrative compliance. The Complainant has 5 days to bring the Complaint into compliance with the rules or the Complaint will be dismissed.
3. Once processed and accepted by the FORUM, the case is commenced. In most cases the Respondent has 20 days to file a response with the FORUM in accordance with the appropriate policy and Supplemental Rules.
4. The Respondent files a written response with the FORUM. If the Respondent does not provide a written response, the deciding panel will only consider the Complainant's submissions.
5. The FORUM's own Supplemental Rules allow each party to submit one additional submission following the FORUM's acceptance of the Response.
6. The FORUM assigns a panel to hear the case.
7. The panel reviews the Complaint and the Response, and has the discretion to review any additional submissions from the parties.
8. The panel issues a decision. The decision is published by the FORUM and communicated to the parties, the registrar, and the appropriate Internet body (such as ICANN or NeuStar).