

## MAIN PROGRAM 06

# WIPO ARBITRATION AND MEDIATION CENTER

### **06.1 Arbitration and Mediation Services**

### **06.2 Domain Name Policies and Procedures**

#### **Summary**

130. In preceding biennia, the WIPO Arbitration and Mediation Center (the “Center”) has focused on the resolution of domain name disputes, in response to strong demands from the market for international, expeditious and reliable services to cope with cybersquatting. But the Center has also administered the arbitration and mediation of cases concerning IP matters such as patent infringement, trademark coexistence agreements, software development agreements, and a variety of licensing instruments. The Center’s arbitration and mediation caseload is likely to continue to increase, driven by rising worldwide demand for alternative resolution of IP disputes, and market acceptance of the Center’s accumulated knowledge and the availability of WIPO-appointed neutrals possessing specialist expertise in diverse aspects of IP.

131. The Center will continue to promote the protection of IP in the domain name system, in partnership with relevant authorities, domain name registrars, and administrators of country-code domains. The Center will continue to work within the framework of the recommendations adopted by the WIPO General Assembly in response to the First and Second WIPO Internet Domain Name Processes. The resulting introduction of the Uniform Domain Name Dispute Resolution Policy (UDRP) in particular has yielded a highly effective remedy against the bad-faith registration by third parties of domain names corresponding to the rights of trademark owners. In the face of the dynamic nature of the demand, the Center meets the challenge of planning its domain name dispute resolution resources by using state of the art infrastructure including on-line case communication, WIPO model documents, and a WIPO case management database.

132. The Center will strengthen its contribution to dispute resolution by training legal professionals from a broad range of Member States in arbitration and mediation skills as applied to IP disputes. Outreach to legal professionals and IP-related professional organizations will be a priority in 2004-2005. The Center will emphasize

collaboration with other WIPO programs and with relevant professional and non-governmental organizations, to foster the formation of skilled IP mediators and arbitrators in developing countries and countries having recently adopted market economies.

133. The strategic position of the Center as the unique global provider of quality services for alternative resolution of IP disputes will allow WIPO to complement its global protection services under the PCT, Madrid and The Hague systems and to provide inventors and creators worldwide with increasingly comprehensive global services covering both the protection and the enforcement of IP rights. The global services of WIPO will add an effective option to users of the IP system, contribute to the development of the IP infrastructure, and lower the barriers to effective exploitation of IP rights of non-traditional users of the IP system such as SMEs and enterprises in developing countries.

#### SUB-PROGRAM 06.1

#### **ARBITRATION AND MEDIATION SERVICES**

**Objective:** To enhance the protection of IP through the resolution of IP disputes by arbitration and mediation.

Expected Result	Performance Indicators
Increased conventional arbitration and mediation caseload.	<ul style="list-style-type: none"><li>• Number of cases under WIPO Rules.</li><li>• Number of requests for appointment of WIPO arbitrators and mediators.</li></ul>

134. This sub-program provides services for the resolution of IP disputes in response to requests for mediation and arbitration under the WIPO Mediation Rules, WIPO Arbitration Rules, and WIPO Expedited Arbitration Rules.

135. The Center has been dealing with an increased number of disputes involving IPRs, and will continue to promote increased awareness of alternative dispute resolution services through workshops for arbitrators, mediators and party representatives in the IP, and through the publication of guides and other information materials. The Center will enhance its capacity to deliver quality services by further developing its extensive database of IP-specialized arbitrators and mediators from all regions, allowing for the appointment of highly competent and trusted neutrals for diverse IP disputes.

## Activities

- Administering disputes under the WIPO Rules and providing referrals of neutrals from the WIPO list of neutrals;
- promotion of resolution of IP disputes by developing and carrying out specialist training programs that equip IP professionals with arbitration and mediation skills, and by convening conferences in this area;
- producing, publishing, posting and presenting information related to IP arbitration and mediation;
- undertaking training and outreach programs with other institutions, in particular in developing countries and countries in transition, in order to boost the number of WIPO neutrals from these countries.

## SUB-PROGRAM 06.2

### DOMAIN NAME POLICIES AND PROCEDURES

**Objective:** To enhance and give effect to the legal framework for the protection of IP in the Internet Domain Name System.

Expected Results	Performance Indicators
1. Effective IP protection in the gTLDs.	<ul style="list-style-type: none"><li>• Implementation of the recommendations and decisions by the WIPO General Assembly with respect to issues including those raised by the WIPO Internet Domain Name Processes.</li><li>• Number of gTLD cases resolved.</li></ul>
2. Effective IP protection in the ccTLDs.	<ul style="list-style-type: none"><li>• Number of improvements to the design or administration of IP protection mechanisms, including dispute resolution procedures, within ccTLD administrations.</li><li>• Number of ccTLD cases resolved.</li></ul>

136. The principal legal framework for IP protection in the Internet Domain Name System emerged from the first WIPO Internet Domain Name Process and took the form of the Uniform Domain Name Dispute Resolution Policy (UDRP). Other aspects of that legal framework were examined as part of the Second WIPO Internet

Domain Name Process. This sub-program aims to follow up on this work and to enhance the existing framework, including the generic Top-Level Domains (gTLDs) and the country code Top-Level Domains (ccTLDs).

137. Parties from around the world have come to rely on WIPO to administer and resolve domain name disputes. The Center has processed cases primarily in the .com, .net, and .org domains. It has also administered temporary procedures for the resolution of some 15,000 disputes arising in the start-up phase of more recently established domains such as .biz and .info. Another 100 WIPO cases concerned names in the more than 30 country-code domains whose registration authorities have retained the services of the Center.

138. The Center will continue to enhance the quality of its multilingual services under all policies, thus broadening effective access to this means of resolving disputes concerning trademark rights.

### **Activities**

- Monitoring relevant developments and developing any necessary measures required to improve the protection of IP and related identifiers in the domain name system;
- reviewing domain name registration procedures with a view to determining whether they meet minimum standards for IP protection;
- maintaining an up-to-date version of the WIPO ccTLD Best Practices for the Prevention and Resolution of Intellectual Property Disputes;
- drafting domain name dispute resolution procedures in cooperation with gTLD and ccTLD registration authorities;
- organizing domain name workshops as well as panelist meetings;
- administering domain name cases filed with the Center.

### **Resource Description by Object of Expenditure**

139. Total resources of Sfr5,914,000 reflect a program decrease of Sfr746,000 or 11.2 per cent with respect to the corresponding amount in the 2002-2003 biennium.

140. For staff resources, an amount of Sfr4,668,000 is shown, a program decrease of Sfr519,000 or 9.9 per cent. This includes resources of:

- (i) Sfr4,148,000 for posts, reflecting an unchanged number of positions, the full biennium impact of the discontinuation of 9 positions, the reclassification of four posts and
- (ii) Sfr520,000 for short-term expenses.

141. For travel and fellowships, an amount of Sfr410,000 is shown, a program increase of Sfr97,000 or 31.3 per cent. This includes resources of:

- (i) Sfr270,000 for 50 staff missions,
- (ii) Sfr100,000 for third party travel in connection with the holding of seminars and workshops on Arbitration and Mediation and
- (iii) Sfr40,000 for fellowships.

142. For contractual services, an amount of Sfr734,000 is shown, a program decrease of Sfr204,000 or 21.9 per cent. This includes resources of:

- (i) Sfr100,000 for conferences to cover the cost of interpretation and related costs of organizing seminars and workshops,
- (ii) Sfr534,000 for consultants services, and
- (iii) Sfr100,000 for publishing services to cover the printing cost of arbitration and mediation material.

143. For operating expenses, an amount of Sfr82,000 is shown, a program decrease of Sfr140,000 or 63.1 per cent. This includes resources to cover the cost of communications and other expenses.

144. For equipment and supplies, an amount of Sfr20,000 is shown, to cover the cost of supplies and materials.

**Table 9.6 Detailed Budget 2004-2005 for Main Program 06**

**A. Budget Variation by Sub-program and Object of Expenditure** *(in thousands of Swiss francs)*

		2002-2003 Revised	Budget Variation						2004-2005 Proposed
			Program		Cost		Total		
			Amount B	% B/A	Amount C	% C/A	Amount D=B+C	% D/A	
		A							E=A+D
I. By Sub-program									
06.1	Arbitration and Mediation Services	5,427	(1,327)	(24.5)	(39)	(0.7)	(1,366)	(25.2)	4,061
06.2	Domain Name Policies and Procedures	1,258	581	46.2	14	1.1	595	47.3	1,853
TOTAL		6,685	(746)	(11.2)	(25)	(0.4)	(771)	(11.5)	5,914
II. By Object of Expenditure									
	Staff Costs	5,220	(519)	(9.9)	(33)	(0.6)	(552)	(10.6)	4,668
	Travel and Fellowships	310	97	31.3	3	1.0	100	32.3	410
	Contractual Services	933	(204)	(21.9)	5	0.5	(199)	(21.3)	734
	Operating Expenses	222	(140)	(63.1)	--	--	(140)	(63.1)	82
	Equipment and Supplies	--	20	--	--	--	20	--	20
TOTAL		6,685	(746)	(11.2)	(25)	(0.4)	(771)	(11.5)	5,914

**B. Post Variation by Post Category**

	2002-2003 Revised A	Post Variation B-A	2004-2005 Proposed B
Professionals	2	4	6
General Service	11	(4)	7
<b>TOTAL</b>	<b>13</b>	<b>-</b>	<b>13</b>

**C. Budget Allocation by Sub-program and Object of Expenditure** *(in thousands of Swiss francs)*

Object of Expenditure	Sub-program		Total
	1 AMS	2 DNPP	
<b>Staff Costs</b>			
Posts	3,114	1,034	4,148
Short-term Expenses	491	29	520
<b>Travel and Fellowships</b>			
Staff Missions	20	250	270
Third Party Travel	--	100	100
Fellowships	--	40	40
<b>Contractual Services</b>			
Conferences	--	100	100
Consultants	384	150	534
Publishing	--	100	100
<b>Operating Expenses</b>			
Communication and Other	52	30	82
<b>Equipment and Supplies</b>			
Supplies and Materials	--	20	20
<b>TOTAL</b>	<b>4,061</b>	<b>1,853</b>	<b>5,914</b>