Current State of the UDRP

GNSO Council Overview of the Preliminary Issue Report

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Issue Report Request

- 3 Feb 2011- GNSO Council request for Issue Report on the current state of the UDRP
- The Issue Report to cover:
  - How the UDRP has addressed the problem of cybersquatting to date, and any insufficiencies/inequalities associated with the process
  - Whether the definition of cybersquatting inherent within the existing UDRP language needs to be reviewed or updated
  - Suggestions for how a possible PDP on this issue might be managed

Current Approach & Next Steps

- Webinar 10 May heard from experts on the current state of the UDRP
- Questionnaire to UDRP providers submitted facts for Issue Report
- Preliminary Issue Report published for public comment
- UDRP Session- Wed 8:30 -10:30 Padang Room
- http://singapore41.icann.org/node/24551
- Final Issue Report to be released after Singapore
- GNSO Council to vote on whether to initiate a PDP on the UDRP

Current State of the UDRP

Widely Recognized as a Success

- Over 30,000 complaints filed over last decade
- Four service providers approved by ICANN providing choice and competition
- Viable alternative to costly litigation involving parties from differing jurisdictions
- Served as a model for ccTLDs
- Significant service provider resources in education and publishing decisions

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Community Opinion of the UDRP

- The UDRP is **cost effective**, as compared to traditional litigation
- The UDRP is **flexible and fair to respondents**- rarely challenged in court
- The UDRP is **predictable and transparent**
- The UDRP is **unfair to brand holders**, who spend million$ on cybersquatting
- Although not perfect, more harm than good can result from a PDP
- If the UDRP is to be reviewed at all, focus on process improvements
- ***Consensus*** *- a PDP could undermine the effectiveness of the UDRP*

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Staff Recommendation

- Given the Community view that the UDRP should not be tampered with, ***Staff recommends against initiating a PDP***
- If the GNSO Council believes that the UDRP should be reviewed:
  - Staff suggests convening a team of experts
  - Experts to focus on process recommendations only
  - PDP could be initiated later if there is a continued desire to review the policy

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Additional Information

- The UDRP- http://www.icann.org/en/udrp/#udrp
- Review archive of the Webinar on the Current State of the UDRP: http://icann.adobeconnect.com/p22471828/
- Participate in the public comment forum on the Preliminary Issue Report- until 15 July 2011 http://icann.org/en/announcements/announcement-2-27may11-en.htm

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Thank You

One World

One Internet

Questions