

Internet Domain Name Disputes: Working Toward a Global Solution

by
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I. INTRODUCTION

The Internet is essential to the growth of the global economy and the Domain Name System is essential to accessing sites on the Internet. Over 170 registrars are accredited to issue top-level domains, such as .com, .net, and .org.¹ Frequently, however, disputes arise over who should own a particular domain name. The Internet Corporation for Assigned Names and Numbers (ICANN) has adopted a Uniform Domain Name Dispute Resolution Policy (UDRP) to address these disputes.² ICANN has approved four dispute resolution service providers that are currently handling domain name disputes.³ This article will examine the success rate of complaints, the elements that must be proven in a domain name dispute, the fees charged, and the number of disputes handled by the four dispute resolution providers. In addition, this article will make recommendations for improving the current system.

II. INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS (ICANN)

The U.S. government initially funded the ARPANET network, which was established by the Department of Defense's Advanced Research Projects Agency (DARPA) in the 1960's.⁴ During the 1970's, DARPA also funded what became known as the Internet, a network of networks, and what became Internet protocols, which allowed the networks to communicate.⁵ DARPA continued to manage the Internet until the early 1980's, and a Domain Name

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1. See ICANN, *ICANN-Accredited Registrars*, at <http://www.icann.org/registrars/accredited-list.html> (last visited Feb 13, 2004) [hereinafter ICANN, *Accredited Registrars*].
2. Luke A. Walker, *ICANN's Uniform Domain Name Dispute Resolution Policy*, 15 BERKELEY TECH. L.J. 289, 291 (2000).
3. See ICANN, *Approved Providers for Uniform Domain-Name Dispute-Resolution Policy*, at <http://www.icann.org/dndr/udrp/approved-providers.htm> (last visited Feb. 13, 2004) [hereinafter ICANN, *Approved Providers*].
4. 63 Fed. Reg. 31,741 (June 10, 1998), available at United States Department of Commerce, *Management of Internet Names and Addresses, Supplementary Information*, <http://www.icann.org/general/white-paper-05jun98.htm> (last visited Feb. 13, 2004).
5. *Id.*

System (DNS) was developed to improve the process.⁶ In the early 1990's, the National Science Foundation (NSF) assumed responsibility for the non-military portion of the Internet.⁷ In 1992, NSF entered into a cooperative agreement with Network Solutions, Inc. for Internet-related services, including domain name registration services.⁸

In 1998, due to widespread dissatisfaction about the absence of competition in domain name registration, conflicts between trademark holders and domain name holders, and increasing Internet use outside the U.S., the U.S. Department of Commerce issued a Green Paper proposing ways to improve the technical management of Internet names and addresses.⁹ In response, the ICANN was developed as a non-profit private sector corporation, which is a coalition of the Internet's business, technical, non-commercial, and academic communities.¹⁰ As one of its responsibilities, ICANN coordinates the assignment of Internet domain names and other identifiers that must be unique globally for the Internet to operate effectively.¹¹

Among other duties, ICANN maintains a list of accredited registrars for top level domains (TLD), including: .biz, .com, .info, .name, .net, and .org.¹² At the time of this writing, nearly 200 registrars were accredited by ICANN for one or more TLDs.¹³ Of these, over seventy-five registrars are based in

6. *Id.*

7. *Id.* at 31,742.

8. *Id.*

9. *Id.* at 31,741. See generally Rebecca W. Gole, *Playing the Name Game: A Glimpse at the Future of the Internet Domain Name System*, 51 FED. COMM. L.J. 403, 411, 412, 420 (1999); Joseph P. Liu, *Legitimacy and Authority in Internet Coordination: A Domain Name Case Study*, 74 IND. L.J. 587, 594, 601 (1999).

10. ICANN, *Background*, at <http://www.icann.org/general/background.htm> (last visited Feb. 13, 2004); see Jonathan Zittrain, *ICANN: Between the Public and the Private – Comments Before Congress*, 14 BERKELEY TECH. L.J. 1071, 1081-82 (1999).

11. See ICANN, *About ICANN*, at <http://www.icann.org> (last visited Feb. 13, 2004); see generally Christopher P. Rains, *A Domain By Any Other Name: Forging International Solutions for the Governance of Internet Domain Names*, 14 EMORY INT'L L. REV. 355, 396 (2000).

12. ICANN, *Accredited Registrars*, *supra* note 1. On December 31, 2002, the contract to manage the .org registry expired, and the fifth-largest TLD was taken over by InterNIC. InterNIC, *InterNIC FAQs on the .org Transition*, at <http://www.internic.net/faqs/org-transition.html> (last visited Feb. 13, 2004). In 2002, the ICANN Board selected seven additional top-level domains: .aero, .biz, .coop, .info, .museum, .name, and .pro. InterNIC, *InterNIC FAQ's on New Top-Level Domains*, at <http://www.internic.net/faqs/new-tlds.html> (last visited Feb. 13, 2004).

13. ICANN, *Accredited Registrars*, *supra* note 1.

the United States.¹⁴ An entity wishing to register a domain name may do so through any of the listed registrars.¹⁵ While the processes and fees may differ, every registrar must make information about who is responsible for a domain name publicly available on a “Who is” search registry, to allow for the rapid resolution of problems.¹⁶

III. UNIFORM DISPUTE RESOLUTION POLICY (UDRP)

If there is a problem with the registration of a domain name, all ICANN-accredited registrars must follow a uniform domain name dispute resolution policy (UDRP).¹⁷ Under the UDRP, which was approved by ICANN in October 1999, those applying to register or renew a domain name must certify: (1) that the statements made are true and accurate, (2) that to the registrant’s knowledge the registration does not infringe on any rights of any third party, (3) that the registration is not unlawful, and (4) that the domain name will not be knowingly used in violation of applicable laws or regulations.¹⁸ A mandatory administrative proceeding is held before one of the approved administrative dispute resolution service providers when a third party (“complainant”) alleges that (1) the registrant’s domain name is identical or confusingly similar to the complainant’s, (2) the registrant has no rights in the domain name, and (3) the registrant’s domain name has been registered and is being used in bad faith.¹⁹ If the service providers find all

14. ICANN, *Accredited Registrars*, *supra* note 1.

15. ICANN, *ICANN Information*, at www.icann.org/general/ (last visited Feb 13, 2004).

16. *Id.*

17. *Id.*; see generally Luke A. Walker, Note, *ICANN’s Uniform Domain Name Dispute Resolution Policy*, 15 BERKELEY TECH. L.J. 289 (2000).

18. ICANN, *Uniform Domain Name Dispute Resolution Policy*, §2, at <http://www.icann.org/udrp/udrp-policy-24oct99.htm> (Oct. 24, 1999) (last visited Feb. 13, 2004) [hereinafter ICANN, *UDRP Policy*].

19. ICANN, *UDRP Policy*, *supra* note 18, at § 4(a). The following circumstances are evidence of bad faith:

- (i) Circumstances indicating that the domain name was registered or acquired primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the domain name registrant’s out-of-pocket costs directly related to the domain name; or
- (ii) The domain name was registered in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the domain name registrant has engaged in a pattern of such conduct; or
- (iii) The domain name was registered primarily for the purpose of disrupting the business of a competitor; or

the complaints to be true, a domain name registration may be cancelled, transferred, or otherwise changed.²⁰

Currently, four approved dispute resolution service providers are accepting complaints.²¹ Each provider must follow the UDRP as well as its own supplemental rules.²²

IV. DISPUTE RESOLUTION SERVICE PROVIDERS

A. World Intellectual Property Organization (WIPO)

The World Intellectual Property Organization (WIPO) has been a provider of domain name dispute resolution services since December 1, 1999.²³ From its inception through September 2003, the WIPO Arbitration and Mediation Center has had 5,695 generic top-level domain (gTLD) cases filed, involving complainants and respondents from 115 countries.²⁴ In addition, the Center has heard 145 country code top-level domain disputes involving respondents and complainants from more than 35 countries.²⁵ As of the time of this writing, in the three years and five months it has been arbitrating disputes, the WIPO Center has decided 5,097 of the gTLD cases filed.²⁶ In these decided cases, WIPO has transferred 3,337 domain names, cancelled 31

(iv) By using the domain name, the domain name registrant intentionally attempted to attract for financial gain, Internet users to the registrant's web site or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the registrant's web site or location or of a product or service on the registrant's web site or location.

ICANN, *UDRP Policy*, *supra* note 18, at § 4(b); *see generally* Olivia Maria Baratta and Dana L. Hanaman, Comment, *A Global Update on the Domain Name System and the Law: Alternative Dispute Resolution for Increasing Internet Competition - Oh, the Times They Are a-Changin'!*, 8 TUL. J. INT'L & COMP. L. 325 (2002).

20. ICANN, *UDRP Policy*, *supra* note 18, at § 3. (Additionally, the receipt of an order from a court or tribunal requesting such action will result in a cancellation or transfer of a domain name.).
21. ICANN, *Approved Providers*, *supra* note 3. (A former provider, eResolution, stopped accepting proceedings after November 30, 2001.).
22. ICANN, *Approved Providers*, *supra* note 3.
23. ICANN, *Approved Providers*, *supra* note 3.
24. WIPO, *Geographical Distribution of Parties cumulative: gTLDs*, at <http://arbitr.wipo.int/domains/statistics/cumulative/countries.html> (last visited Feb. 13, 2004); WIPO, *UDRP Case Filings and Decisions*, at <http://arbitr.wipo.int/domains/statistics/cumulative/results.html> (on file with the author) [hereinafter WIPO, *UDRP Case Filings and Decisions*].
25. *Id.*
26. WIPO, *UDRP Case Filings and Decisions*, *supra* note 24.

domain names, and denied the complaint in 740 arbitrations.²⁷ The remaining 986 disputes were either withdrawn or otherwise terminated.²⁸ Thus, WIPO transferred or cancelled the domain name in 65.5% of the disputes and denied the complaint in 15% of the disputes, while the remaining 19.5% of the disputes were withdrawn or otherwise terminated. Of the 114 completed county code TLD disputes, WIPO transferred 80 domain names, cancelled 1 domain name, and denied 10 complaints outright, while 23 complaints were withdrawn or terminated.²⁹ Thus, WIPO transferred or cancelled 70.5% of these disputes and denied 8.5% of the disputes, leaving 21% of the cases either withdrawn or terminated.

B. National Arbitration Forum (NAF)

The National Arbitration Forum (NAF) became an approved provider as of December 23, 1999.³⁰ As of November 2003, 3,736 cases have been filed at the NAF, 115 of which are still pending. Of those decided, 2,672 domain names have been changed or transferred, 20 names have been cancelled; and 546 claims were denied.³¹ The remaining disputes were either arbitrated or withdrawn.³²

C. CPR Institute

ICANN approved the CPR Institute for Dispute Resolution as a service provider on May 22, 2000.³³ To date, the CPR Institute has had 93 cases filed with it, 5 of which are pending.³⁴ Of the 89 arbitrations completed, 47 domain names were transferred and 2 were cancelled, totaling 55% of all cases.³⁵ 16 arbitrations resulted in a ruling favorable for the respondent, 13 complaints were denied, and 1 was dismissed, totaling 33.3%.³⁶ Of the re-

27. WIPO, *UDRP Case Filings and Decisions*, *supra* note 24.

28. WIPO, *UDRP Case Filings and Decisions*, *supra* note 24.

29. WIPO, *UDRP Case Filings and Decisions*, *supra* note 24.

30. ICANN, *Approved Providers*, *supra* note 3.

31. NAF, *Domain Name Dispute Proceedings and Decision*, at <http://www.arbforum.com/domains/decisions.asp> (last visited Feb. 13, 2004).

32. *Id.* All but one were withdrawn before a decision was reached. *Id.*

33. ICANN, *Approved Providers*, *supra* note 3.

34. CPR Institute, *Dispute Resolution for Internet Domain Names- Cases and Published Decisions*, at <http://www.cpradr.org> (click on "Dispute Resolution for Internet Domain Names" and then "Cases and Published Opinions" link) (last visited Feb. 13, 2004).

35. *Id.*

36. *Id.*

mainder, 7 arbitrations were withdrawn, 2 were settled, and there was a single split decision.³⁷

D. Asian Domain Name Dispute Resolution Centre

ICANN most recently approved the Asian Domain Name Dispute Resolution Centre as a dispute resolution service provider on February 28, 2002.³⁸ The Centre has offices in Beijing and Hong Kong and, since its inception, 58 disputes have been filed with the Centre.³⁹ At present, 3 are pending and 20 have been withdrawn.⁴⁰ Of the 35 resolved disputes, domain names were transferred 25 times, or 71.5% of the time, while complaints were rejected 10 times, or 28.5% of the time.⁴¹

E. Fees

Dispute resolution service fees start at \$1,000 and vary by provider.⁴² Pricing depends on the number of domain names included in the complaint and on whether a one- or three-person panel decides the case.⁴³ Of the four ICANN-approved providers, the Asian Domain Name Dispute Resolution Centre and the NAF (the largest U.S. provider) offer the lowest rates for disputes involving only one or two domain names.⁴⁴ Both offer one-panelist reviews for approximately \$1,000 and three-panelist reviews for approximately \$2,500.⁴⁵ CPR offers similar services for \$2,000 and \$4,500, respectively.⁴⁶ Alternatively, WIPO charges \$1,500 for a one-panelist decision on a

37. *Id.*

38. ICANN, *Approved Providers*, *supra* note 3.

39. Asian Domain Name Dispute Resolution Centre (Beijing Office), *Case Statistics*, at <http://www.adndrc.org> (click on "Beijing Office" link, then on "Case Statistics" link) (last visited Feb. 13, 2004).

40. *Id.*

41. *Id.*

42. *See infra* notes 46-48 and accompanying text.

43. *Id.*

44. *Id.*

45. *See* Asian Domain Name Dispute Resolution Centre (Beijing Office), *Fees*, at http://www.adndrc.org/adnrc/bj_schedule_fees.html (in effect as of Feb. 28, 2002); NAF, *Fee Schedule*, at <http://www.arb-forum.com/code/appx-c.asp> (last visited Feb. 13, 2004).

46. CPR Institute for Dispute Resolution, *CPR's Supplemental Rules and Fee Schedule*, at http://www.cpradr.org/ICANN_RulesandFees.htm (last visited Feb. 13, 2004) (complete listing of supplemental rules and fees).

complaint that may include up to five domain names and \$4,000 for a three-panelist decision.⁴⁷

V. RECOMMENDATIONS

Since the UDRP's formation in October 1999,⁴⁸ nearly 8,500 complaints have been filed with the four approved dispute resolution service providers.⁴⁹ There is much to admire about this global system. In addition to offering rapid⁵⁰ and inexpensive dispute resolution,⁵¹ the UDRP providers generally offer easy access to their services via the World Wide Web.⁵²

Taking into account these positive aspects, there is yet room for improvement. One study recommends mandating three-member panels for all decisions, which would reduce forum shopping, ensure load maximums and minimums for panelists, and act as a quality control mechanism.⁵³ Such a measure would also provide for a more consistent decision making process. On the downside, mandating a three-member panel would increase the cost to participants and partially negate the low-cost benefit of arbitration.⁵⁴

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47. WIPO Arbitration & Mediation Center, *Schedule of Fees Under the ICANN UDRP Policy*, at <http://www.arbiter.wipo.int/domain/fees/index.html> (last visited Feb. 13, 2004) (presenting a schedule of fees with payment policies).
 48. See generally Orion Armon, Note, *Is This as Good as It Gets? An Appraisal of ICANN's Uniform Domain Name Dispute Resolution Policy (UDRP) Three Years After Implementation*, 22 REV. LITIG. 99 (2003) (discussing history of UDRP implementation).
 49. See Connie L. Ellerbach, *Domain Name Dispute Remedies: Tools for Taming the World Wide Web*, 759 PLI/PAT 513, 519-20 (July 2003) (citing 8,500 disputes filed as of June 4, 2003, which involved over 14,000 domains).
 50. Unless there are exceptional circumstances, the panel should forward its decision within fourteen days of its appointment. ICANN, *Rules for Uniform Domain Name Dispute Resolution Policy*, §15(b), at <http://www.icann.org/dndr/udrp/uniform-rules.htm> (last visited Feb. 13, 2004) (complete listing of ICANN rules as approved by ICANN on Oct. 24, 1999) [hereinafter ICANN, *Rules for UDRP Policy*].
 51. See *supra* notes 46-48 and accompanying text.
 52. As of this writing, three of the four providers offer this option.
 53. Michael Geist, *Fair.com: An Examination of the Allegations of Systemic Unfairness in the ICANN UDRP*, 26-27, 29-30, at <http://air1.vottowa.ca/ngeist/geistudrp.pdf> (August 2001) (last visited Feb. 13, 2004) [hereinafter Geist, *Examination of the Allegations*]. An update by the author showed the data remained the same, and the author concludes that the need for reform is increasingly urgent. See Michael Geist, *Fundamentally Fair.com: An Update on Bias Allegations and the ICANN UDRP*, at <http://aix1.vottowa.ca/ngeist/fairupdate.pdf> (last visited Feb. 13, 2004).
 54. See Geist, *An Examination of the Allegations*, *supra* note 53, at 28.

A second recommendation for improving UDRP policy involves dealing with the fact that domain name dispute proceedings do not preempt litigation.⁵⁵ The Rules for Uniform Domain Name Resolution Policy specifically allow legal proceedings to be initiated prior to or during an administrative hearing.⁵⁶ Upon the filing of a suit, the panel can either suspend or terminate the administrative proceeding or it may decide to proceed to a decision.⁵⁷

Not all service providers deem this aspect a negative. For example, WIPO states that the UDRP procedures should not and cannot have the effect of binding precedent in the nation's courts.⁵⁸ U.S. courts have held that a domain name registrant who loses a dispute under the UDRP may bring suit in federal court under the Anticybersquatting Consumer Protection Act (ACPA).⁵⁹

While this option greatly benefits the losing party, there are strict limitations on this ability. Under the UDRP, a losing party must file suit within ten days to avoid implementation of an arbitration panel ruling.⁶⁰ If the suit is timely filed, a federal court need not give any deference or weight to the evidence submitted, the analysis employed, or the decision reached in the UDRP proceeding.⁶¹ While a relatively small percentage of arbitrated domain name disputes have gone to court, the option to pursue litigation is an important alternative in the event of an incorrect ruling or a procedural mistake.⁶² In addition, under arbitration, the dispute resolution service provider

55. See Vernon W. Johnson III, *Drawbacks to UDRP Hearings*, NAT'L. L.J., Oct. 22, 2001, at C10.

56. See ICANN, *Rules for UDRP Policy*, *supra* note 50, at § 18(a).

57. See ICANN, *Rules for UDRP Policy*, *supra* note 50, at § 18(a).

58. See WIPO, *Final Report of the WIPO Internet Domain Name Process*, ¶ 150, at <http://wipo2.wipo.int/process1/report/finalreport.html> (April 30, 1999) (last visited Feb. 13, 2004).

59. See, e.g., *Sallen v. Corinthians Licenciamentos LTDA*, 273 F.3d 14 (1st Cir. 2001) (holding, in this reverse domain name hijacking case, that despite an adverse ruling in arbitration, a party still has the right to file suit in federal district court, so long as such suit is filed within ten days of the adverse ruling). See generally Sue Ann Mota, *The Anticybersquatting Consumer Protection Act: An Analysis of the Decision from the Courts of Appeals*, 21 J. MARSHALL J. COMPUTER & INFO. L. 355 (2003) (providing an analysis of court decisions on cases brought under ACPA).

60. See ICANN, *UDRP Policy*, *supra* note 18; see also *Sallen*, 273 F.3d at n.11 (addressing the ten-day rule requirement).

61. See *Ellerbach*, *supra* note 49, at 523.

62. See Dawn Nanziato, *Freedom of Expression, Democratic Norms, and Internet Governance*, 52 EMORY L.J. 187, n.98 (2003) (asserting that the short window available in which to file suit, coupled with the difficulty and expense of hiring an attorney, acts as a deterrent to filing suit and that may explain the low figures for suits filed subsequent to arbitration).

may only cancel or transfer a registration, whereas a court may also issue injunctive relief or damages.⁶³

Third, the UDRP would be greatly improved by the implementation of an appeals process. Much like NAFTA, which also has a dispute resolution policy⁶⁴ (including a section dedicated entirely to intellectual property⁶⁵), the UDRP allows individuals to arbitrate claims, but does not provide for their administrative appeal.⁶⁶ In this author's opinion, appellate review would be a welcome addition to the dispute resolution system, similar to the World Trade Organization's appeals process.⁶⁷ The downside to appellate review would be increased costs, increased time before final resolution, and greater uncertainty. However, the benefits of consistency and accuracy in the decisions seem to outweigh the disadvantages.⁶⁸

A fourth possible improvement to UDRP would be the requirement that the accredited registrars conduct an initial pre-screening to ensure that no similar mark or domain name has already been registered. While accredited domain name registrars would be understandably reluctant to accept any new responsibilities without financial incentive, there are other options. For example, an independent database could be created whereby existing mark holders would enroll their marks, making it easier for the registrar to check the domain name request against the database. Mark owners would have an incentive to register their marks and it would be less expensive than arbitration or litigation. Registrars could be granted immunity for a good faith attempt to pre-screen domain names, similar to the existing limitations on liability for dispute service providers and panelists.⁶⁹ Like other recommendations, this may raise the cost to the registrant slightly, but may reduce the cost of handling subsequent arbitration.

63. See ICANN, *Approved Providers*, *supra* note 22, at (i); see also Ellerbach, *supra* note 49, at 524.

64. North American Free Trade Agreement, ch. 20 § B, 32 I.L.M. 605, 693-99 (1993) available at http://www.nafta-sec-alena.org/DefaultSite/legal/index_e.aspx?articleid=175 (last visited Feb. 13, 2004) [hereinafter NAFTA].

65. NAFTA, *supra* note 64, ch. 17 at 670.

66. See generally ICANN, *Approved Providers*, *supra* note 22 (providing no mention of the ability to appeal a panel decision); see also Neil King Jr., *Panel Turns Down Case Against U.S. By Loewen Group*, WALL ST. J., June 27, 2003, at A5, available at 2003 WL 3972423 (discussing the NAFTA striking down a \$780 million case brought by the Canadian-based Loewen Group against the United States, in which the Group claimed that Mississippi courts discriminated against a foreign country).

67. See WTO, *Understanding the WTO: Settling Disputes*, at http://www.wto.org/english/thewto_e/whatis_e/tif_e/displ_e.htm (last visited Feb. 13, 2004).

68. See Ellerbach, *supra* note 49, at 519-20.

69. See ICANN, *Rules for UDRP Policy*, *supra* note 50, at § 20.

Each of these cost-effective recommendations may serve to enhance the current dispute resolution system. Each allows the system to remain online, thereby continuing to keep time and expense to a minimum, and each would help to improve the quality of assistance that the dispute resolution service providers offer to registrants.

VI. CONCLUSION

The problem of cybersquatting is escalating globally. Trademark and service mark owners need to be able to protect their marks as domain names from others who register and use the mark in bad faith.⁷⁰ As a preliminary matter, the owner must first discover that its mark is being used in an Internet address. An inexpensive way to do this is simply to use a search engine to discover web pages using the mark. Making detection even easier, one domain name registrar offers a service that will report cybersquatting or any trademark being used in hidden or overt ways.⁷¹

Once the cybersquatting has been discovered, a trademark owner has several options. A relatively expensive and time-consuming method of resolving the infringement is to litigate under ACPA.⁷² However, the less expensive, faster, and globally recognized solution is to pursue arbitration under the UDRP.

ICANN's UDRP is a laudable effort to protect against global cybersquatting. In the short time since its institution, nearly 8,500 disputes have been filed with existing accredited domain name dispute resolution service providers. If the number of cases filed begins to exceed the service providers' resources, there will always exist the option of implementing a pre-screening process to reduce the number of disputes filed.

ICANN's UDRP is comparable in many ways to other forms of global dispute resolution and should be commended for the number of disputes resolved. Aside from its success, the UDRP could be improved by consistently using three-member panels like the WTO. Including an appellate level of review could also strengthen the UDRP's effectiveness. The WTO, which has already implemented appellate review for disputes, could be used as a

70. See ICANN, *UDRP Policy*, *supra* note 18, at § 4(a) (explaining what constitutes "bad faith" under ICANN).

71. Riva Richmond, *Tool Traps Poachers of Web Names*, WALL ST. J., April 16, 2003, at B4. (The third largest domain name registrar, Bulk Registrar LLC, provides this service under the name Brand Crawler. Fees range from approximately \$100 for a single report to about \$800 for an annual subscription to both reports. The first and second largest registrars are Veri-Sign, Inc. and Register.com Inc.).

72. 15 U.S.C. § 1125(d) (2000); see generally Mota, *supra* note 59 (examining several ACPA decisions).

model for the UDRP.⁷³ This recommendation is based on the need to maintain consistency among panels' decisions, thereby creating greater certainty and faith in the system.

As stated above, the UDRP has been successful in its purpose. It has acted as a positive force in resolving domain name disputes and has evolved a considerable amount in a relatively short period of time. Despite this, there is still room for improvement. The UDRP's evolution may be accelerated by the suggestions discussed above and such suggestions should be considered in future decisions on how best to shape the UDRP. Given the increasing role and importance the Internet will play globally, the need for a perfected dispute resolution process for domain names will only grow. Hopefully, the UDRP will keep up with that need.

73. WTO, *Understanding on Rules and Procedures Governing the Settlement of Disputes*, art. 17, available at http://www.wto.org/english/docs_e/legal_e/ursum_e.htm#Understanding (last visited Feb. 13, 2004); see also WTO, *Standards concerning the availability, scope and use of Intellectual Property Rights*, arts. 15.1, 16.1, available at http://www.wto.org/english/docs_e/legal_e/27-trips_04_e.htm (last visited Feb. 13, 2004).

