

**GigaLaw's**

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**Domain  
Dispute  
Digest**



First Quarter, 2021

## Domain Name Disputes Continue to Soar



**Doug Isenberg**

Attorney and  
Founder of [GigaLaw](#)

[Doug@Giga.Law](mailto:Doug@Giga.Law)

At the risk of sounding like a broken record, it looks like domain name disputes are on-track for another record year, with the two leading service providers for the Uniform Domain Name Dispute Resolution Policy (UDRP) seeing big increases in the number of cases and domain names they handled in the first quarter of 2021. Specifically:

- At the World Intellectual Property Organization (WIPO), trademark owners received 788 decisions in the quarter, up from 686 the previous quarter – an increase of 14.9%. And the total number of disputed domain names in those decisions (since many UDRP cases include more than one domain name) rose 28.4%, from 1,232 to 1,582 domain names.
- At the Forum (formerly the National Arbitration Forum), the number of decisions spiked 12.1% (from 436 to 489) and the number of domain names rose 5.5% (from 658 to 694).

In my interview with Renee Fossen at the Forum (see page 9), she tells me one reason that may explain the rise:

“ The registrations of domain names likely increased during [the pandemic], and there were times where maybe those cybersquatters had more time to actually do their thing and also more time for attorneys to actually track that stuff down and be able to remedy it through the UDRP.

Interestingly, trademark owners are even taking greater advantage of the often-overlooked Uniform Rapid Suspension Systems (URS), with a 6.9% increase in the number of decisions the first quarter of 2021 (see page 7).

For regular updates on domain name dispute data, trends, and case studies, subscribe to the GigaLaw YouTube channel: [www.youtube.com/GigaLaw](https://www.youtube.com/GigaLaw)

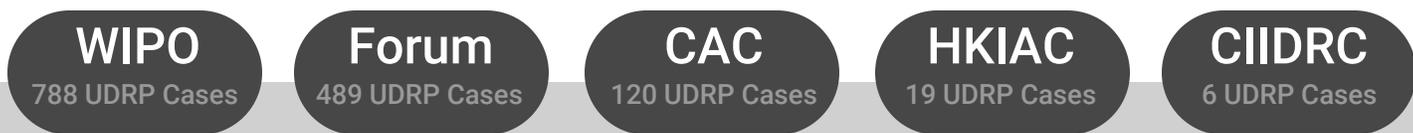
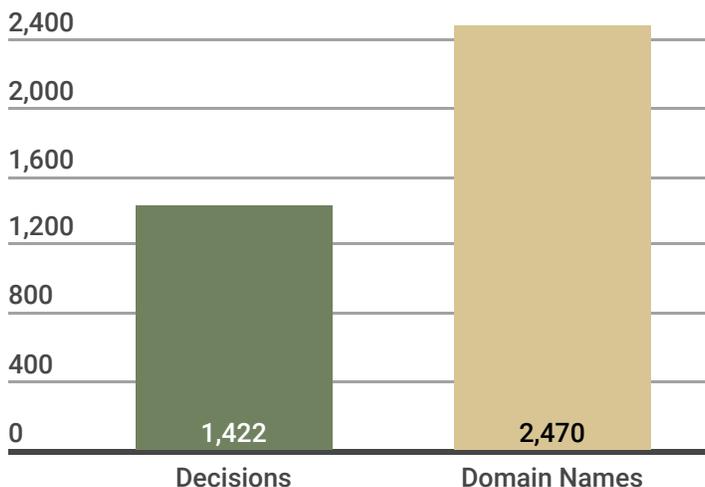
# Number of UDRP Decisions and Domain Names

**+11%**

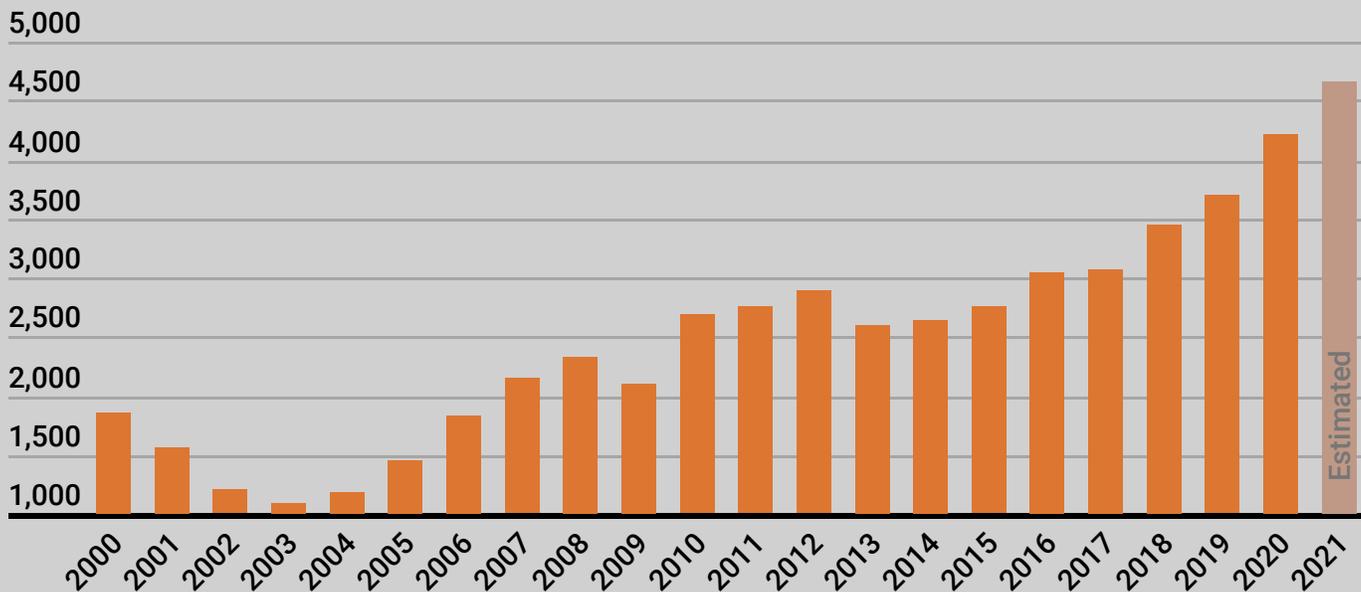
UDRP decisions since last quarter

**+17.6%**

UDRP domain names since last quarter

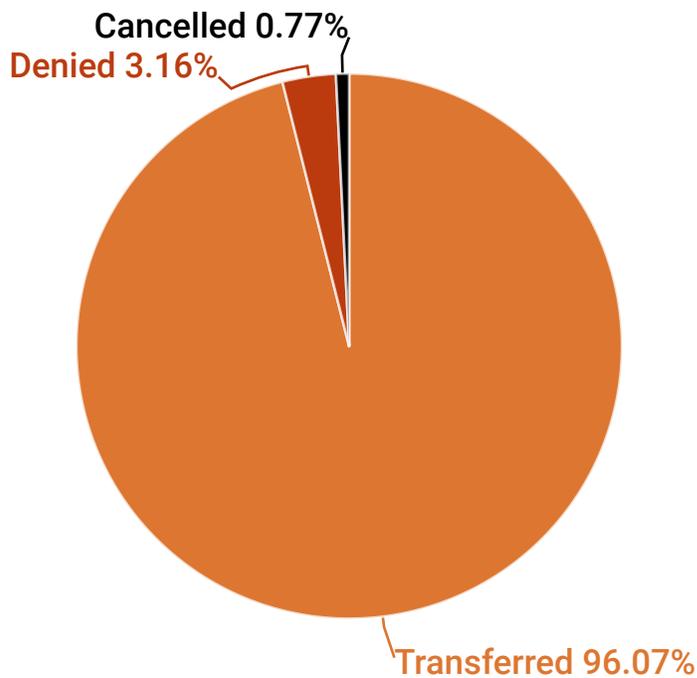


## WIPO Domain Name Cases by Year



At WIPO, the leading UDRP service provider, the number of domain name disputes is up more than 10% since the beginning of 2020 and, if the trend continues, will set a record for the eighth consecutive year. (Note: Data on this graph includes all domain name dispute policies administered by WIPO, including cases outside of the UDRP, such as ccTLD-specific policies.)

## UDRP Outcome



Transfer remains the most popular outcome in UDRP cases, rising from 93.98% in the previous quarter to 96.07% this quarter.

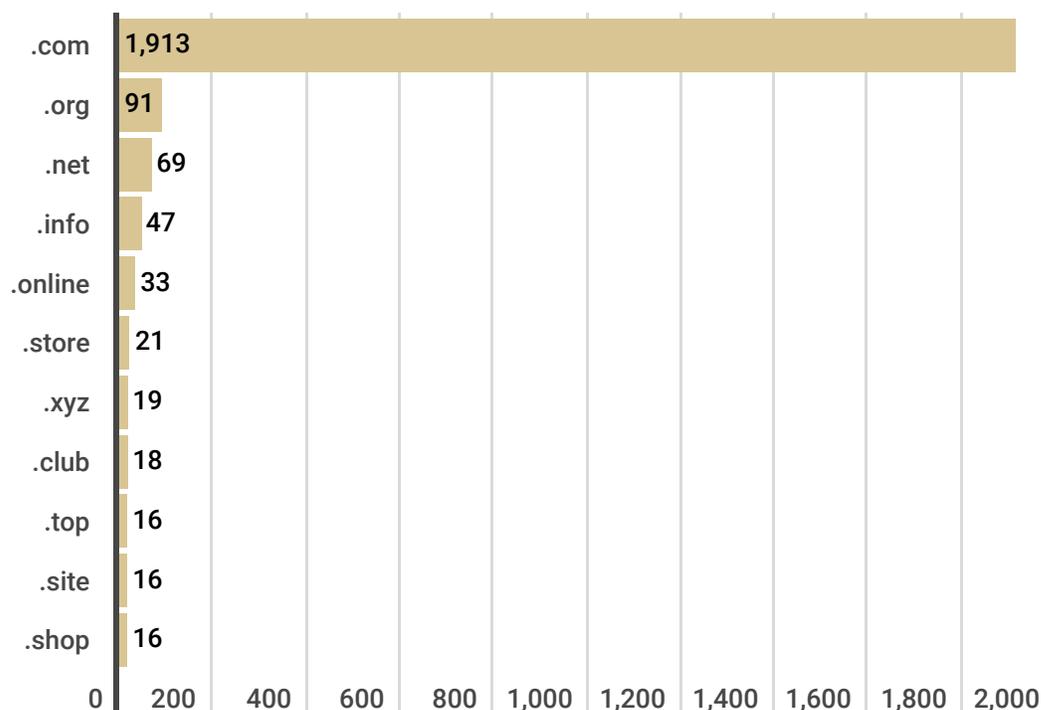
## Largest UDRP Cases

Dareos (owner of the VULKAN trademark) was again the filer of the largest UDRP complaint this quarter – and it was also responsible for two of the top 10 biggest complaints. Such large cases are always efficient for trademark owners.

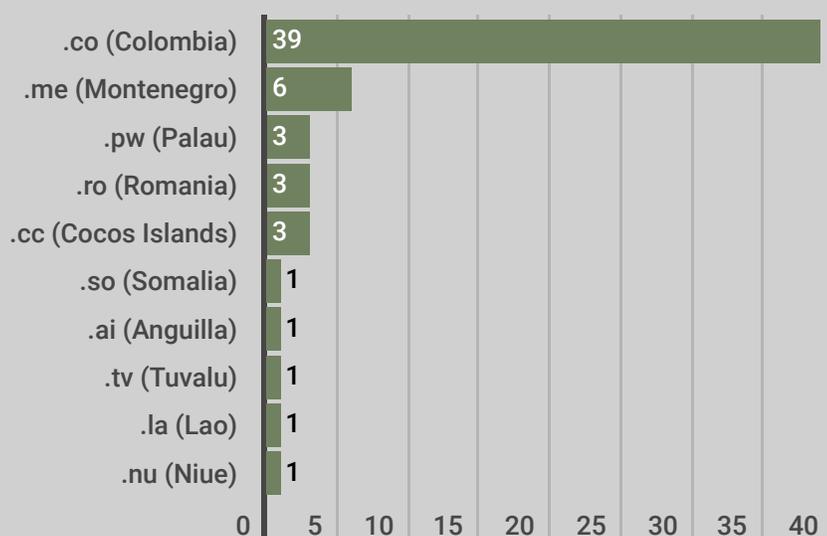
Complainant	Case No.	No. of Domains
Dareos	WIPO D2020-3396	182
<b>Discover Financial</b>	<b>WIPO D2020-2818</b>	<b>137</b>
Volvo	WIPO D2020-3507	85
<b>Sodexo</b>	<b>WIPO D2020-3397</b>	<b>73</b>
Gucci	WIPO D2021-0257	57
<b>Dareos</b>	<b>WIPO D2020-3556</b>	<b>42</b>
Ceridian	Forum 1925691	35
<b>Discover Financial</b>	<b>WIPO D2020-3373</b>	<b>22</b>
Facebook	D2020-2674	17
<b>Microsoft</b>	<b>CAC 101794</b>	<b>16</b>

## Most Common gTLDs in UDRP Cases

While .com remained the most frequently disputed top-level domain, .org took the number 2 spot in the quarter, surpassing .net. The gTLD .club was a newcomer to the top 10 list since last quarter.

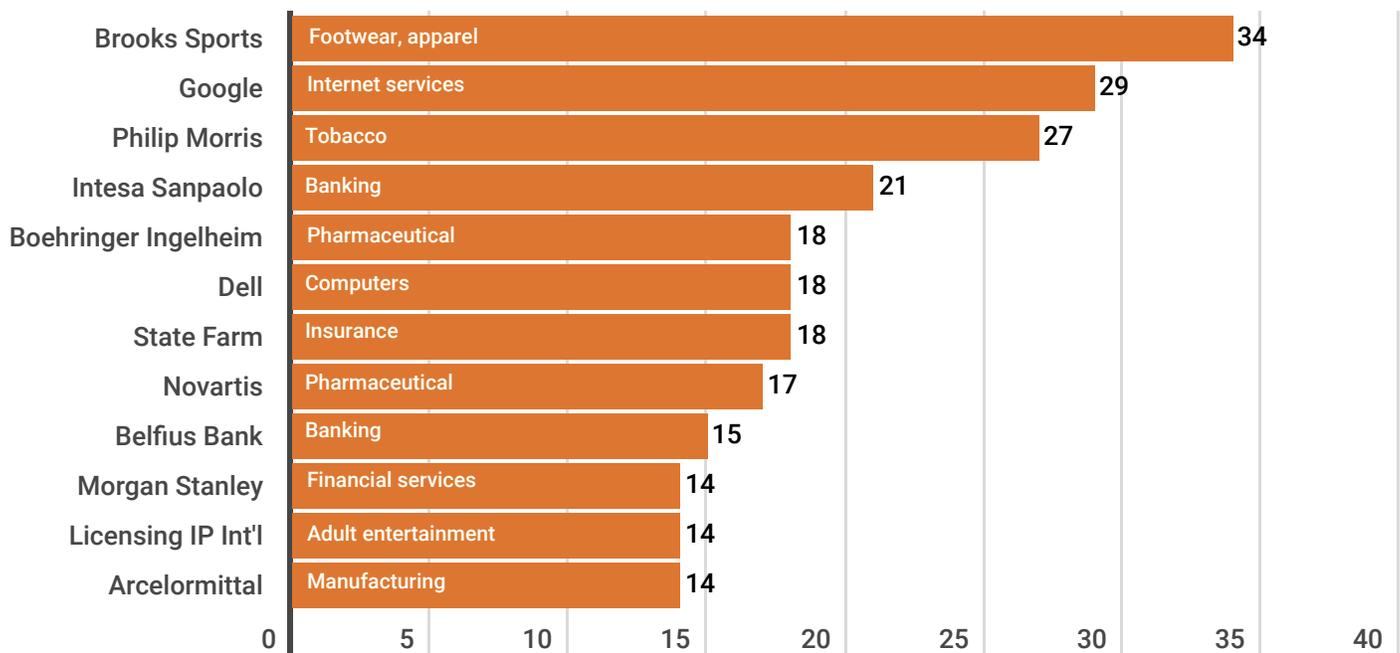


## Most Common ccTLDs in UDRP Cases

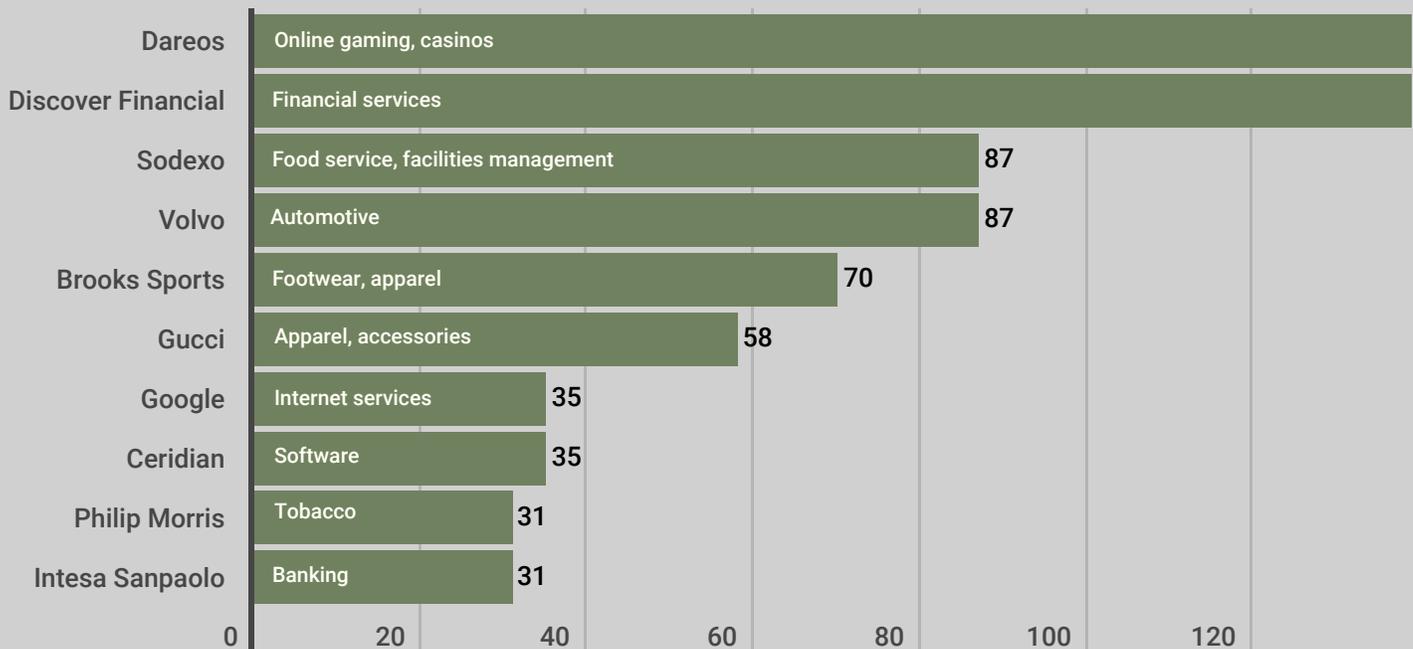


The list of ccTLDs that most commonly appear in UDRP decisions remained very similar to the previous quarter, although the number of .co domain names increased by 11.4%.

## Most Active Trademark Owners (UDRP Cases)



## Most Active Trademark Owners (Domain Names in UDRP)



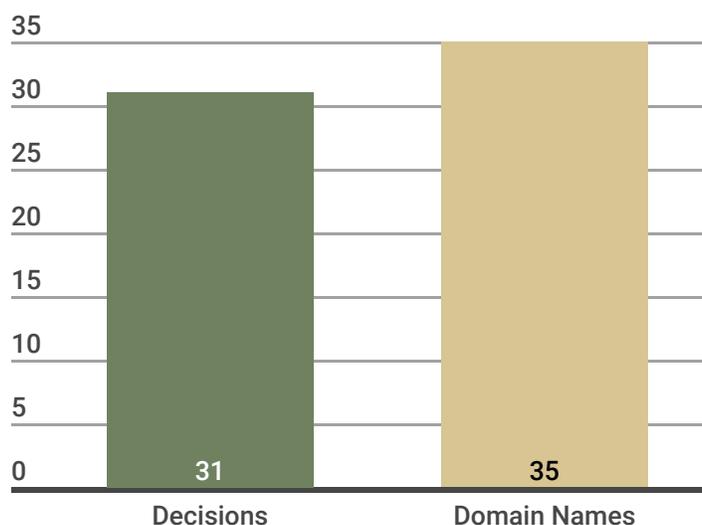
## Number of URS Decisions and Domain Names

# +6.9%

URS decisions since last quarter

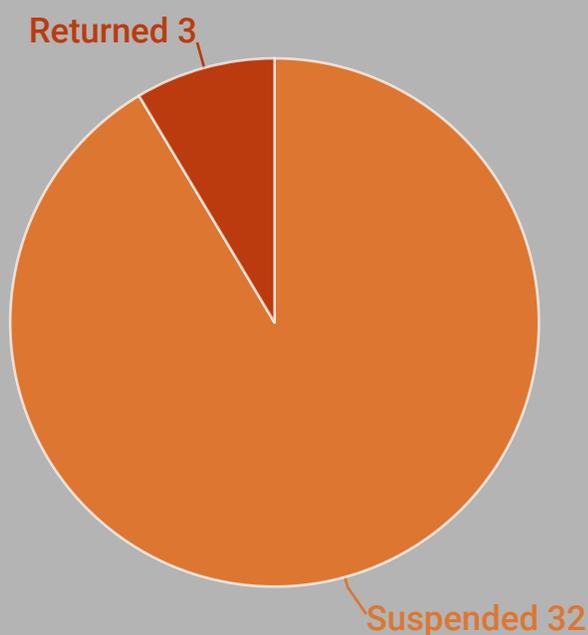
# +20.7%

URS domain names since last quarter



## URS or UDRP?

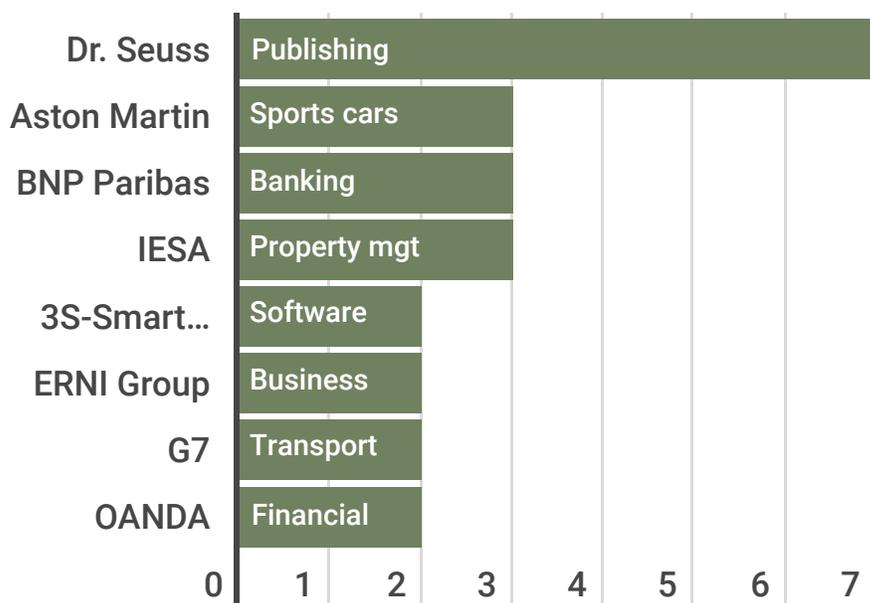
The URS is less expensive than the UDRP, but it does not apply to .com, and it only allows a trademark owner to temporarily suspend (not transfer) a disputed domain name.



## URS Outcome

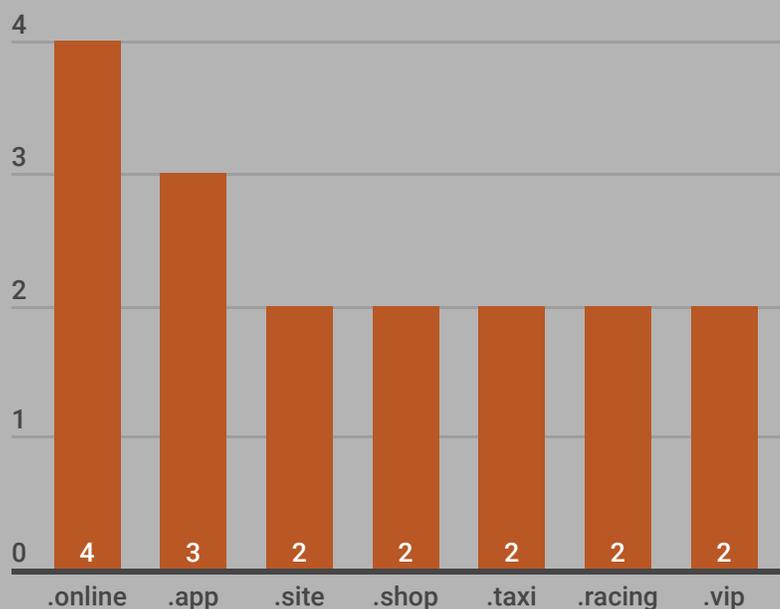
Almost all URS decisions in the quarter were decided in favor of the trademark owners that filed the complaints, with only one decision (for three domain names) in favor of the domain name registrant. In that case, *Informatizacion de Empresas v. Whois Privacy Service*, NAF Claim No. 1925314, the expert wrote: “It is clear that this is far from a simple case and the Parties are entitled to the benefit of a fully pleaded and argued process and therefore Complainant’s application must be refused.” The decision is a reminder that the URS is not appropriate for all domain name disputes.

## Most Active Trademark Owners (URS Cases)



Given the small number of URS cases, this list shows all trademark owners that pursued more than one domain name through the URS process during the quarter.

## Top gTLDs in URS Cases



In addition to those gTLDs shown to the left, each of the following appeared in one URS case in the quarter:

- .careers
- .city
- .codes
- .consulting
- .design
- .digital
- .email
- .global
- .london
- .org
- .plus
- .pro
- .solutions
- .sucks
- .tech
- .town
- .video
- .website

## Spotlight: Inside the Forum

Amid an ongoing surge in domain name disputes under the Uniform Domain Name Dispute Resolution Policy (UDRP), Doug Isenberg of GigaLaw interviewed Renee Fossen, director of arbitration at the Forum.

Formerly known as the National Arbitration Forum, the Forum is one of the leading providers of domain name dispute services, including under the UDRP.

In this video, Doug and Renee discuss why trademark owners filed a record number of cybersquatting cases at the Forum in 2020, which saw a 16 percent increase in disputes over the previous year.

Despite the arrival of the COVID-19 pandemic in 2020, “we had the busiest filing year we’ve ever had since the implementation of the UDRP,” Renee tells Doug. “I think that’s because some of those industries weren’t impacted as much as we thought they would be. We did see a decrease in entertainment industries, fashion, travel. But we saw an increase in filings in financial services, pharmaceuticals and insurance areas.”

To watch the interview, visit the GigaLaw YouTube channel at [www.youtube.com/GigaLaw](http://www.youtube.com/GigaLaw) or go directly to [youtu.be/8WVFuiP5nDs](https://youtu.be/8WVFuiP5nDs)



## About Domain Name Disputes and GigaLaw

This report focuses primarily on the Uniform Domain Name Dispute Resolution Policy (UDRP), the ICANN policy that provides trademark owners with an inexpensive and quick legal process to combat cybersquatting. It applies to .com and all of the global or generic top-level domains (gTLDs), as well as about 40 country-code top-level domains (ccTLDs). This report also includes data on the Uniform Rapid Suspension System (URS), a more limited policy that primarily addresses only disputes in the new gTLDs (.aaa to .zuerich) created in recent years.

Doug Isenberg (right), founder of GigaLaw and one of the world's most active domain name attorneys, frequently represents trademark owners under the UDRP, the URS and ccTLD-specific policies. He filed the largest UDRP complaint ever, for more than 1,500 domain names, in 2009. He also serves as a domain name panelist for five of the six UDRP service providers, including the World Intellectual Property Organization (WIPO) and the Forum.

The *World Trademark Review* has said that Doug is “a whiz on all things to do with Internet law and domain names.”

For more information, visit [www.Giga.Law](http://www.Giga.Law) or email [Doug@Giga.Law](mailto:Doug@Giga.Law)



This issue of GigaLaw's Domain Dispute Digest includes UDRP data from WIPO, the Forum, CAC, ADNDRC's Hong Kong office (HKIAC), and CIIDRC; and URS data from the Forum and MFSD. Analyzed data is from January 1-March 31, 2021, unless otherwise noted. This report is for general informational purposes only, provides only a summary of specific issues, and is not intended to be and should not be relied upon as legal advice regarding any specific situation. This report is not intended to create, and does not constitute, an attorney-client relationship. Readers should consult with legal counsel to determine how laws, policies or decisions and other topics discussed in this report apply to the readers' specific circumstances. This report may be considered attorney advertising under court rules of certain jurisdictions. Copyright © 2021 The GigaLaw Firm, Douglas M. Isenberg, Attorney at Law, LLC.