



# **LAW OF DOMAIN NAMES**

**JUDR. PAVEL LOUČEKÝ, PH.D., BA (HONS)**

# **WELCOME!!!**

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

# **WELCOME!!!**

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

**WEDNESDAYS– 15:00 – 16:40**

**ONLINE – MS TEAMS**

**TIME AND LOCATION**

# TEACHERS?

**YES - IT'S ME..**

**AND MICHAL KOŠČÍK**



**AND JAKUB KLODWIG**  
**AND JURAJ SZABO**

**LOUTOCKY@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**
- **Online marketing**
- **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

**10th March** Introductory lecture - scope of the course – PL, MK

**17th March** Domain name as a service or property, transfers of domain names - MK

**24th March** Introduction to alternative dispute resolution and ODR, domain names within the .cz domain and .eu domain - PL

**31st March** Contract drafting skills, preparation for moot court - MK

**7th April** UDRP Case-Law - PL

**14th April** Procedural elements of alternative dispute resolution, beginning of the moot court (seminar) 1st round of moot court - PL

**21st April** Wider regulatory framework of on-line marketing - MK

**28th April** Targeted online marketing – Jakub Klodwig

**5th May** New forms of alternative resolution, 2nd round of moot court – PL

**12th May** Practical experience from the chair and secretary of Arbitration court attached to the Czech Chamber of Commerce and the Agricultural Chamber of the Czech Republic – PL, Juraj Szabo

**19th May** Elements of unfair competition and personal rights, comparison of UDRP and Czech rules, EU - MK

**26th May** Final seminar - awarding colloquia, moot court feedback - PL, MK

# SUBJECT CRITERIA

Conditions to be fulfilled

- Active presence
- Moot court participation in teams (colloquia)
- Seminars are compulsory (the subject consists only from seminars).
- It is allowed to be absent at three seminars without further justification.
- **Compulsory are the seminars, where the moot court is present (or steps connected to the mootcourt (31.3., 14.4., 5.5., 26.5.))**
- Seminars start on 10th March repeating always in 7 days period.

# COLLOQUIA CRITERIA

## Submission/decision in the simulated arbitration

- Teams of cca. 2-3 people
- Cca 4 pages
- Oral presentation 20 minutes

# **MOOT COURT SYSTEM**

**2-3 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, Marketing 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"/>	<a href="#">distributedledger.online</a>	0	-	-	Make Offer	USD\$ <input type="text" value="Offer \$50,000 or more"/>	49D 5H
<input type="checkbox"/>	<a href="#">unemapet.com</a>	0	-	-	\$450 *	USD\$ <input type="text" value="Offer \$400 or more"/> or <a href="#">Buy Now</a> for \$450 *	16D 20H
<input type="checkbox"/>	<a href="#">generalqueries.com</a>	1	-	-	\$19,888 *	USD\$ <input type="text" value="Offer \$20 or more"/> or <a href="#">Buy Now</a> for \$19,888 *	70D 4H
<input type="checkbox"/>	<a href="#">daytodaybasis.com</a>	0	-	-	Make Offer	USD\$ <input type="text" value="Offer \$100 or more"/>	11D 10H
<input type="checkbox"/>	<a href="#">vrbowlingalley.com</a>	0	-	-	Make Offer	USD\$ <input type="text" value="Offer \$50,000 or more"/>	73D 20H
<input type="checkbox"/>	<a href="#">reddeerhouses.ca</a>	0	-	-	\$1,200 *	USD\$ <input type="text" value="Offer \$100 or more"/> or <a href="#">Buy Now</a> for \$1,200 *	50D 20H
<input type="checkbox"/>	<a href="#">mymormon.church</a>	0	-	-	\$10,000 *	USD\$ <input type="text" value="Offer \$1,000 or more"/> or <a href="#">Buy Now</a> for \$10,000 *	68D 9H
<input type="checkbox"/>	<a href="#">onlineteam.net</a>	0	-	-	\$2,000 *	USD\$ <input type="text" value="Offer \$1,000 or more"/> or <a href="#">Buy Now</a> for \$2,000 *	83D 20H



# WHAT IS DOMAIN NAME?



# MOST EXPANSIVE DOMAIN NAMES



[https://en.wikipedia.org/wiki/List\\_of\\_most\\_expensive\\_domain\\_names](https://en.wikipedia.org/wiki/List_of_most_expensive_domain_names)

# STUDY MATERIALS

## Interactive syllabi:

- 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>

# **MORE DETAILED SCOPE OF SEMINARS**

# 1. INTRODUCTION TO INTERNET GOVERNANCE AND CREATION OF TLD



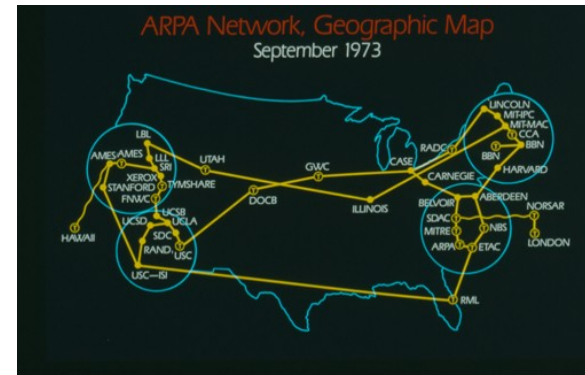
Who is ultimately responsible for internet network.

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 navigation links for Home, Resources, Help, My disputes, and About us. A language dropdown menu is set to English. The main content area includes a welcome message, a search bar, and a list of links. A prominent green box contains a notice about new UDRP Rules and CAC's Supplemental Rules effective from July 31, 2015, along with a list of major changes. At the bottom, there are sections for Resources, My disputes, and Help, each with a list of links.

UDRP disputes

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**

**Format .....xxx.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 address
- 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

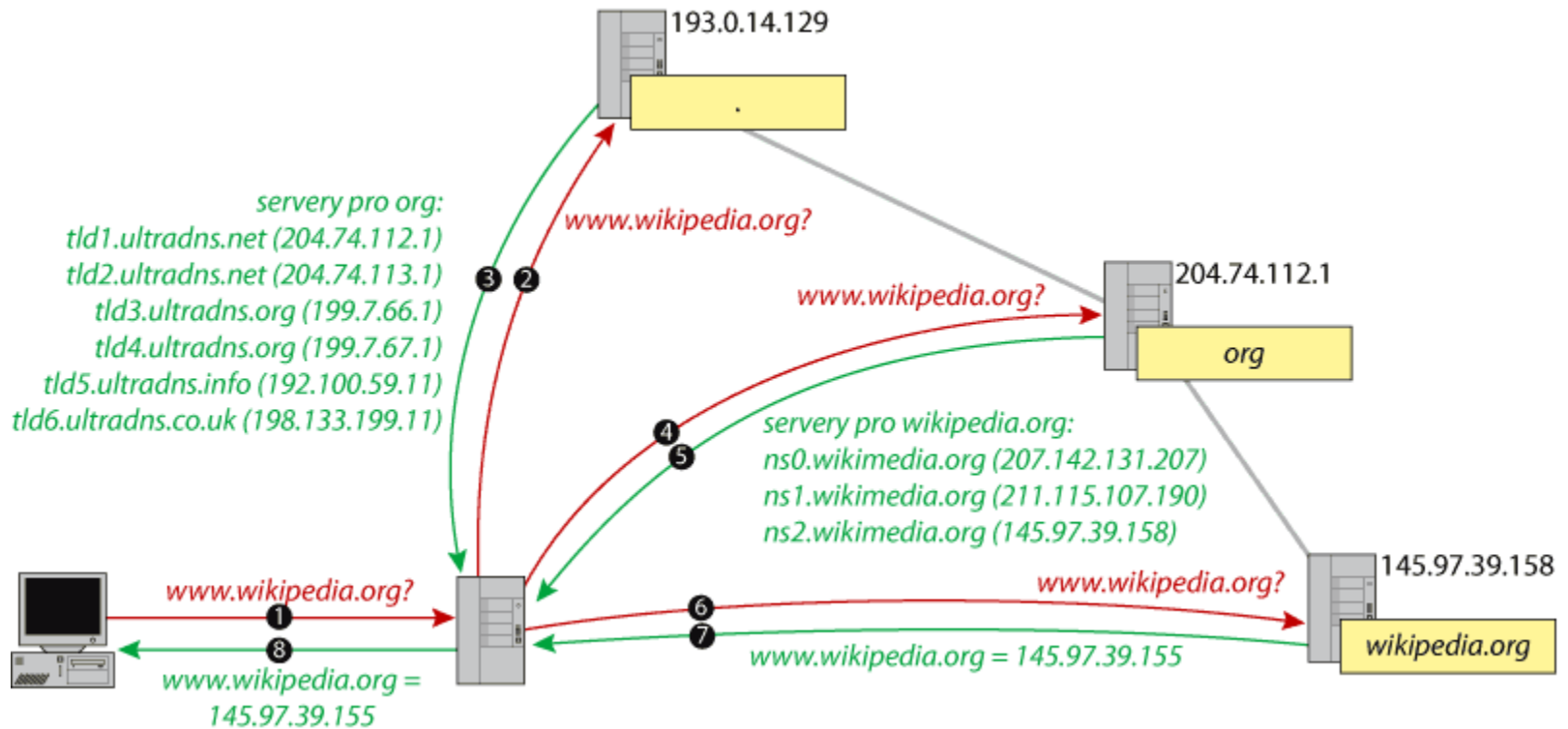
## Subdomain

- 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?**

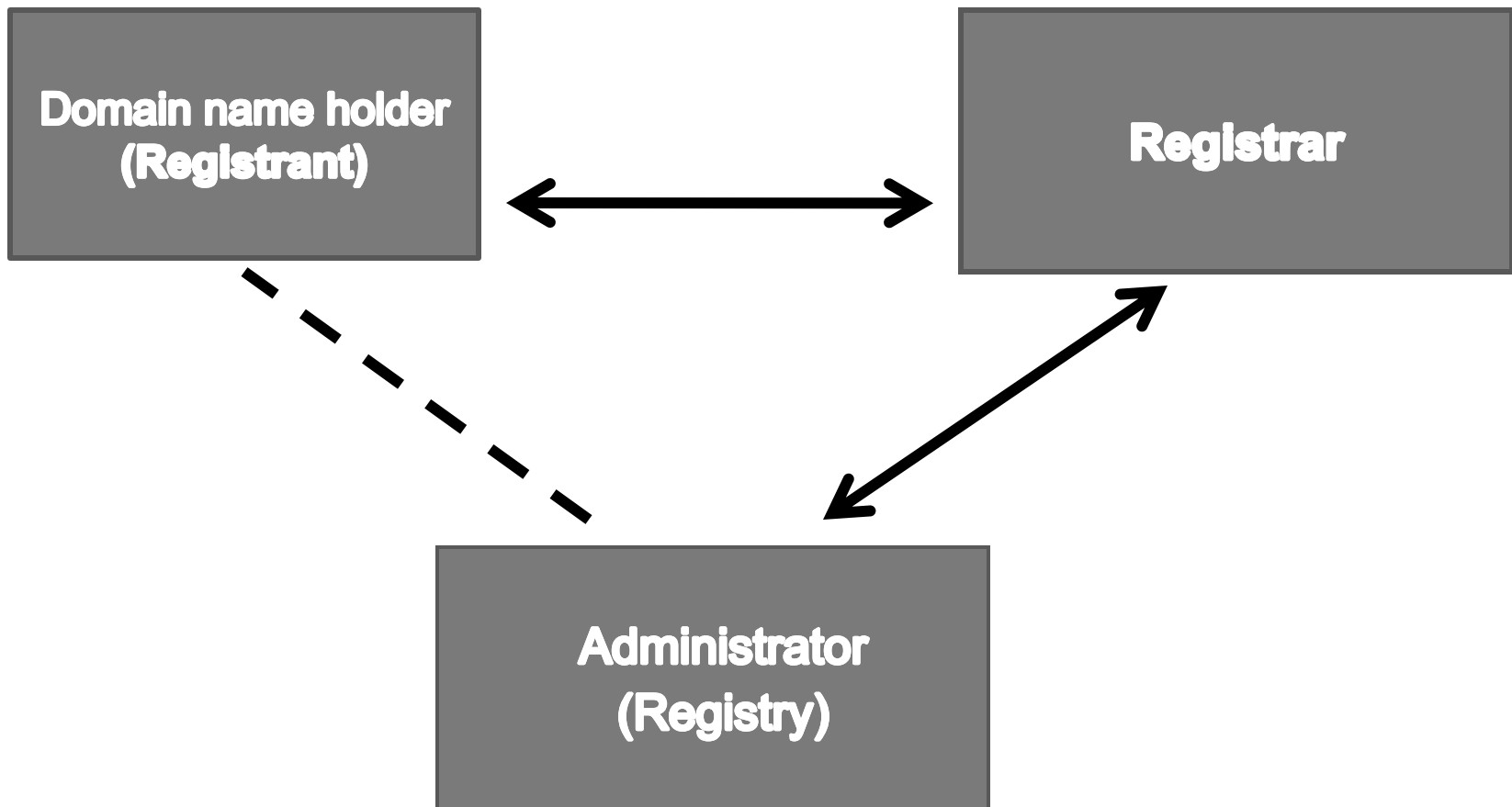
- Not necessarily – e.g. goodwill.com

**Search**

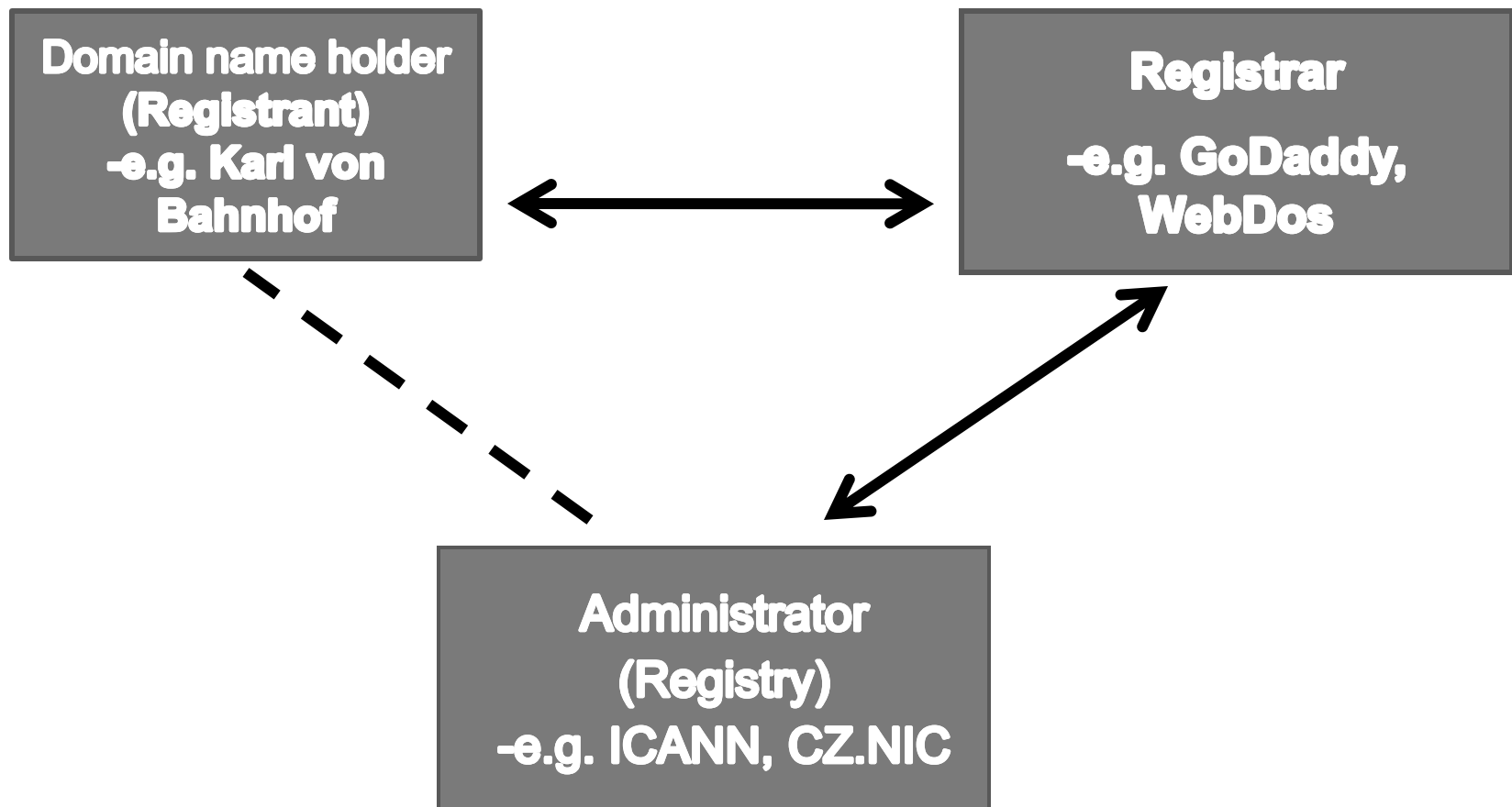
**Promotion**

**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)**

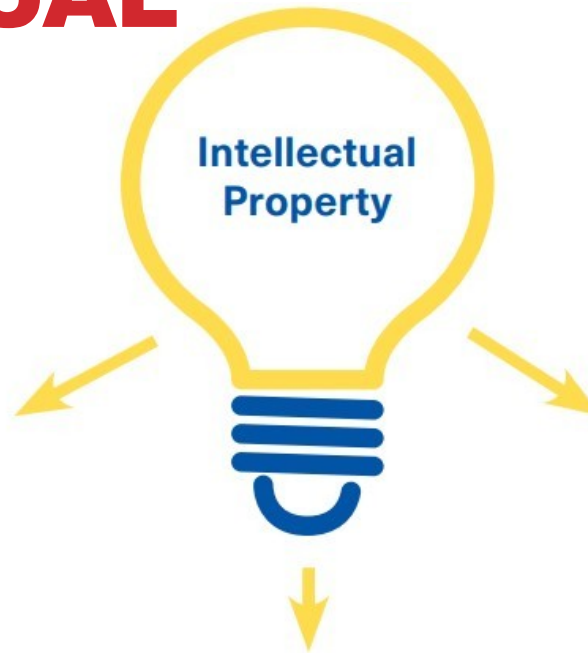
- The domain name can be registered only for one user
- One user can have more domain names

## **Priority principle**

- First come first served

**Frequently cross-border aspects!**

# INTELLECTUAL PROPERTY



## Copyrighted works

*Unregistered, for example:*

- Monograph
- Research article
- Software
- Conference proceedings
- Database

## Industrial property

*Registered, for example:*

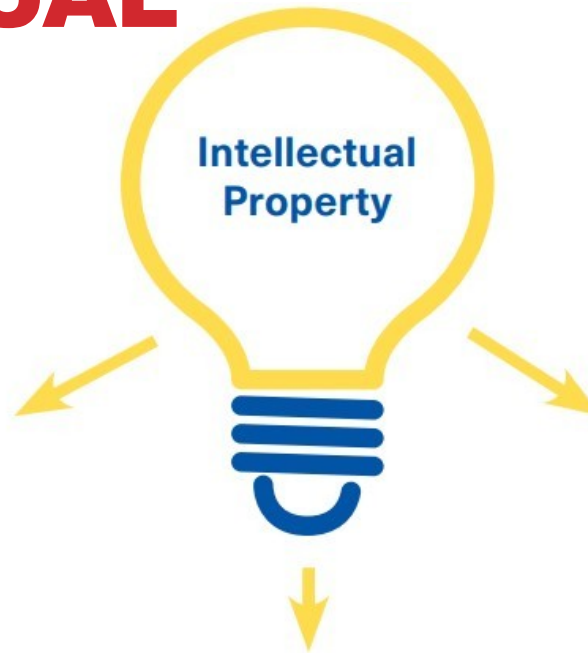
- Patent
- Utility model
- Industrial design
- Trademarks
- Animal and plant breeders' rights, integrated circuit topographies
- Geographical indications and appellations of origin

## IP protected by other legislation

*Unregistered, for example:*

- Know-how
- Trade secret
- Goodwill
- Confidential information
- Unregistered designation

# INTELLECTUAL PROPERTY



## Copyrighted works

*Unregistered, for example:*

- Monograph
- Research article
- Software
- Conference proceedings
- Database

- Any text

Intellectual  
Property

## IP protected by other legislation

*Unregistered, for example:*

- Know-how
- Trade secret
- Goodwill
- Confidential information
- Unregistered designation

- Company name

## Industrial property

*Registered, for example:*

- Patent
- Utility model
- Industrial design
- Trademarks
- Animal and plant breeders' rights, integrated circuit topographies
- Geographical indications and appellations of origin

**etc...**



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

**QUESTIONS?**