

Dispute resolution procedure for IGO names and abbreviations



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Background

- Protection of IGO names and abbreviations as domain names – a subset of WIPO II recommendations
- Considerable attention from governments and IGOs
- Discussed in Wellington in relation to the New gTLD process
- Included in GAC Principles for New gTLDs
- RN WG concluded that reserved name status was not appropriate for IGO names and abbreviations
- Issues Report requested 24 May, delivered 15 June
- Discussions in San Juan - staff requested to draft a DRP
- Draft DRP delivered 28 September

Some highlights

- The procedure as drafted maps the protection of IGO names and abbreviations as stated in the WIPO-2 recommendations and as supported by international law.
- Drafting text is largely drawn from previous work in the Joint Working Group in 2004, but as a separate DRP.
- The procedure is foreseen for new gTLDs, as part of the contractual conditions available to applicants beforehand. Its application to existing gTLD would be subject to a GNSO PDP.
- Appeals can be made to an arbitral tribunal.

Key provisions

- In case of a dispute, the IGO plaintiff has to prove that the defendant's domain suggests to the public that a connection to the IGO exists or misleads the public as to the existence of such a connection. The outcome is thus not a given - a panel would rule in favour of the defendant if there is no such alleged connection that could confuse the public.
- There are also certain IGOs, most notably the Red Cross, for which the underlying treaty stipulates how to use that particular IGO name or abbreviation. Violation of the rules for use in such a treaty constitutes an additional ground for objection and dispute resolution.

Thank You!
Questions? Comments?