

# ■ Quick Guide to WIPO Domain Name Dispute Resolution Services for the .CN and .中国 ccTLD

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# In this webinar

- A brief overview of WIPO .CN and .中国 proceedings
- The main characteristics of .CN and .中国 proceedings as compared to the UDRP
- The main benefits of filing a case with WIPO in comparison to court litigation

## After this webinar, you can:

- Send us your follow-up questions
- Download this presentation
- Receive a recording of the webinar

# WIPO .CN and .中国 Proceedings

- Since August 2019, WIPO has administered 47 .CN and .中国 cases covering 111 domain names
  - 13 pending, 32 decided (all transferred), 2 terminated
- Top three Complainant's filing countries: United States of America, France, China
- Top three Complainant's industries: Internet/IT, Fashion, Banking/Finance [and, Biotech/Pharma]

■ <payoneer.com.cn>



■ <bulgaribeijing.cn>



■ <facebook.net.cn>



■ <legolife.cn>



# WIPO Domain Name Dispute Resolution Service for .CN and .中国

Country / Territory Code	.CN and .中国
Country / Territory Name	China
Whois Search	<a href="#">Whois Search</a>
Dispute Resolution Policy	<p><b><i>Variation of UDRP</i></b></p> <p><a href="#">China ccTLD Dispute Resolution Policy</a></p> <p><b><i>Relevant differences between the UDRP and the .CN Policy</i></b></p> <ul style="list-style-type: none"> <li>▶ <a href="#">Applicability</a></li> <li>▶ <a href="#">Rights Covered</a></li> <li>▶ <a href="#">Bad Faith</a></li> <li>▶ <a href="#">Examples of Bad Faith</a></li> <li>▶ <a href="#">Mutual Jurisdiction</a></li> <li>▶ <a href="#">Language of Proceedings</a></li> <li>▶ <a href="#">Communications</a></li> </ul>

## WIPO Toolkit

[Panel Decisions](#)

[WIPO Model Complaint in English](#)

[WIPO Model Complaint in Chinese](#)

[WIPO Model Response in English](#)

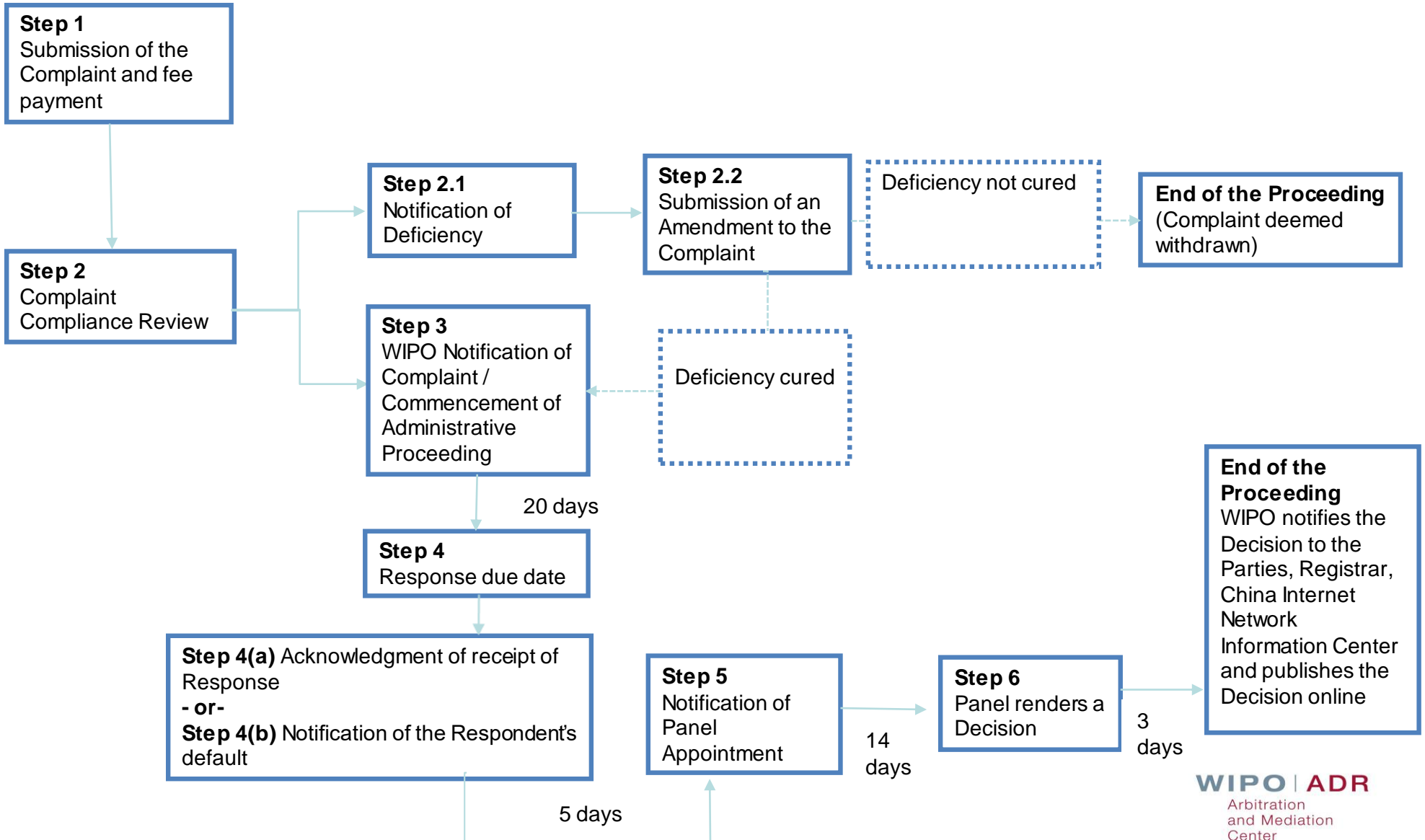
[WIPO Model Response in Chinese](#)

[Schedule of Fees](#)

<https://www.wipo.int/amc/en/domains/ccTLD/cn/index.html>

# Relevant policy documents

- China ccTLD Dispute Resolution Policy (the “Policy”)
- China ccTLD Dispute Resolution Policy Rules (the “Rules”)
- WIPO Supplemental Rules for China ccTLD Dispute Resolution Policy and China ccTLD Dispute Resolution Policy Rules (the “Supplemental Rules”)





# WIPO Model Complaint and WIPO Model Response

■ Available in Chinese and English

<b>WIPO Model Pleadings</b>	<a href="#">WIPO Model Complaint in English</a>
	<a href="#">WIPO Model Complaint in Chinese</a>
	<a href="#">WIPO Model Response in English</a>
	<a href="#">WIPO Model Response in Chinese</a>

<https://www.wipo.int/amc/en/domains/cctld/cn/index.html>

# Determination of Language of a .CN/.中国 Proceeding – Article 6, Policy

- “The language of the domain name dispute resolution proceedings shall be Chinese, unless otherwise agreed by the parties or determined by the Panel.”

# Determination of Language of a .CN/.中国 Proceeding – Article 8, Rules

- “Unless otherwise agreed by the Parties or determined in exceptional cases by the Panel, the language of the domain name dispute resolution proceedings shall be Chinese. The Panel may order that any documents submitted in languages other than Chinese be wholly or partially translated into Chinese.”

# Determination of Language of a .CN/.中国 Proceeding – Paragraph 18, WIPO Supplemental Rules

- “[u]nless otherwise agreed by the parties, or determined by the Panel under exceptional circumstances, the language of the administrative proceeding shall be Chinese. The Panel may order that any documents submitted in languages other than Chinese be accompanied by a translation in whole or in part into Chinese.”

# Applicability of a .CN/.中国 Proceeding – Article 2, Policy

- “The Policy is applicable to disputes result from registration or usage of domain names. However, the Dispute Resolution Service Providers do not accept the Complaint regarding domain names with registration term of over three years.”

- <templespa.cn> (WIPO Case No. DCN2019-0009)



- <jeanrousseau.cn> (WIPO Case No. DCN2020-0005)



# .CN/. 中国 – The Three Substantive Elements

Complainant must show:

- **identical or confusingly similar** to a name or mark in which the Complainant has civil rights or interests;
- Absence of **registrant rights or legitimate interests**; and
- Domain name **registered or used** in bad faith.

# First element – Rights covered

(whereas the UDRP is limited to the protection of trademark rights)

- Under the .CN Policy, a complainant may establish that a domain name is identical or confusingly similar, not only to a mark, but to **any “name”** in which the complainant has civil rights or interests (Policy, Article 8(a))

## Second Element: Rights or Legitimate Interests – Article 10, Policy

- *bona fide* offering of goods or services; or
- commonly known by the domain name; or
- legitimate noncommercial or fair use



# Third Element: Bad Faith Registration or Use – Article 9, Policy

- to sell, rent or otherwise transfer the domain name registration(s) to obtain unjustified benefits; or
- to prevent the owners of the names or marks from reflecting the names or the marks in corresponding domain name(s); or
- to damage the Complainant's reputation, disrupt the Complainant's normal business or create confusion with the Complainant's name or mark so as to mislead the public; or
- other circumstances

# Third Element: Bad Faith Registration or Use – Article 9, Policy

- **<oculusvr.cn> (WIPO Case No. DCN2019-0016)**



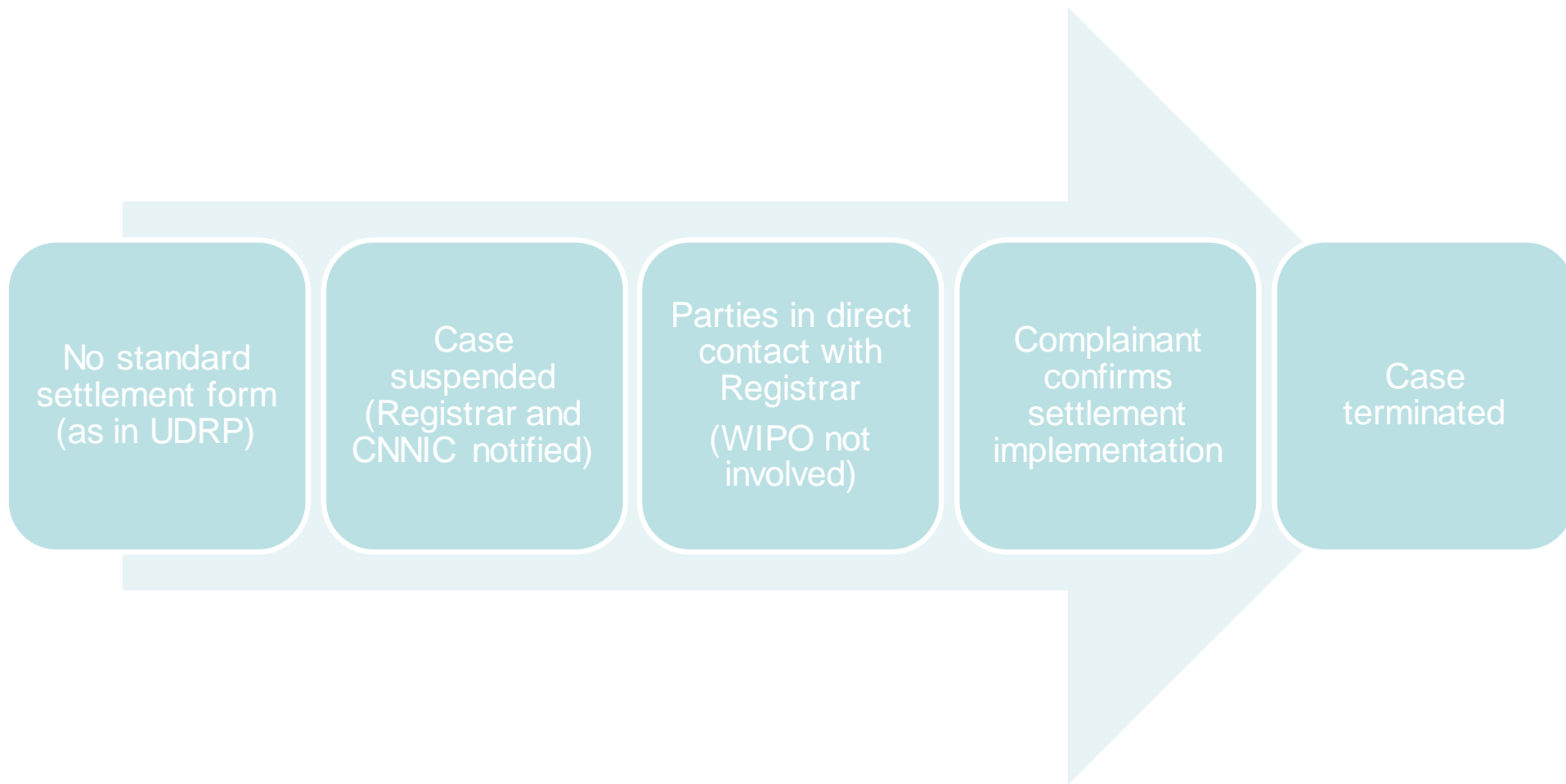
- **<afflelou.cn> (WIPO Case No. DCN2020-0010)**



# Mutual Jurisdiction – Policy, Article 15

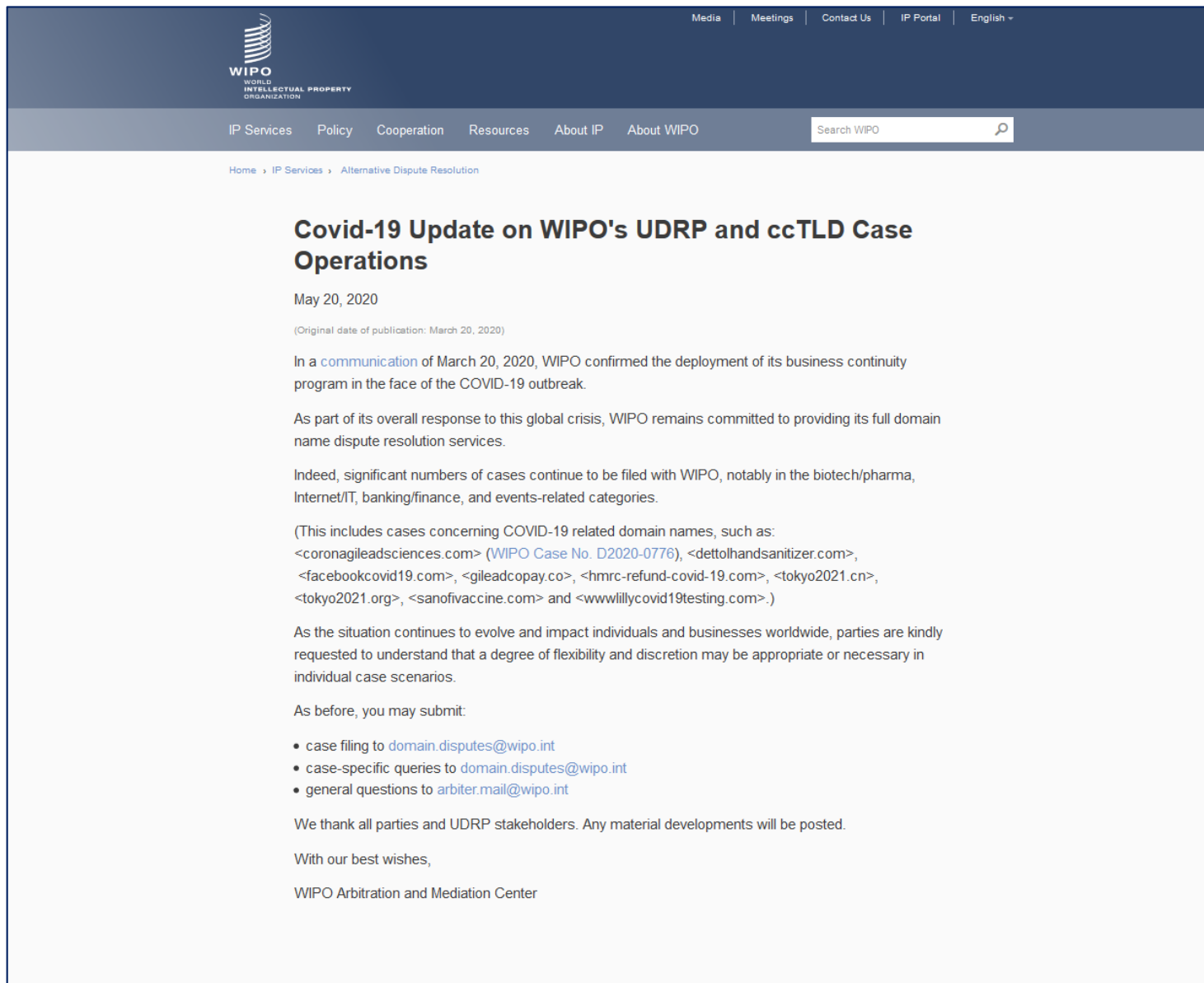
- “Before a Complaint is filed pursuant to this Policy, or during the dispute resolution proceedings, or after the expert Panel has rendered its decision, either party may institute an action concerning the same dispute with the Chinese court at the place where CNNIC's office is located or subject to the agreement between the parties, submit the dispute to a Chinese arbitration institution for arbitration.”

# Suspension and Settlement



# Main benefits of the .CN/.中国 Proceedings

- Time-effective proceedings (**2 months**)
- Cost-effective proceedings
  - For a [typical] single member panel Complaint involving 1 to 5 domain names the filing fee is **USD 1,200**
- Online proceedings (WIPO model pleadings available for parties)
- “Appeals” to court still possible if desired (but rarely used)
  - Arbitration option



The screenshot shows the WIPO website's header with navigation links for Media, Meetings, Contact Us, IP Portal, and English. Below the header is a search bar and a navigation menu with links for IP Services, Policy, Cooperation, Resources, About IP, and About WIPO. The main content area features a breadcrumb trail: Home > IP Services > Alternative Dispute Resolution. The primary heading is "Covid-19 Update on WIPO's UDRP and ccTLD Case Operations", dated May 20, 2020. The text explains that WIPO confirmed its business continuity program in March 2020 and remains committed to providing UDRP services. It lists several domain names affected by COVID-19, such as coronagileadsciences.com, facebookcovid19.com, gileadcopy.co, hmrc-refund-covid-19.com, tokyo2021.cn, tokyo2021.org, sanofivaccine.com, and www.lillycovid19testing.com. The update requests flexibility in case scenarios and provides contact information for submitting cases or queries.

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Home > IP Services > Alternative Dispute Resolution

## Covid-19 Update on WIPO's UDRP and ccTLD Case Operations

May 20, 2020

(Original date of publication: March 20, 2020)

In a [communication](#) of March 20, 2020, WIPO confirmed the deployment of its business continuity program in the face of the COVID-19 outbreak.

As part of its overall response to this global crisis, WIPO remains committed to providing its full domain name dispute resolution services.

Indeed, significant numbers of cases continue to be filed with WIPO, notably in the biotech/pharma, Internet/IT, banking/finance, and events-related categories.

(This includes cases concerning COVID-19 related domain names, such as:  
<coronagileadsciences.com> ([WIPO Case No. D2020-0776](#)), <dettolhandsanitizer.com>, <facebookcovid19.com>, <gileadcopy.co>, <hmrc-refund-covid-19.com>, <tokyo2021.cn>, <tokyo2021.org>, <sanofivaccine.com> and <www.lillycovid19testing.com>.)

As the situation continues to evolve and impact individuals and businesses worldwide, parties are kindly requested to understand that a degree of flexibility and discretion may be appropriate or necessary in individual case scenarios.

As before, you may submit:

- case filing to [domain.disputes@wipo.int](mailto:domain.disputes@wipo.int)
- case-specific queries to [domain.disputes@wipo.int](mailto:domain.disputes@wipo.int)
- general questions to [arbiter.mail@wipo.int](mailto:arbiter.mail@wipo.int)

We thank all parties and UDRP stakeholders. Any material developments will be posted.

With our best wishes,

WIPO Arbitration and Mediation Center

<https://www.wipo.int/amc/en/center/wipocenterupdate.html>



## WIPO Cybersquatting Case Filing Surges During COVID-19 Crisis

June 3, 2020

The COVID-19 pandemic appears to have fueled an increase in cybercrime. This is also true for cybersquatting cases filed with WIPO's Arbitration and Mediation Center, which has clocked a steady increase as compared with the same period last year.

As much of the world has been working from home, businesses and consumers are relying heavily on the Internet and related IT resources – whether to engage in their “day jobs”, to shop online, or to inform themselves on staying safe in the current pandemic.

Many domain name registration authorities have even reported an increase in the number of domain names registered. These may be used for news/information sites, or even to provide new business offerings, but much like social media platforms, are also being used to spread misinformation and to engage in illegal and fraudulent activities.

Since 1999, brand owners have used the WIPO-developed [UDRP \(Uniform Domain Name Dispute Resolution Policy\)](#) to address so-called cybersquatting, i.e., the bad-faith registration and use of a domain name targeting a trademark. Among other important design elements, the UDRP operates globally, and online, which means that cases are far more efficient and less expensive than court litigation around the world.

As a time-tested tool for reclaiming infringing domain names from bad actors, the UDRP has served trademark owners in nearly 48,000 WIPO cases already. Increasingly, in addition to cases in generic Top-Level Domains (gTLDs) like .COM, this includes cases under national domains, so-called ccTLDs (country code Top-Level Domains), such as .CN and 中国 for China, .EU for the European Union, or .UA for Ukraine.

As part of its overall response to the COVID-19 crisis, WIPO has continued to provide its full domain name dispute resolution services. Indeed, in the face of increased abuse towards brand owners and consumers, significant numbers of cases are being filed with WIPO, notably in the biotech/pharma, Internet/IT, banking/finance, and events-related categories.

Such filing now also includes disputes concerning COVID-19 related domain names, such as the following representative sample:

- <coronagileadsciences.com> (WIPO Case No. D2020-0776)
- <dettolhandsanitizer.com>
- <facebookcovid19.com> (WIPO Case No. D2020-0885)
- <gileadcopay.co>
- <hmrc-refund-covid-19.com>
- <telus2021.ca>

# Contact us

- Queries: [arbiter.mail@wipo.int](mailto:arbiter.mail@wipo.int)
- Further information: <https://www.wipo.int/amc/en/domains>
  
- **WIPO Center Domain Name Newsletter**
  - [https://www3.wipo.int/newsletters/en/#adr\\_highlights](https://www3.wipo.int/newsletters/en/#adr_highlights)
- **WIPO Center Webinars**
  - <https://www.wipo.int/amc/en/events/webinar.html#upcoming>
  
- **WIPO Center Offices**
  - Geneva, Switzerland
  - Singapore, Singapore