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GIGALAW'S

DOMAIN DISPUTE DIGEST

THIRD QUARTER, 2022

No Dispute: UDRP Complaints Surge Worldwide

In the past month, I've attended two meetings of domain name panelists – one hosted online by the Forum and the other at WIPO's offices in Geneva (after a three-year hiatus, thanks to the pandemic). I was also invited to, but unfortunately could not attend, a third – in Prague for the Czech Arbitration Court.



This flurry of activity in many ways seems to mimic the flurry of domain name disputes in general, with a sharp increase in the number of cases and domain names under the Uniform Domain Name Dispute Resolution Policy (UDRP) last quarter, as the numbers on page 3 make clear. Plus, as we near the end of 2022, it seems obvious that trademark owners this year will file a record number of domain name dispute complaints – for the ninth consecutive year.

As usual, trademark owners from a wide variety of industries are filing cybersquatting complaints (see page 6), with many familiar names (Meta Platforms, Philip Morris, Google) being joined by

some new names (Guess, Veja, Blackbaud) on the lists of most-active complainants under the UDRP. And while there were some large UDRP complaints in the past quarter (four of which had more than 100 domain names – see page 4), most UDRP decisions still involve only a single domain name.

Taken together, all of this data shows that the cybersquatting problem continues to grow, that trademark owners are refusing to allow their brands to be infringed or tarnished online, and that the UDRP remains a very effective enforcement tool.

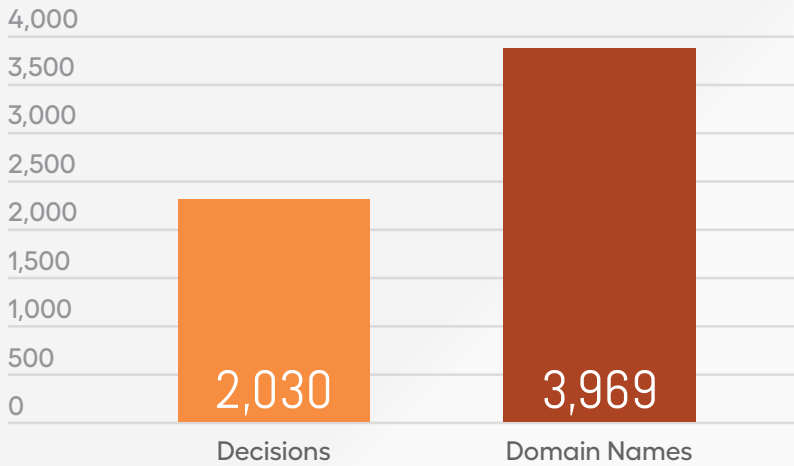
As I often say, the most rewarding part of my practice is helping brand owners protect themselves – and, simultaneously, their customers – across a wide variety of industries. In the past quarter, I filed UDRP complaints for clients in fields that include healthcare, financial services, sporting goods, social media, hospitality, and more. If I can help you or your company fight cybersquatters, please let me know.

Doug Isenberg

Attorney and Founder of GigaLaw
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Number of UDRP Decisions and Domain Names

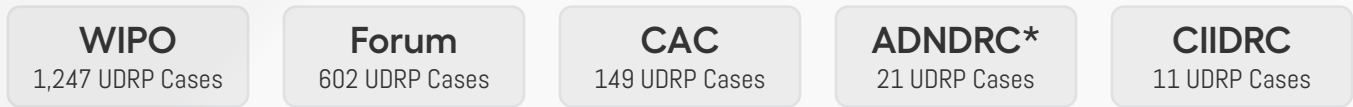


+24.2%

UDRP Decisions v. Q3 2021

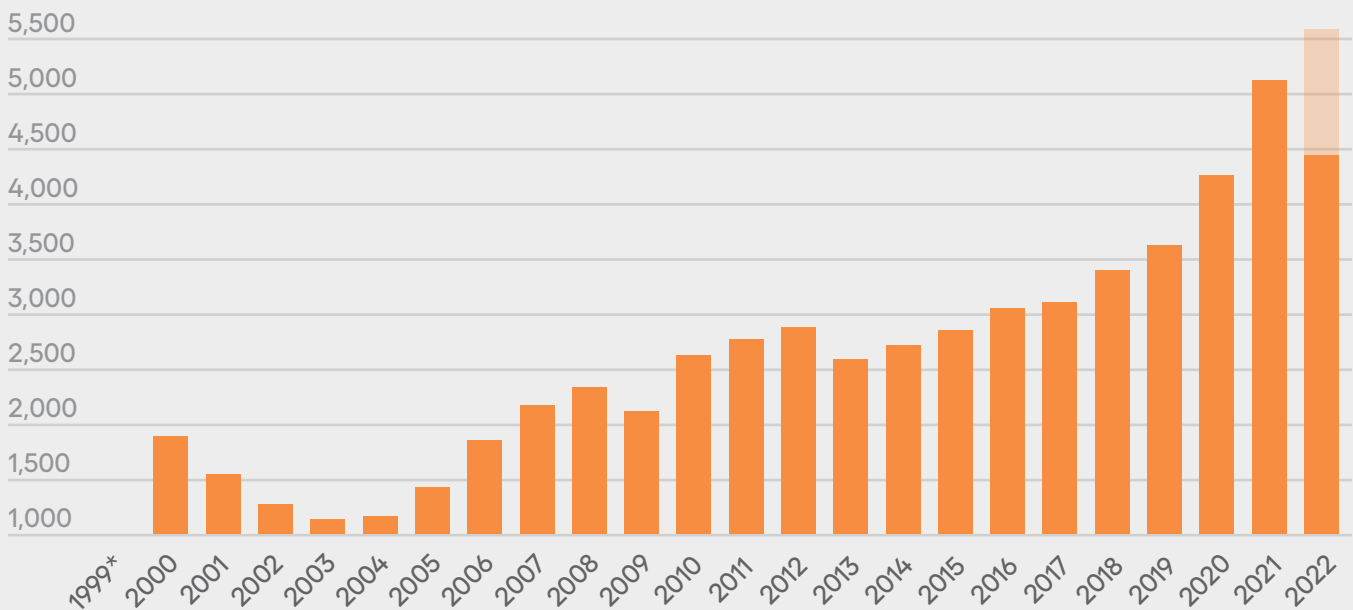
+18.3%

UDRP Domain Names v. Q3 2021



*HKIAC office only

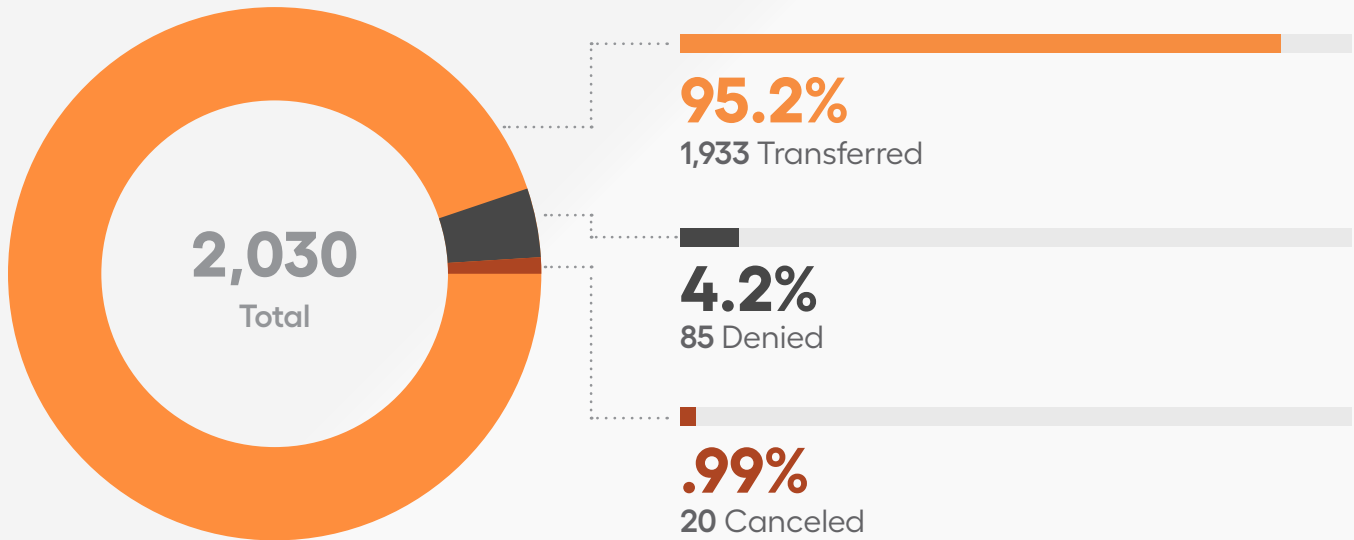
WIPO Domain Name Cases by Year



* One case was filed in 1999 Estimate for 2022

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 October 19, 2022.

UDRP Outcome

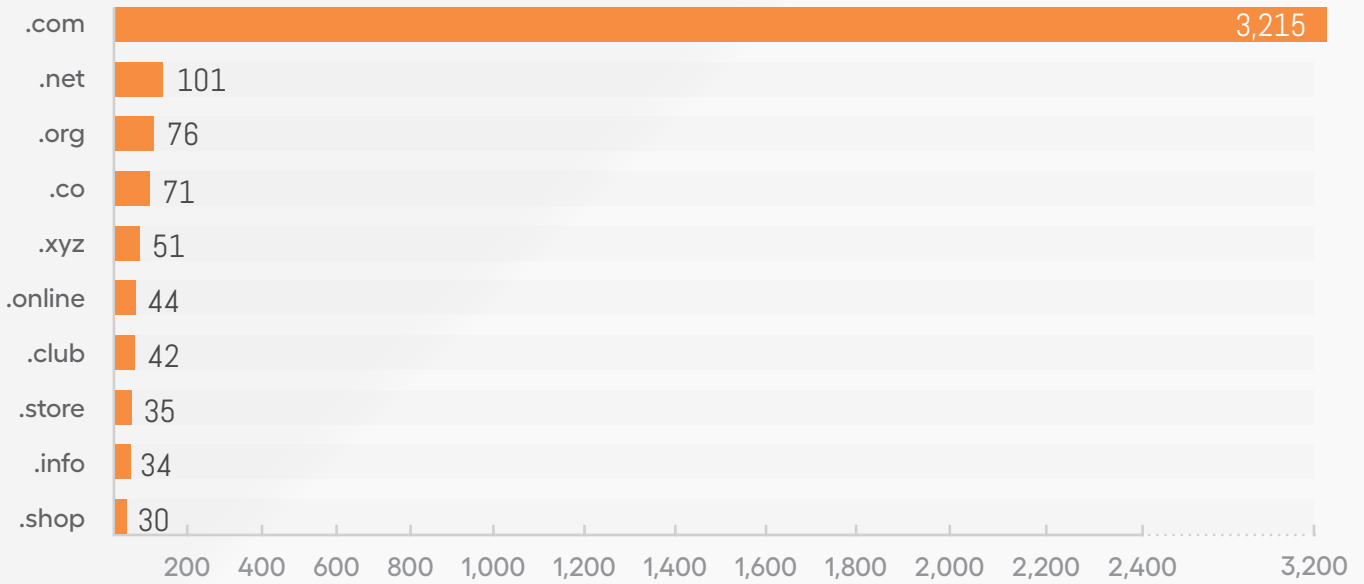


Total of outcomes is not 100% because of a small number of cases that resulted in split decisions.

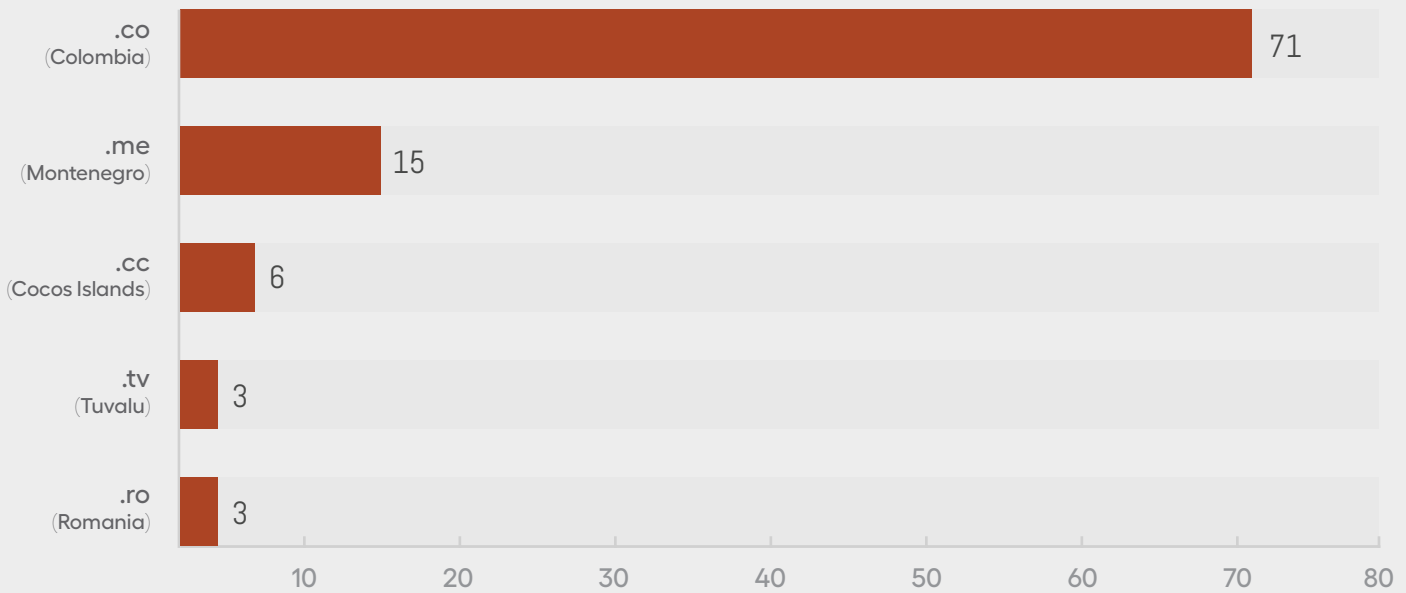
Largest UDRP Cases

Complainant	Case No.	No. of Domains	Complainant	Case No.	No. of Domains
Veja Fair Trade	D2022-1478	145	Cube Limited	DC02022-0055	30
Google	FA2206002001291	128	Ally Financial	D2022-1907	28
C. & J. Clark	D2022-0817	119	Meta Platforms	D2022-2485	27
Wolverine	FA2208002009101	100	Skechers	FA2208002006750	26
Dareos	D2022-1023	78	Coupang	D2022-1561	26
Verizon	D2022-2224	72	Acushnet	FA2208002008820	26
Limelife	D2022-1845	40	00FOS	FA2206002001213	22
Blackbaud	D2022-2189	38	Everlake	FA2206001998741	22
Skechers	FA2207002004683	37	Basic Net	D2022-0684	21
New Era Cap	FA2205001997364	35	Diadora	104793	21
Google	FA2206001999228	34	Etsy	FA2205001998208	20
Meta Platforms	D2022-1784	33	Skechers	D2022-2338	19

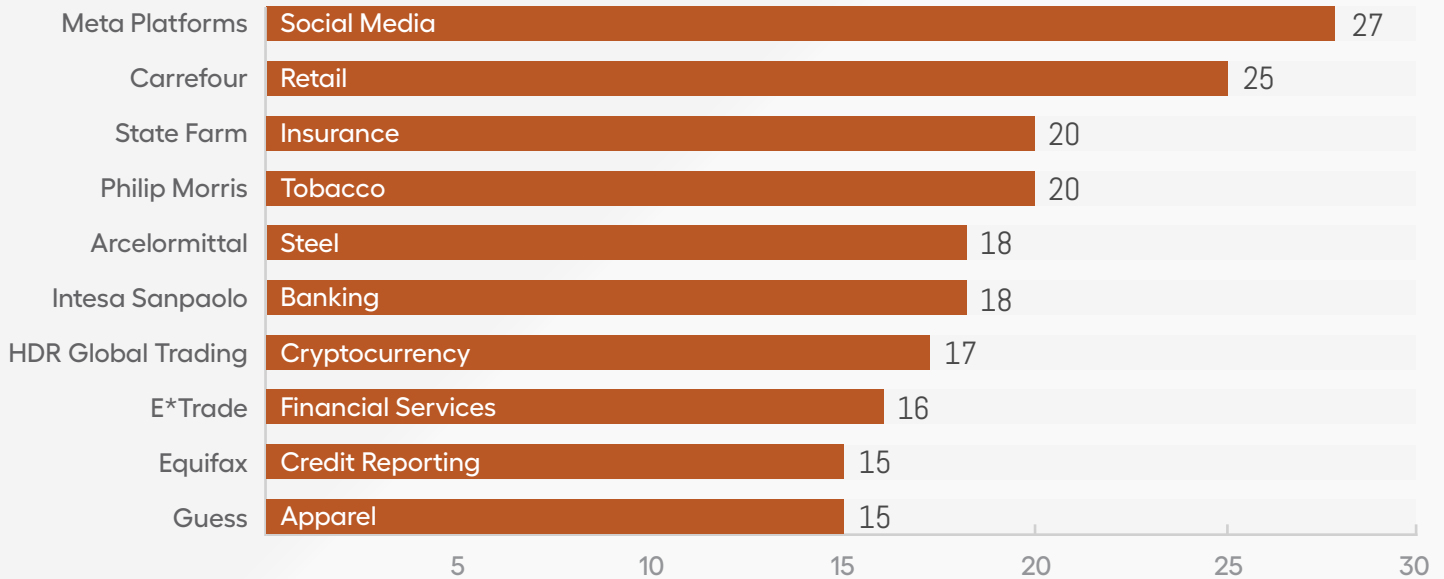
Most Common gTLDs in URDP Cases



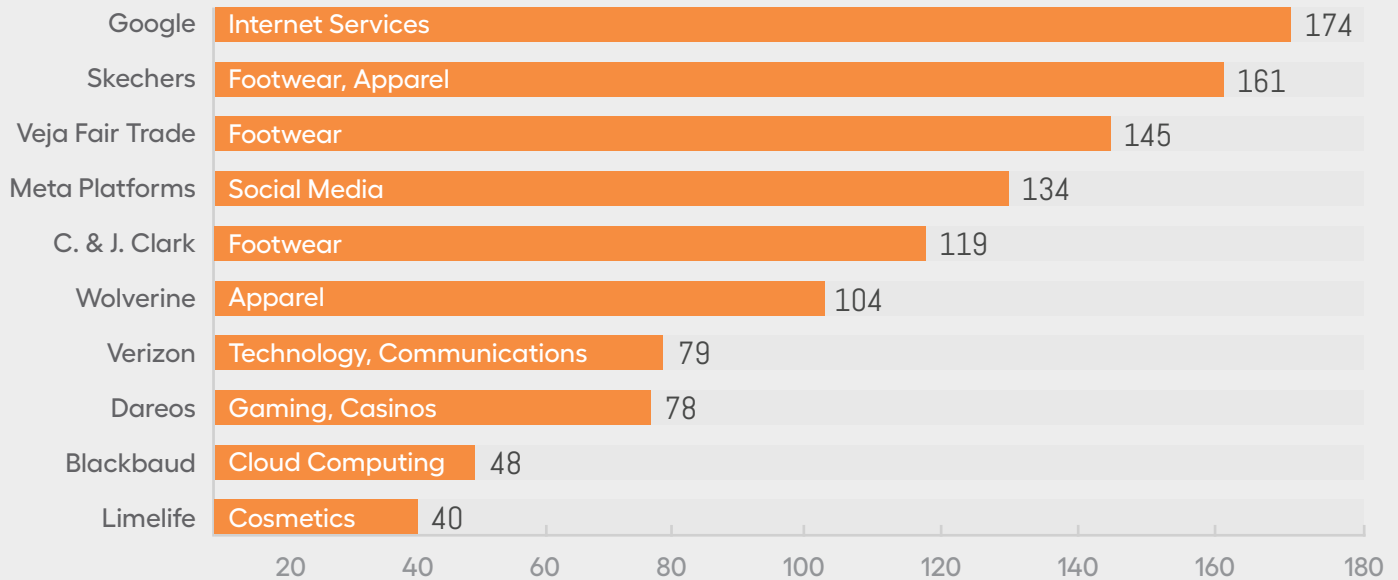
Most Common ccTLDs in URDP Cases



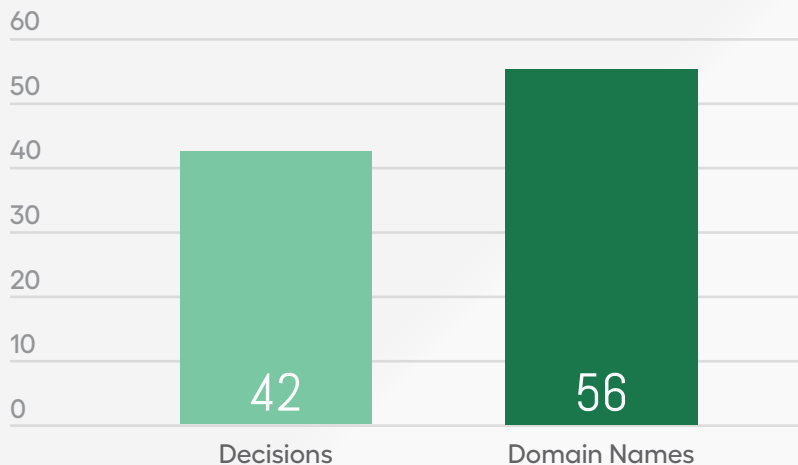
Most Active Trademark Owners (UDRP Cases)



Most Active Trademark Owners (Domain Names in UDRP)



Number of URS Decisions and Domain Names



-12.5%

URS Decisions v. Q3 2021

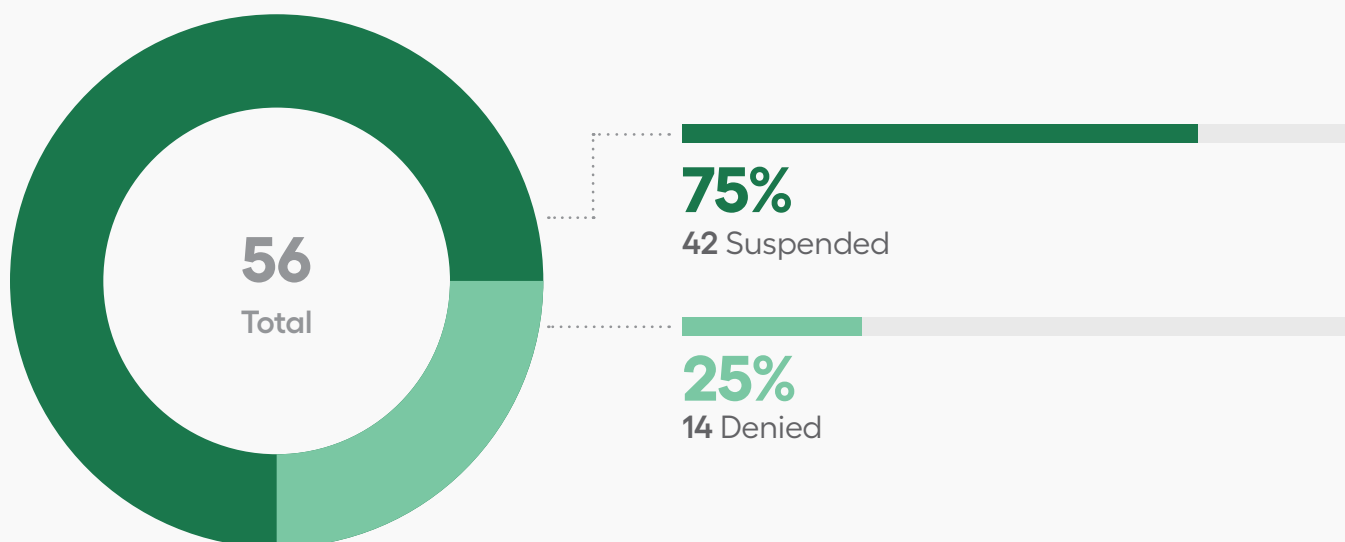
-1.8%

URS Domain Names v. Q3 2021

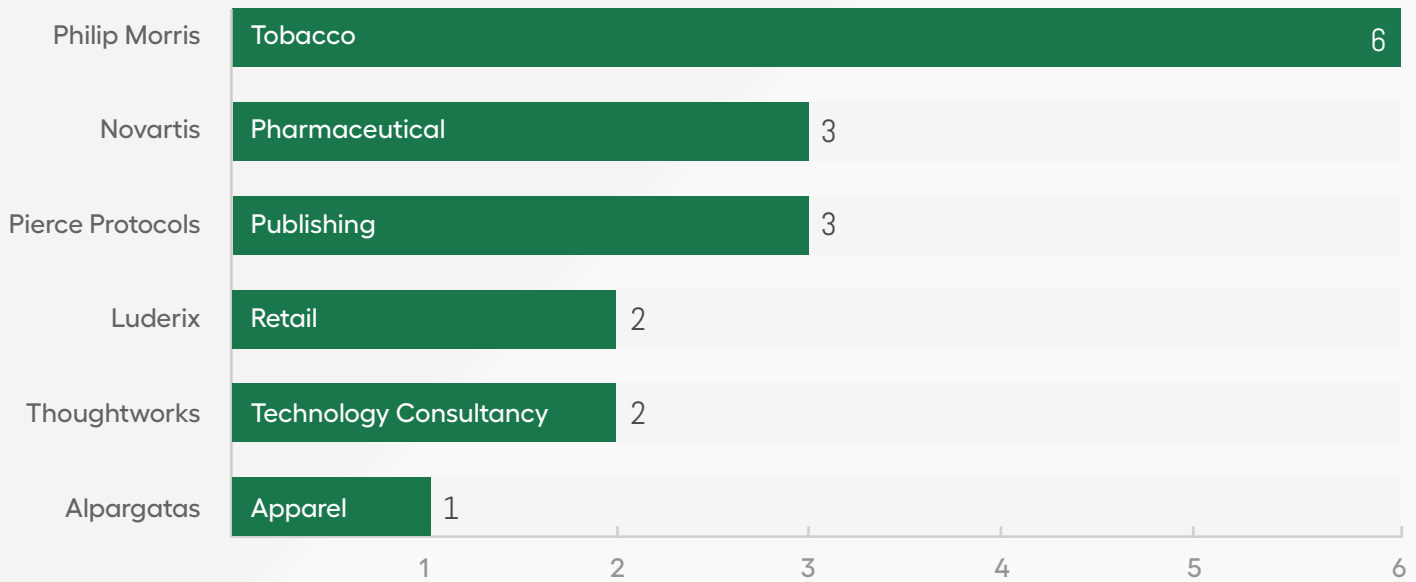
URS or UDRP?

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.

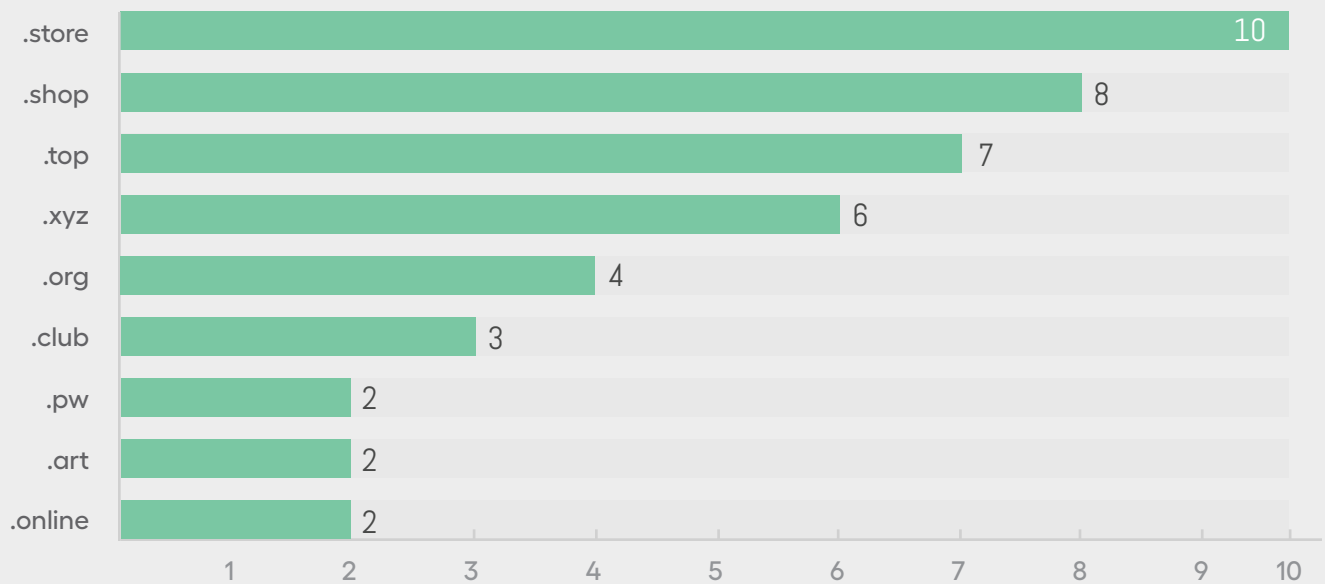
URS Outcome



Most Active Trademark Owners (URS Cases)



Most Common gTLDs (URS Cases)



Spotlight: Why **NOT** to Cancel a Domain Name in UDRP Cases

Cancellation has always been a very unpopular remedy under the Uniform Domain Name Dispute Resolution Policy (UDRP), and my analysis of last year's canceled domain names shows why I think trademark owners should never pursue this result — as I explain in a new [video](#).

As the chart on page 4 shows, the overwhelming majority of all UDRP decisions – more than 95 percent – result in orders to transfer the disputed domain names to the trademark owners who filed the complaints. Only a little more than 4 percent were denied.

But that means there was a small sliver of decisions, about 1 percent, in which trademark owners essentially won their cases but saw the disputed domain names canceled instead of transferred.

The UDRP specifically allows a trademark owner to elect one of these two remedies (transfer or cancellation) when it files a complaint. But in reality, few trademark owners choose cancellation, and, it's never once been a remedy that I've recommended for any of my clients in more than 20 years of handling domain name disputes. That's because my perspective is that any domain name worth pursuing through the UDRP is worth



obtaining, if for no other reason than to keep it out of the hands of a future cybersquatter.

As I discuss in the [video](#), I took a look at all of the domain names that were canceled via UDRP decisions in 2021, and I found that about 38 percent of them were being used in some way, which indicates these domain names were re-registered even after they were canceled as the result of UDRP proceedings.

Given the frequent re-registration of domain names canceled under the UDRP, I really just don't understand why a trademark owner would incur the time and expense of filing a UDRP complaint and seek any remedy other than transfer of the disputed domain names.

Watch the video: www.Giga.Law/udrp-do-not-cancel

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 (left), 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 July 1-September 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.

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