

**Reforming the Uniform
Domain-Name Dispute-
Resolution Policy (UDRP) to
Accommodate
Underrepresented
Entrepreneurs and Low-
Income Earners.**

**Daphne Mercy Ekpe – USA –
Washington University of
Science and Technology – IP
& Tech Law and
Cybersecurity**



About the Author

I am a highly skilled professional with a robust educational background and extensive experience in the intersection of law, technology, and intellectual property. I hold a Master of Laws in Intellectual Property Law and Technology from the American University and I am currently pursuing a Master of Science in Cybersecurity at the Washington University of Science and Technology.

Professional Experience

- Associate at Welsh Flaxman and Gitler LLC
- Senior Social Impact IP Law Leader at Technology Innovation Law LLC

Expertise Knowledge

I leverage a unique perspective to champion changes in domain name dispute resolution that extend beyond conventional legal boundaries.



Explaining the Uniform Domain-Name Dispute- Resolution Policy

The UDRP sets out the legal framework for the resolution of disputes between a domain name registrant and a third party (i.e., a party other than the registrar) over the abusive registration and use of an Internet domain name in the generic top-level domains or gTLDs and those countries code top-level domains or ccTLDs that have adopted the UDRP on a voluntary basis. The UDRP was established to provide a streamlined and cost-effective mechanism for resolving domain name disputes involving trademark owners and domain registrants.

Conflict
Resolution

How the policy relates to ICANN's goals



Multilingual Internet

This goal is focused on key elements to enable and foster digital inclusivity through the next round of new gTLDs, Internationalized Domain Names, and increased awareness of the importance of Universal Acceptance.



Combatting DNS Abuse

Continue to enhance how ICANN combats DNS abuse across several dimensions as it is a threat to Internet users' security and safety online. ICANN's Strategic Plan commits to improving the shared responsibility for upholding the security and stability of the DNS and working to identify and mitigate DNS security threats through greater engagement.



Reason for this Topic

There is no better time for the introduction of the Uniform Domain-Name Dispute Resolution Policy than now to promote fairness and access to domain names while preserving rights associated with trademarks. By promoting inclusivity and adequate legal representation for underrepresented entrepreneurs and low-income earners, the UDRP achieves the ICANN's goals in tackling cybersquatting and cyberbullying. However, is the policy (as it is) sufficient to tackle these issues mostly faced by underrepresented entrepreneurs and low-income earners? Underrepresented entrepreneurs and low-income earners are those who cannot afford legal representation and small business owners.



Statement of Problem



The Uniform Domain-Name Dispute-Resolution Policy do not favor underrepresented entrepreneurs and low-income earners because of loopholes such as high cost of fees associated with UDRP proceedings and lack of knowledge about the UDRP. The underlying cause of the issues stems from the disputes over domain names and trademarks. However, the nature of domain names and trademarks are different. Some of the problems the UDRP should be tackling are as follows:

Statement of Problem

Cybersquatting



- Example: A person registers a domain name identical or similar to a well-known brand, intending to profit from the brand's reputation. For example, in 2011, Goggle.com was considered a phishing site following the complaint of Google.com
- Unfair Aspect: Legitimate businesses may lose customers to deceptive websites.

Statement of Problem

Trademark Cyber Bullying



- Example: A big brand files a domain name dispute against a small brand on the basis of trademark confusion. However, there is really no confusion because both trademarks can be distinguished. For example, Monster energy drink, a big brand of Hensen once used its “Monster status” to institute a domain name dispute with the small brand of Vermont brewery over the trademark “Vermonster.”
- Unfair Aspect: Small brands are forced to lose their brands and domain names because of financial disadvantage.

ICANN Fees for UDRP

Single Panelist

Number of Domain Names Included in the Complaint	Fee (United States Dollars)
1 to 5	1500 [Panelist: 1000; WIPO Center: 500]
6 to 10	2000 [Panelist: 1300; WIPO Center: 700]
More than 10	To be decided in consultation with the WIPO Center



RECOMMENDATION

ICANN Fees for UDRP

Three Panelists

Number of Domain Names Included in the Complaint	Fee (United States Dollars)
1 to 5	4000 [Presiding Panelist: 1500; Co-Panelist: 750; WIPO Center: 1000]
6 to 10	5000 [Presiding Panelist: 1750; Co-Panelist: 1000; WIPO Center: 1250]
More than 10	To be decided in consultation with the WIPO Center



RECOMMENDATION

Jurisdictional Comparison

The minimum wage for these countries are as follows:

Nigeria (NGN)	India (INR)	Pakistan (PKR)	United States (\$)
65,000 per month	3,696 per month	32,000.	1,218

RECOMMENDATION

Recommendations

1. Fee Reduction or Waivers: One of the primary obstacles for underrepresented entrepreneurs and low-income earners is the cost associated with initiating UDRP proceedings. Reform could involve reducing or waiving the filing fees for individuals or small businesses that meet certain income or revenue criteria. This would make the UDRP process more affordable and equitable. This approach can lower financial barriers and enable individuals with limited resources to participate in the dispute resolution process without facing significant financial burdens.



RECOMMENDATION

Current Examples

UNITED STATES
PATENT AND TRADEMARK OFFICE

uspto



RECOMMENDATION

Recommendations

2. Legal Aid and Assistance: Providing access to legal aid or pro bono legal services for underrepresented entrepreneurs can help them better understand the UDRP process and navigate it effectively. This assistance can ensure that they have a fair chance to protect their rights and interests. By establishing partnerships with legal aid organizations or providing pro bono legal services, the reformed UDRP can ensure that all parties have access to adequate support and representation during the dispute resolution proceedings.



RECOMMENDATION

Recommendations

3. Education and Outreach: Develop educational programs and outreach initiatives to raise awareness among underrepresented communities about the UDRP and its benefits. By providing accessible resources and information, the reformed UDRP can empower individuals to better understand their rights and options when it comes to resolving domain name disputes.



RECOMMENDATION

Current Examples

UNITED STATES
PATENT AND TRADEMARK OFFICE



Korean Intellectual
Property Office

RECOMMENDATION

Any Questions?

Thank
You!



Contact:

daphneekpe@gmail.com



References

- The Uniform Domain-Name Dispute-Resolution Policy
- Leah Chan Grinvald. Shaming Trademark Bullies
<https://wlr.law.wisc.edu/wp-content/uploads/sites/1263/2011/07/02-Grinvald.pdf>
- Cheryl L. Hodgson. When enforcement becomes bullying – <https://www.worldtrademarkreview.com/>
- Aelex (2023). Cybersquatting - How to Protect your Domain Name from Cybersquatters in Nigeria.
- Velocity Global (2024). Minimum Wage by Country in 2024: A Global Guide for Global Employers
<https://velocityglobal.com/resources/blog/minimum-wage-by-country>
- Internet Corporation for Assigned Names and Numbers – <https://www.icann.org/>