



香港國際仲裁中心

Hong Kong International Arbitration Centre

Domain Name Dispute Resolution - the Recent Trends in Hong Kong

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***This presentation is prepared and deployed with the
kind permission of HKIAC***

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About the HKIAC

- Established in 1985
- Non-profit making organisation
- Aims
 - To assist the disputed parties to resolve disputes by arbitration or the other alternative dispute resolution
- Twenty-five Council Members – Board of Directors.
- 300 international and local arbitrators of experience and distinction.
- Over 500 international and local mediators of experience and distinction.
- Two statutory functions
 - to decide the number of Arbitrator
 - to appoint arbitrator(s)



HKIAC Domain Name Dispute Resolution Services

- **gTLDs** - ICANN Uniform Domain-Name Dispute-Resolution Policy (UDRP)
- **.hk** - HKDNR Domain Name Dispute Resolution Policy (HKDNP)
- **.cn** - CNNIC Domain Name Dispute Resolution Policy (CNDRP)
- **.pw** (Palau) - Domain Name Dispute Resolution Policy (PHDRP)
- **.ph** (Philippines) - Domain Name Dispute Resolution Policy (PHDRP)
- **Internet Keyword** - CNNIC Internet Keyword Dispute Resolution Policy (IKDRP)



Why Raise a Dispute?

A Whois lookup of a Cybersquatter:



HKIRC
Hong Kong Internet Registration Corporation Limited
HKDNR
Hong Kong Domain Name Registration Company Limited

The .hk Domain Name Administrator

→ Login

→ 繁體

→ 简体

Register Manage WHOIS Partnership Membership About '.hk' Dispute Resolution Company Information

Whois Result

<input checked="" type="radio"/> PACIFICTRADING.HK	<input type="radio"/> SOYO.HK	<input type="radio"/> BANDAI.HK	<input type="radio"/> GAMERFU.HK
<input type="radio"/> HARRIS.HK	<input type="radio"/> STARBUCKS.HK	<input type="radio"/> CAPCOM.HK	<input type="radio"/> NAUTICA.HK
<input type="radio"/> BMG.HK	<input type="radio"/> VICTORIASECRET.HK	<input type="radio"/> HOLLYWOOD.HK	<input type="radio"/> BARBIE.HK
<input type="radio"/> CLARINS.HK	<input type="radio"/> COLGATE.HK	<input type="radio"/> KIKKOMAN.HK	<input type="radio"/> GUESS.HK
<input type="radio"/> REVLON.HK	<input type="radio"/> ASIANA.HK	<input type="radio"/> HUGO.HK	<input type="radio"/> KONAMI.HK
<input type="radio"/> MACROMEDIA.HK	<input type="radio"/> HEINZ.HK	<input type="radio"/> BORLAND.HK	<input type="radio"/> VICTORIASECRET.HK
<input type="radio"/> ANIME.HK	<input type="radio"/> SOGO.HK	<input type="radio"/> LEASE.HK	<input type="radio"/> AOL.HK
<input type="radio"/> MATTEL.HK	<input type="radio"/> GUCCI.HK	<input type="radio"/> PWE.HK	<input type="radio"/> REDDRAGON.HK
<input type="radio"/> REMOTE.HK	<input type="radio"/> VIRTUAL.HK	<input type="radio"/> USER.HK	<input type="radio"/> RAT.HK
<input type="radio"/> VERIFY.HK	<input type="radio"/> F5.HK		

Display

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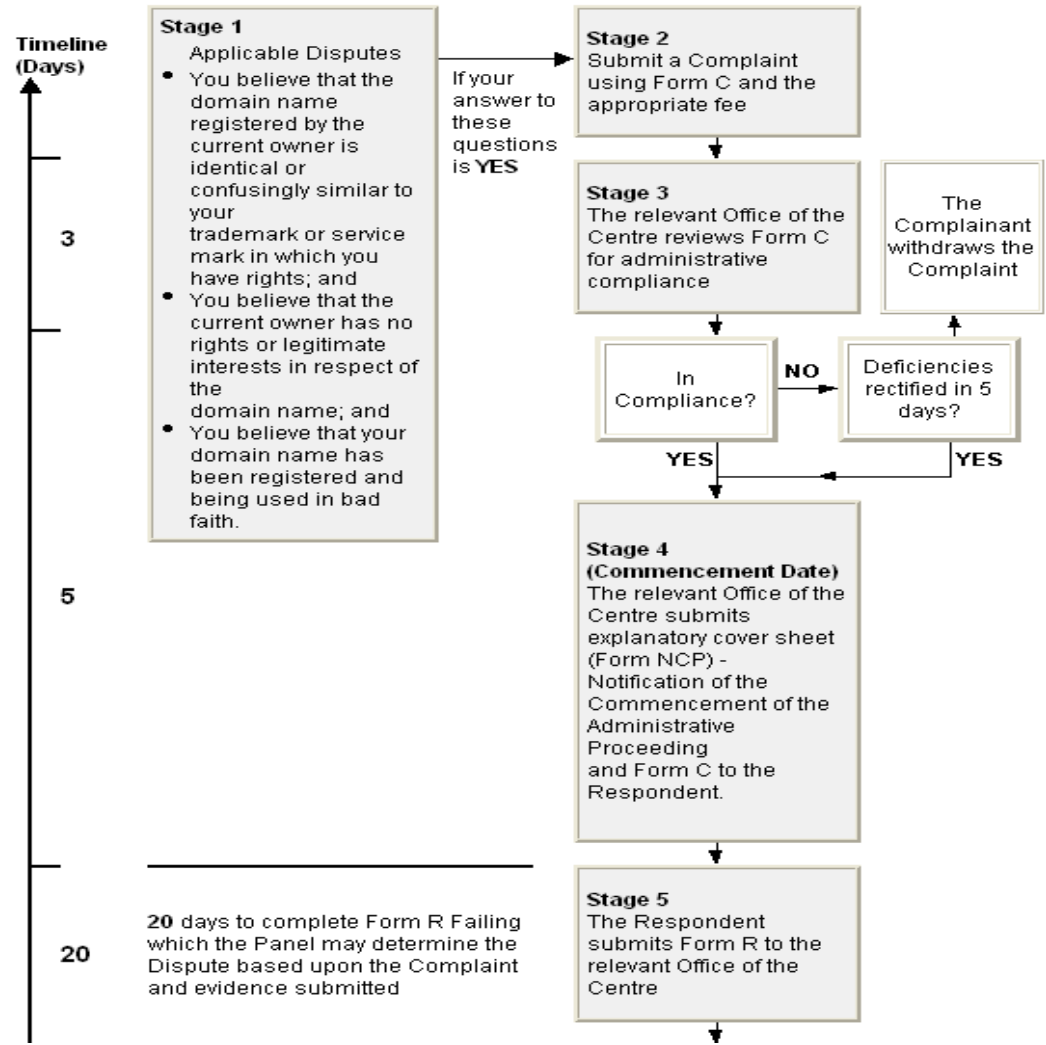


Why Raise a Dispute?

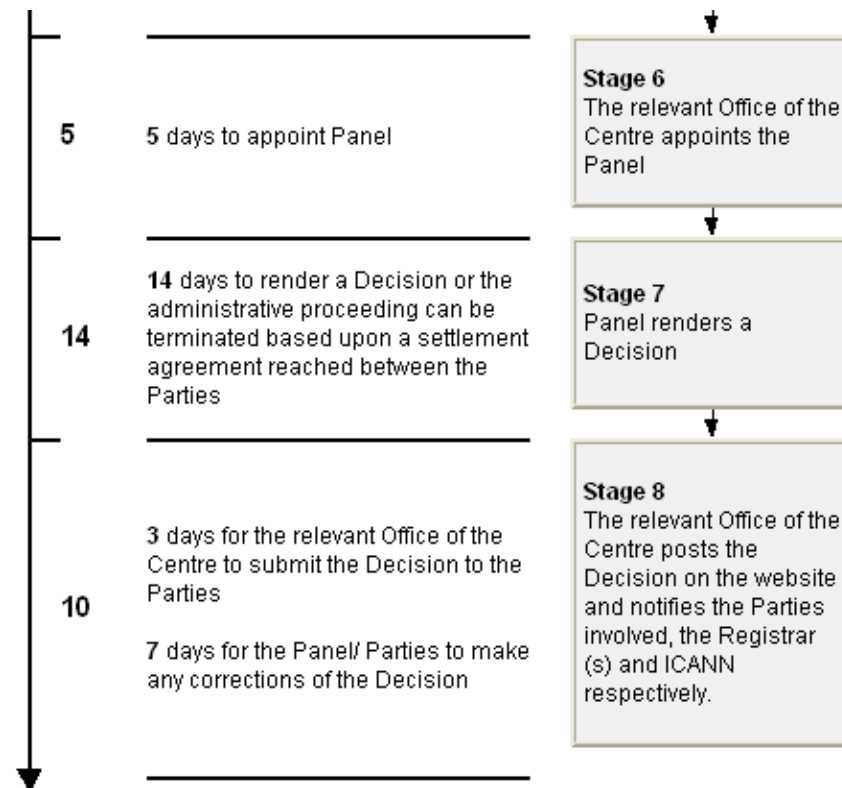
- The domain name is identical or confusingly similar to a trademark/service mark in HK in which the Complainant has rights
- The Registrant has no rights or legitimate interests in respect of the domain name
- Registration and Use in Bad Faith



Dispute Resolution Process: (Stage 1- 5)



Dispute Resolution Process: (Stage 5- 8)

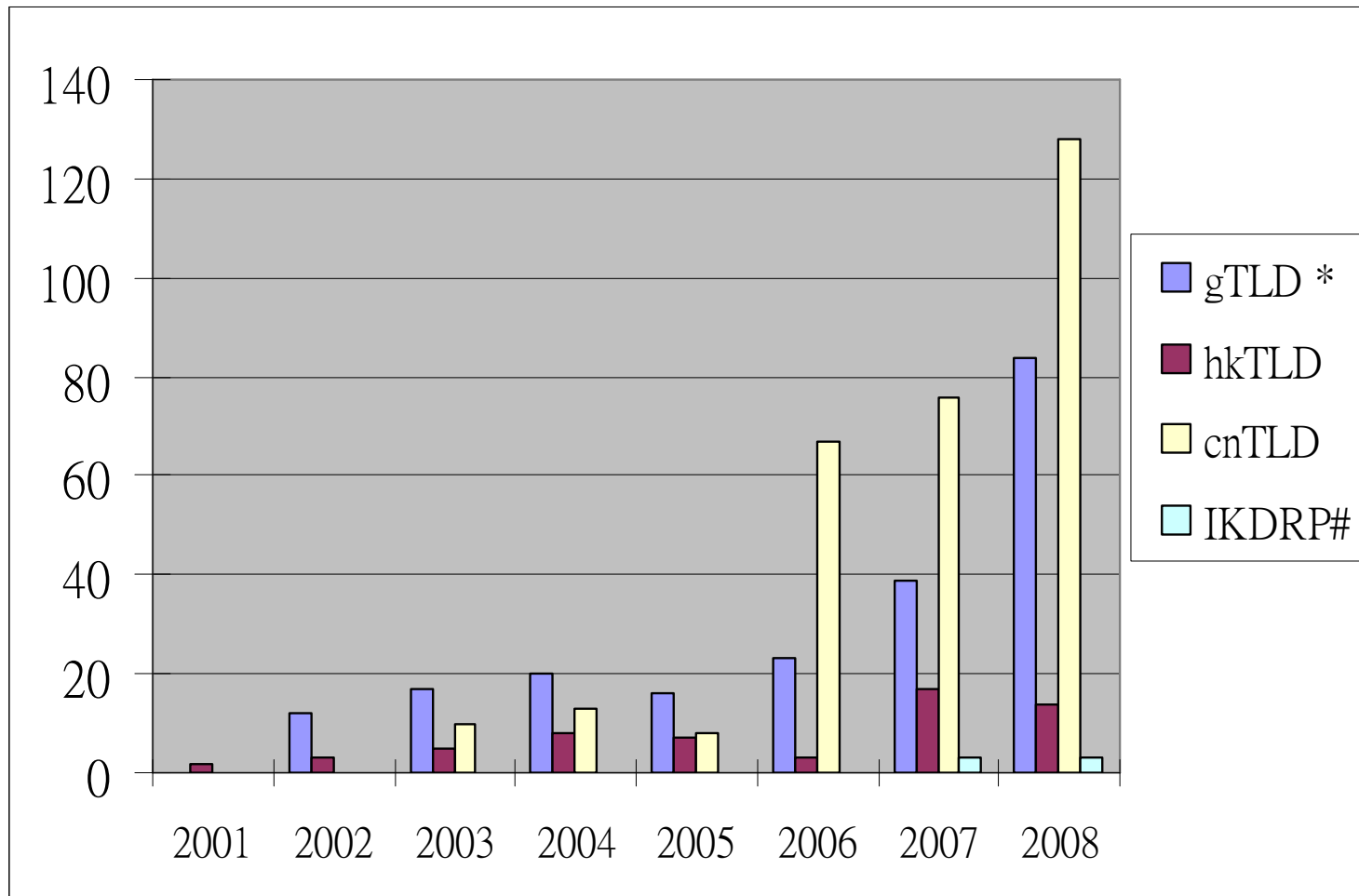


Case Statistics

	2001	2002	2003	2004	2005	2006	2007	2008	<u>Total</u>
UDRP	Nil	12	17	20	16	23	39	84	<u>211</u>
HKDRP	2	3	5	8	7	3	17	14	<u>62</u>
CNDRP	Nil	Nil	10	13	8	67	76	128	<u>302</u>
Keyword	Nil	Nil	Nil	Nil	Nil	Nil	3	3	<u>6</u>
<u>Total:</u>	<u>2</u>	<u>15</u>	<u>32</u>	<u>41</u>	<u>31</u>	<u>93</u>	<u>135</u>	<u>229</u>	<u>578</u>

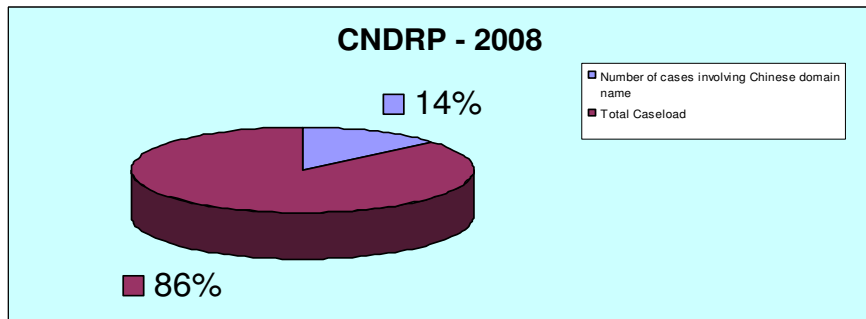
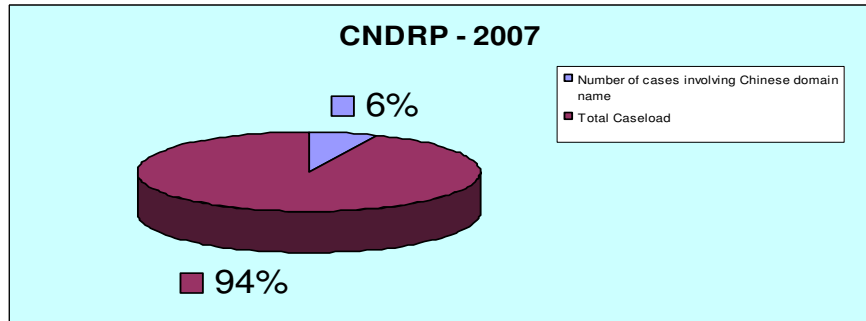
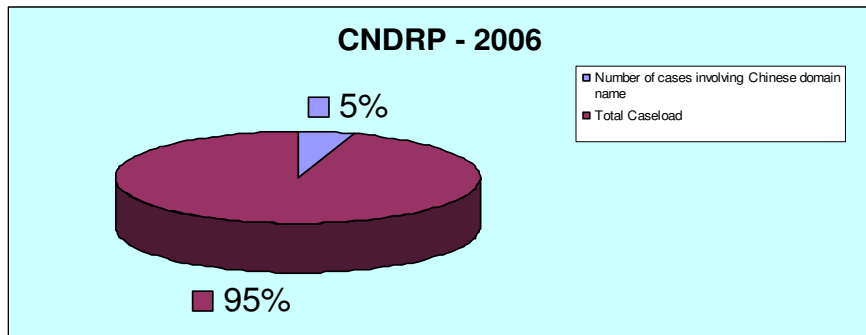


Case Statistics



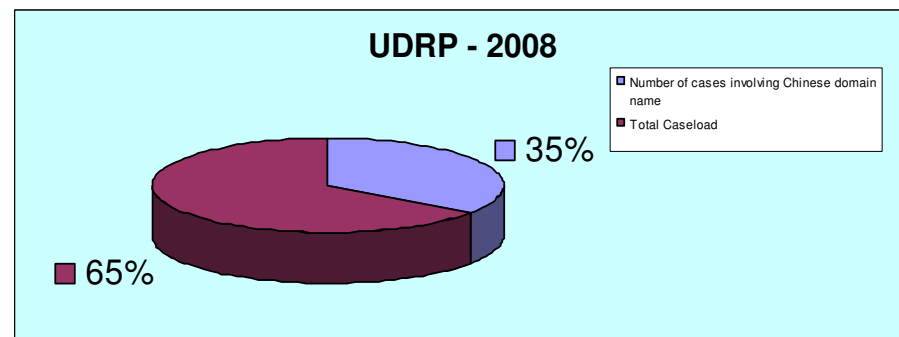
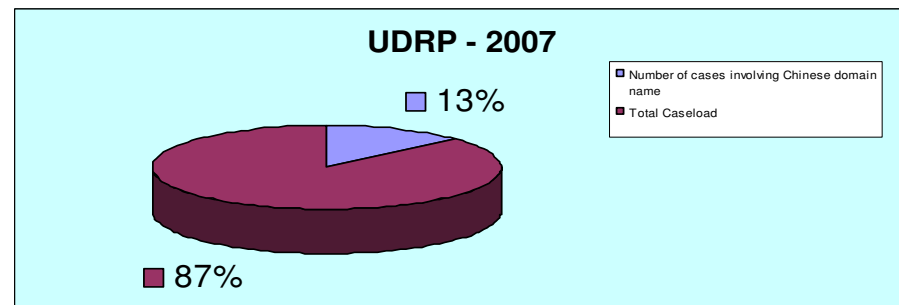
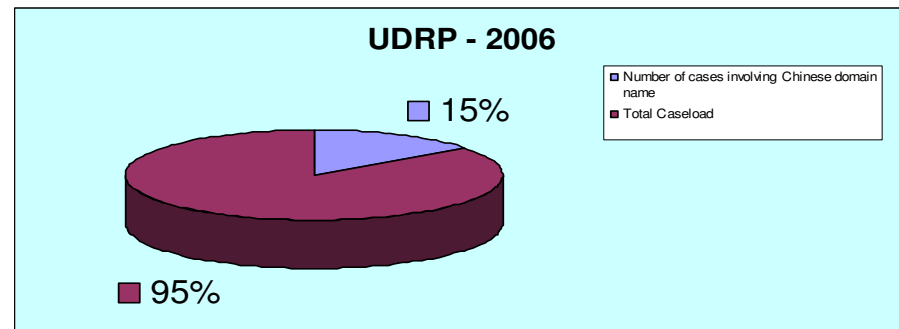
CNDRP Cases Involving IDN

Year	Number of cases involving Chinese domain name	Total Caseload
2006	5	93
2007	9	135
2008	20	128



UDRP Cases Involving IDN

Year	Number of cases involving Chinese domain name	Total Caseload
2006	4	23
2007	6	39
2008	45	84



Selected Recent Cases

UDRP:

- HK-0900266 <wistron.tel > (.tel)
- HK-0900264 <纬创资通.com> (Simplified Chinese)
- HK-0900240 <tsmc.asia> (.asia)
- HK-0800235 <李嘉诚.com> (Celebrity)



Selected Recent Cases

HKDRP

- DHK-0800037 <迪士尼樂園.hk>
- DHK-0800034 <微软.hk / 微軟.hk>

CNDRP:

- DCN-0900358 <messe-stuttgart.cn> (exceeded the two years time limit)
- DCN-0800324 <纬创资通.cn> <纬创资通.中国> <緯創資通.cn> <緯創資通.中国> (IDN)

Internet Keyword:



- KW-0800005 <香港长江集团/香港長江集團>
- KW-0800004 <airbus>

How to Prevent Domain Name Disputes

- Register all the names and abbreviations of your company as domain names
- Put in use of your domain names . (For example, pointing to your homepage)
- Do not forget to renew your domain names
- If possible, out source the domain name administration to a service provider





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Thank you !

*Should you have any questions please feel free to discuss
or refer to the HKIAC via the following channels:-*

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