



LAW OF DOMAIN NAMES

JUDR. PAVEL LOUTOCKÝ, PH.D., BA (HONS)

WELCOME!!!

- **What do you expect from this course?**

WELCOME!!!

- **YES!!**
- **And hopefully many more!**

WEDNESDAYS – 15:05 – 16:35

ROOM 208

TIME AND LOCATION

TEACHERS?

YES - IT'S ME..

AND MICHAL KOŠČÍK

LOUTOCKY@GMAIL.COM
LOUTOCKY@CTT.MUNI.CZ

ON REQUEST -

MICHALKOSCIK@GMAIL.COM
KOSCIK@LAW.MUNI.CZ
76882@MAIL.MUNI.CZ

CONSULTATIONS

SCOPE OF THE SUBJECT

PRACTICAL APPLICATION OF:

- **Intellectual property law**
- **Competition law**
- **Consumer protection**
- **EU Law**
- **Rules of „soft law“**
 - Arbitration procedures
 - Terms and conditions governing the use and transfers of domain names

„SOFT SKILLS“

- **Legal English**
- **Legal Writing:**
 - Submission to arbitration
 - Decision making and writing
 - Contracting techniques (optional)

SCHEDULE

1. **28th February - Introductory lecture - scope of the course - PL (lecture)**
2. 6th March - Domain name as a service or property, transfers of domain names - MK (seminar)
3. **13th March - Introduction to alternative dispute resolution and ODR, Domain names within the .cz domain and .eu domain - PL (lecture)**
4. 20th March - Contract drafting skills, preparation for moot court - MK (seminar)
5. **27th March - UDRP Case-Law - PL (lecture)**
6. 3rd April - Procedural elements of alternative dispute resolution, beginning of the moot court (seminar) 1st round of moot court - MK (seminar)
7. **10th April - Introduction to internet governance and creation of TLD - PL (lecture)**
8. 17th April - New forms of alternative resolution, wider regulatory framework of on-line marketing, 2nd round of moot court - MK (seminar)
9. **24th April - Elements of unfair competition and personal rights - PL (lecture)**
10. 15th May - Final seminar - awarding colloquia, moot court feedback - PL, MK (seminar)

COLLOQUIA CRITERIA

Attendance!

Submission/decision in the simulated arbitration

- Teams of cca. 2 people
- Cca 4 pages
- Oral presentation 20 minutes

MOOT COURT SYSTEM

3 cases

Each case shall have two teams

- Complainant
- Respondent

LANGUAGE

This course is opened for foreign students

Language – English - how surprising ;)

OBJECTIVE

- **Detailed knowledge of related issues of IP, Dispute resolution system, Competition law, Civil law**
- **Practical skills in transferring of web domains and buying/selling “web sites”**
- **Experience in enforcing rights via alternative dispute resolution**

CENTRAL MOTIVE - CYBERSQUATTING

Use of the domain name in bad faith

The intent to:

- Prevent your competitors to use the domain name
- Confuse consumers
- “Blackmail” the trademark owners
- Gain money

WHAT IS DOMAIN NAME?

Zabezpečeno | https://auctions.godaddy.com/?isc=cardigan

Popular Searches

Most Active

Search Results to Return

25

Featured Domains

[View all Featured Domains](#) 

| ✓ | Name | Bids/Offers | Traffic | Estimated Value | Price | Enter Bid/Offer | Time Left |
|--------------------------|--|-------------|---------|-----------------|------------|--|-----------|
| <input type="checkbox"/> | distributedledger.online | 0 | - | - | Make Offer | USDS <input type="text" value="Offer \$50,000 or more"/> | 49D 5H |
| <input type="checkbox"/> | unedapet.com | 0 | - | - | \$450 * | USDS <input type="text" value="Offer \$400 or more"/> or Buy Now for \$450 * | 16D 20H |
| <input type="checkbox"/> | generalqueries.com | 1 | - | - | \$19,888 * | USDS <input type="text" value="Offer \$20 or more"/> or Buy Now for \$19,888 * | 70D 4H |
| <input type="checkbox"/> | daytodaybasis.com | 0 | - | - | Make Offer | USDS <input type="text" value="Offer \$100 or more"/> | 11D 10H |
| <input type="checkbox"/> | vrbowlingalley.com | 0 | - | - | Make Offer | USDS <input type="text" value="Offer \$50,000 or more"/> | 73D 20H |
| <input type="checkbox"/> | reddeerhouses.ca | 0 | - | - | \$1,200 * | USDS <input type="text" value="Offer \$100 or more"/> or Buy Now for \$1,200 * | 50D 20H |
| <input type="checkbox"/> | mymormon.church | 0 | - | - | \$10,000 * | USDS <input type="text" value="Offer \$1,000 or more"/> or Buy Now for \$10,000 * | 68D 9H |
| <input type="checkbox"/> | onlineteam.net | 0 | - | - | \$2,000 * | USDS <input type="text" value="Offer \$1,000 or more"/> or Buy Now for \$2,000 * | 83D 20H |

WHAT IS DOMAIN NAME?



MOST EXPANSIVE DOMAIN NAMES



https://en.wikipedia.org/wiki/List_of_most_expensive_domain_names

STUDY MATERIALS

Interactive syllabi:

- <https://is.muni.cz/auth/el/1422/jaro2018/MVV1568K/index.qwarp>
- Information System of the Masaryk university

Guide to WIPO Domain Name Dispute Resolution

- <http://www.wipo.int/export/sites/www/amc/en/docs/guide-en-web.pdf>

**DETAILED SYLLABI OF
LECTURES AND
SEMINARS**

1. INTRODUCTION TO INTERNET GOVERNANCE AND CREATION OF TLD



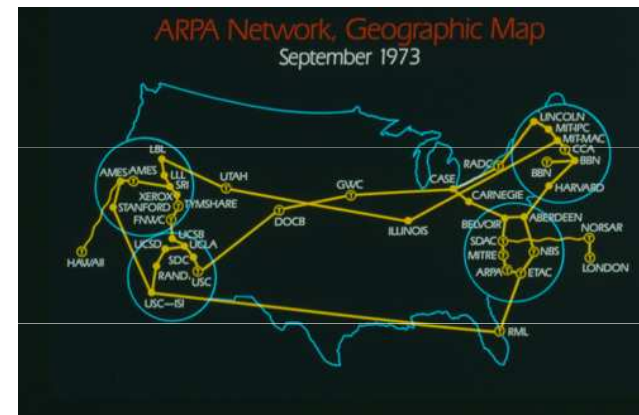
Who is ultimately responsible for internet network.

Who is ultimately responsible for infringing content?

Where to request a domain name?

Who to sue?

What is ICANN?



2. LEGAL NATURE OF A DOMAIN NAME, CESSATION AND DOMAIN NAME BUSINESS

What actually is a domain name

- Can you buy it/can you sell it?
- Can you inherit it?
- Is it a service, such as yellow pages?
- Is it a service like cable TV/Internet connection?



3. INTRODUCTION TO ALTERNATIVE DISPUTE RESOLUTION AND ODR

Theoretical introduction to Alternative dispute resolution

- the resolution that does not involve court

ADR is movin online...

- Introduction to ODR
- Introduction to ODR platforms

4. CONTRACT DRAFTING SKILLS

Client wants you to buy a domain

- In this seminar your task is to write a contract on the transfer of a domain name

5. PROCEDURAL ELEMENTS OF ALTERNATIVE DISPUTE RESOLUTION, UDRP CASE LAW

- **You will learn procedural elements and will be familiarized with the domane name dispute resolution system**
- **You will learn how to write a response in your (your clients) defense**

6. (MINI) MOOT COURT

The screenshot shows the homepage of the UDRP disputes website. The header features the UDRP disputes logo and the text 'ARBITRATION CENTER FOR INTERNET DISPUTES'. A navigation menu includes 'Home', 'Resources', 'Help', 'My disputes', and 'About us'. The main content area is titled 'Welcome to the website of the alternative dispute resolution (ADR) provider for Internet related disputes'. It provides information about the services offered, including a list of domain types (generic Top Level Domains and .co.ni, .co.no and .sx domains) and a search bar. A sidebar on the left contains 'Links' such as 'UDRP Help', 'FAQ', 'News', 'Articles', 'Public consultations', 'Webinars', 'Links', and 'ADR.EU Training Platform for UDRP'. A central green box highlights 'Major changes' effective from 31 July 2015, listing updates to the UDRP Rules and CAC's Supplemental Rules. At the bottom, there are sections for 'Resources', 'My disputes', and 'About us', each with a list of links.

Language: English

Home Resources Help My disputes About us

This site serves for these domain disputes:
generic Top Level Domains and .co.ni, .co.no and .sx domains
Back to entry page - choose type of domain name dispute

Search

Links

- UDRP Help
- FAQ
- News
- Articles
- Public consultations
- Webinars
- Links
- ADR.EU Training Platform for UDRP

Home

Welcome to the website of the alternative dispute resolution (ADR) provider for Internet related disputes

ADR.EU provides Alternative Dispute Resolution services of the highest quality using a secure on-line platform and a network of expert panellists fluent in all the languages of the European Union and many other countries.

ADR.EU is the only ADR provider for .eu domain name disputes. In January 2009, ADR.EU launched a unique UDRP service for generic Top Level Domains such as .com, .net, .org, .biz, .info, .mobi and .tel which features e-filing and class complaints. UDRP service for generic Top Level Domains such as .com, .net, .org and others ([see complete list](#)) which features e-filing and class complaints. These disputes are decided by UDRP Panellists.

ADR.EU, a service of the Czech Arbitration Court based in Prague, helps brand and trade mark owners, domain name registrants and registration companies all over the world to resolve conflicts in a fast, efficient and cost-effective fashion.

Please notice that from 31 July 2015 new UDRP Rules and new CAC's Supplemental Rules are in effect.

Major changes:

- The Complainant does not have to transmit a copy of the complaint to the Respondent
- Provider's verification request to the Registrar includes a request to lock the disputed domain name
- Any updates to the Respondent's data must be made before the Registrar verifies the information, otherwise addressed by the Panel in its decision
- The Registrar releases the lock of the disputed domain name within 1 business day after receiving a notice from a Provider that the proceeding has been dismissed or withdrawn
- The Respondent may request an additional 4 calendar days in which to respond to the complaint
- There are new rules concerning suspension of the proceeding due to settlement discussing
- The Parties announce achieved settlement to the Provider via Standard settlement form
- The Complainant shall confirm to the Provider the implementation of the settlement

Resources

- What is UDRP
- Rules
- Fees
- Decisions
- Panellists
- Disputed Domain Names

My disputes

- Login
- Register new user

About us

- Who we are
- Other domain disputes
- Contact us
- News

Help

- For Complainants
- For Respondents
- For Panellists

Copyright © 2008 Czech Arbitration Court | Online Platform: Copyright © 2008 Expert4me a.s. | Contact webmaster | Terms and Conditions | Privacy Policy | Contacts

Your task is to:

- file a complaint against an alleged cybersquatter
- OR, protect freedom of speech against the evil corporation

7. INTERNET GOVERNANCE

What is ICANN?

How is it structured?

What happened throughout the history with the development of internet governance?

8. WIDER REGULATORY FRAMEWORK OF ON-LINE MARKETING, TRADEMARKS AND GEOGRAPHICAL INDICATIONS

Broader context on the internet marketing

SPAM, ISP liability

Sector specific Framework

- Medicines
- Alcohol
- Gambling etc.

9. UNFAIR COMPETITION, TRADEMARKS AND PERSONAL RIGHTS

If ADR is not enough

Unfair competition

- Conduct against business ethics

Trademarks

- Industrial property of a holder

Personal rights

- Political campaigns, Pornsites

**WHAT IS
DOMAIN
NAME?**

IP ADDRESS AND A DOMAIN NAME

IP ADDRESS

Is a code which is used to identify a server in the network.

**format xxx.xxx.xxx.xxx
(IPV4-IPV6)**

**Numbers from 0 to 255
(IPV 4)**

**Letters and numbers (IPV
6)**

DOMAIN NAME

String of characters

Saved in DNS

Formatxxx.xxx.xx.

**One string (label) has at
most 63 characters**

**A domain name has at
most 256 characters**

IP ADDRESS

PRIVATE

**Begins with 10. (i.e.
10.0.0.0 through
10.255.255.255)**

**Begins with 172.16.
through 172.31.**

Begins with 192.168.

**Not coordinated
internationally**

PUBLIC

**Coordinated BY IANA
(part of ICANN)**

DOMAIN VS DOMAIN NAME?

What do you think?

DOMAIN VS DOMAIN NAME?

Domain name:

- **muni.cz**

Domain:

- **.cz = domain**
- **muni = subdomain**

HOW THE SYSTEM WORKS?

- The user enters a domain name into the browser
- The browser sends an inquiry to the “name server”
- Name server searches the “domain sentence” in the DNS database and “translates” the domain name into the IP adress
- The browser connects to the server
- => DNS (domain name system)

STRUCTURE OF A DOMAIN NAME

Root domain . (always the highest position – depends on the situation)

Top level domain (TLD)

- Generic- .com .gov .org .biz .edu
- National- .cz .uk .de .sk .ru

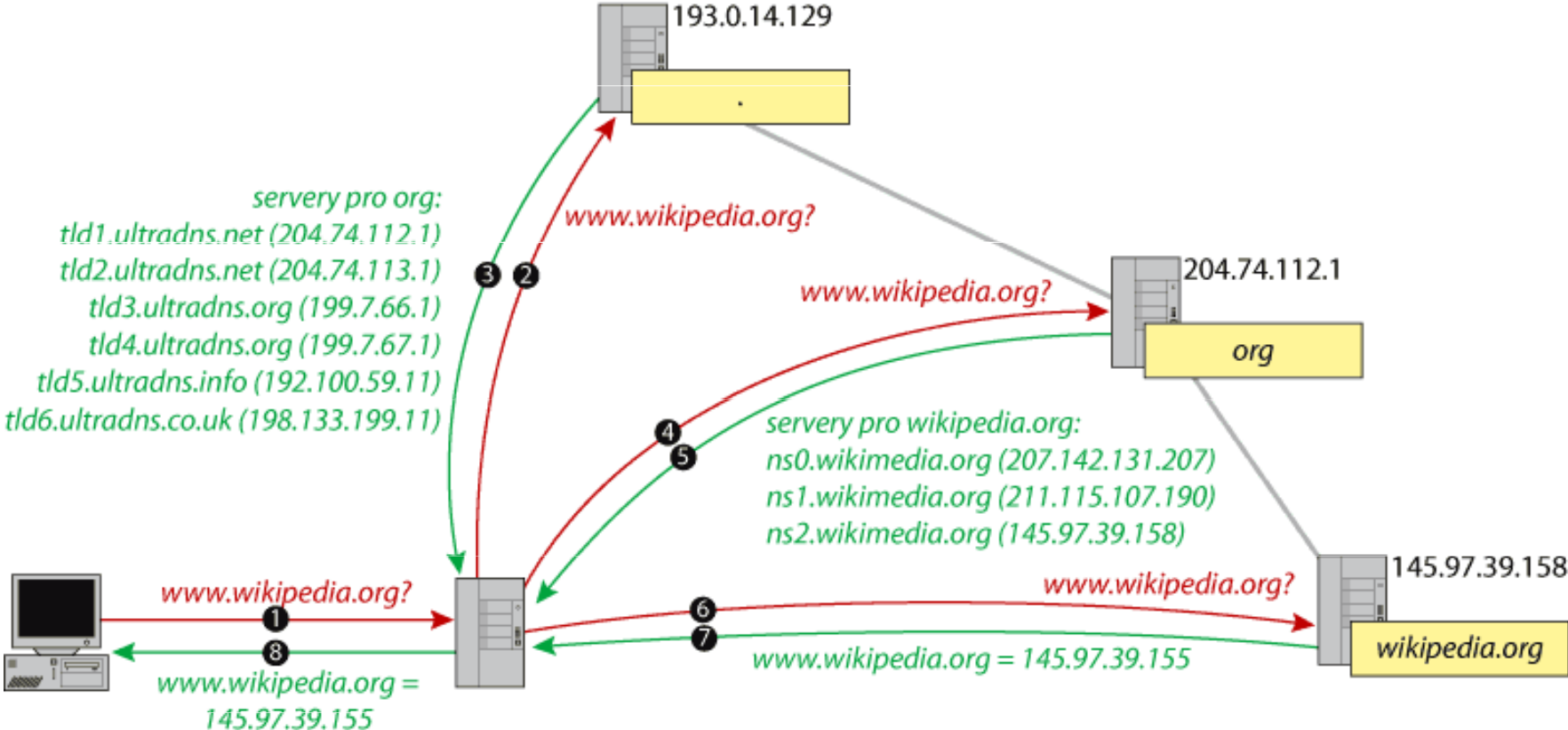
Subdomain

- muni.cz seznam.cz google.com

Subdomains of lower levels

- law.muni.cz pocasi.seznam.cz mail.google.com

WIKIPEDIA.ORG



FUNCTIONS OF A DOMAIN NAME

Technical

?Identification?

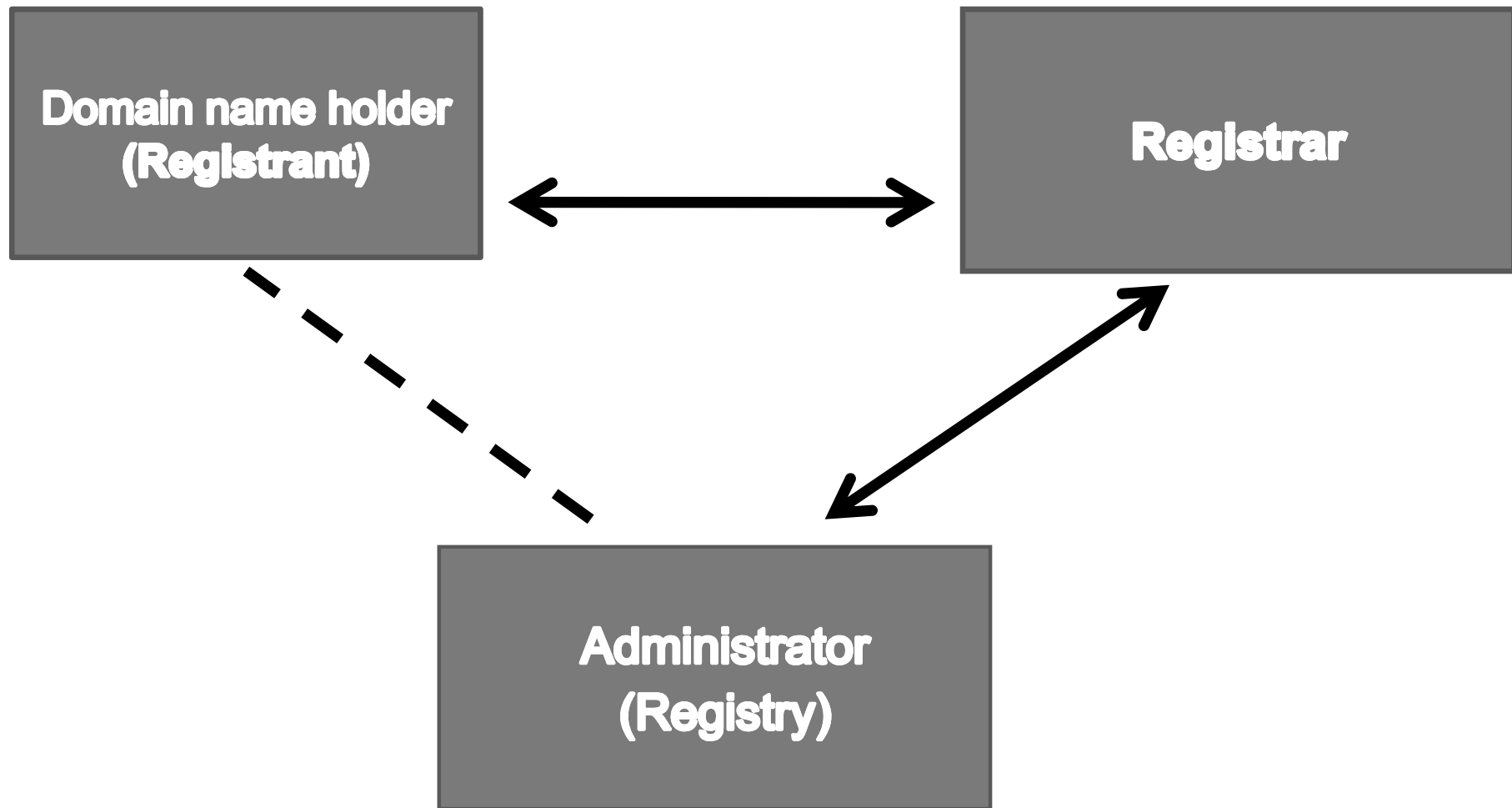
- Not necessarily – e.g. goodwill.com

Search

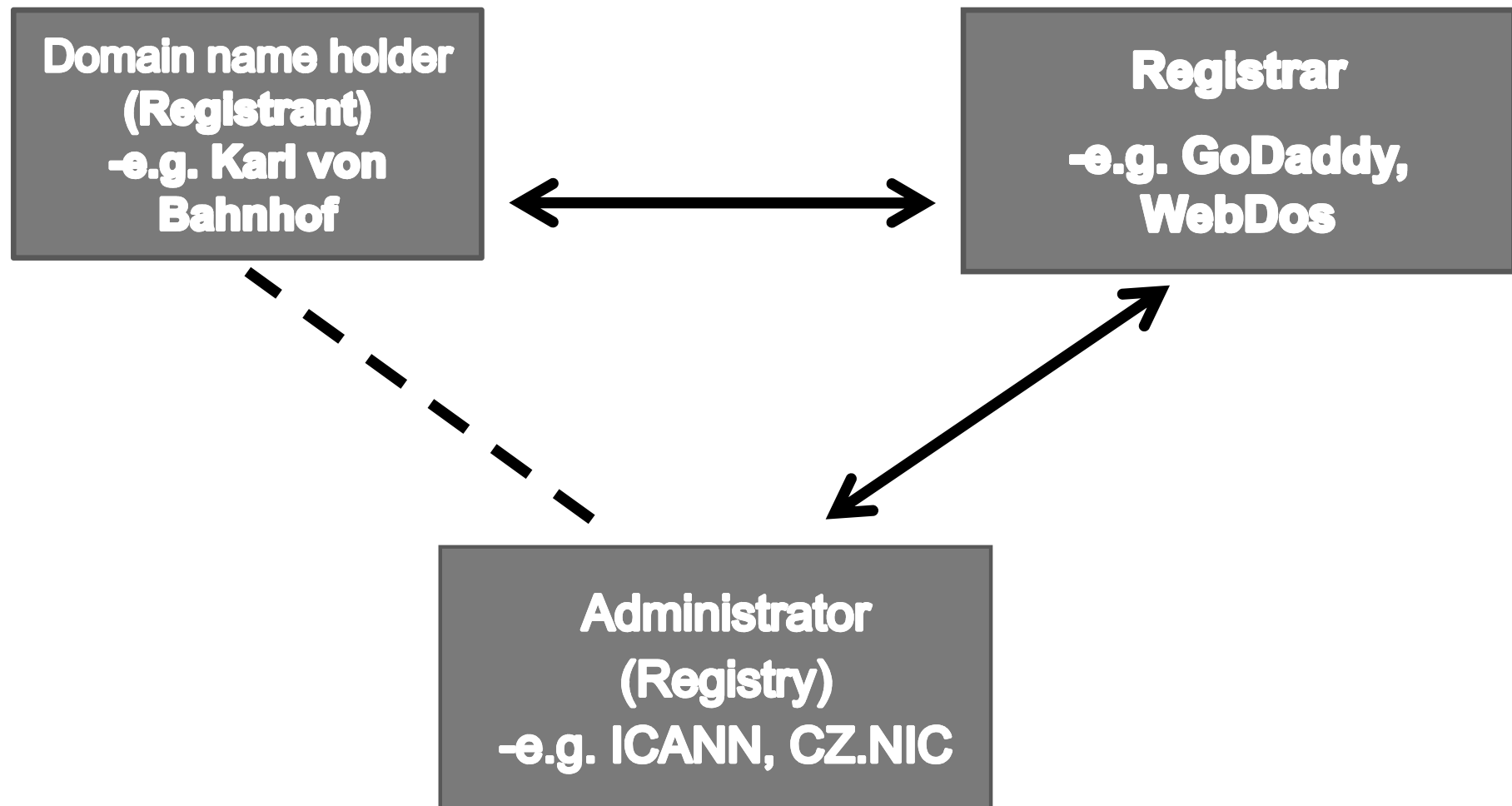
Promotion

Competitive

DOMAIN NAME RELATIONSHIP



DOMAIN NAME RELATIONSHIP



HOW ARE THE DOMAIN NAMES ASSIGNED?

Assignment is based on registration

The database of domain names is maintained by Administrators

- Each top level domain has its administrator ICANN, EURid, CZ.NIC
- The main task of administrator is to run DNS

The registration of domain names to individual users is performed by REGISTRARS

- Registrars are entrepreneurs and compete

REGISTRARS

gTLDs

- <https://www.icann.org/registrars-reports/accredited-list.html>

ccTLDs

- e.g.: .cz - <https://www.nic.cz/whois/registrars/list/1/>

MAIN PRINCIPLES OF REGISTRATION

Singularity principle (uniqueness)

- The domain name can be registered only for one user
- One user can have more domain names

Priority principle

- First come first served

Frequently cross-border aspects!



THANK YOU FOR YOUR ATTENTION!
GOOD LUCK IN YOUR NEW SEMESTER!

QUESTIONS?