



PROPOSAL FOR
**THE ARAB CENTER
FOR DISPUTE RESOLUTION**



A DOMAIN NAME DISPUTE RESOLUTION PROVIDER
APRIL 2014

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1. BENEFITS OF ALTERNATE DISPUTE RESOLUTION

Alternate Dispute Resolution presents an efficient and cost-effective mechanism to resolve disputes of a complex nature, benefiting from experience of highly qualified experts who are renowned internationally. Furthermore, the process is characterized by a conciliatory atmosphere which fosters dispute mechanisms that are confidential, informal, voluntary, and impartial. All forms are completed digitally. All remainder communications are internet based as well, unless grounds for exceptional circumstance are provided.

2. AN OVERVIEW OF THE ARAB CENTER FOR DISPUTE RESOLUTION

The Arab Center for Dispute Resolution (ACDR) has accreditation from ICANN (the Internet Corporation for Assigned Names and Numbers). ICANN has developed an extremely useful procedure for dispute resolution to handle domain-name holder problems. It is the central entity enabling organization and management of a diverse array of Internet concerns. Its importance and mission is organizing and promoting development of predictable rules-based guidance for a more secure and stable Internet. With this in view, following in-depth consultations with ICANN on a wide array of IP issues, as well as on the requirements for effective dispute settlement, the ACDR has adopted the Uniform Domain Name Dispute Resolution Policy, UDRP Rules and its own Supplemental Rules. These rules govern the administration of domain name dispute resolution to better address the concerns of domain-name holders.

The Arab Center for Dispute Resolution (ACDR) was established to provide up-to-date information and transparent reliable professional services and expertise in the area of dispute settlement with a view to advancing the most relevant jurisprudence and international legal trends, furthering the most advanced practices in the field of Intellectual Property.

Website Access:

It is recommended to refer to the ACDR website at <http://:acdr.aipmas.org> for in depth explanation.

ACDR has an excellent base of Intellectual Property professionals that are renowned in this field. The Center has chosen those with accredited memberships in their relevant associations and with proven track records in Dispute Settlement. We have confidence in their ability to achieve settlements while addressing the most salient concerns of IP law.

3. BENEFITS OF THE ARAB CENTER FOR DISPUTE RESOLUTION (ACDR)

As the sole accredited Mediation Center for Domain Name Dispute Resolution by ICANN, in the Middle East region, the ACDR is uniquely positioned to address domain name issues pertinent to the region, while maintaining an international, multicultural disposition to case settlement. It should be noted that the Center has access to panelists who have in-depth knowledge in IP matters. The Center implements well-established procedure while at the same time developing flexibility to address requirements of each particular case.

It will maintain a healthy dialogue on diverse aspects and features of the Internet including: Internet governance, contractual compliance as well as the newest developments at ICANN, on the internet. Due to its' regional advantage as well as its' myriad offices placed internationally, it has a unique flexibility as well to interact and address business in various regions.

4. ESTABLISHED PANELISTS

Our panelists are well versed in the legal aspects of domain name disputes. Many have settled disputes based on well settled precedents in Domain Name law. We are also in constant interaction with the relevant processes, professionals, and entities to ensure that panelists are practicing the most relevant and current dispute resolution practices in step with the appropriate business climate. Our center is interested in creating a facilitative and communicative dialogue based process, which fosters a neutral climate that enables entities to meet their contractual and legal obligations, while ensuring support where required.

- **Ms. Deema Abu-Zulaikha**

Deema Abu-Zulaikha holds LL.B degree in Law from the University of Jordan as well as LL.M degree in Intellectual Property Rights from the same university, a permitted advocate and member of the Jordanian Bar Association, and has also attained the Arab Intellectual Property Practitioner Certificate. Ms. Abu-Zulaikha is also a member of the Jordan Intellectual Property Association (JIPA), Jordan Forum for Business and Professional Woman (JFBPW), and Arab Society for Intellectual Property Law (ASIP). Ms. Abu-Zulaikha is the manager and co-founder of the Quality Control Department.

- **Mr. Charles Sha'ban**

Charles Sha'ban is the Executive Director of Abu-Ghazaleh Intellectual Property (AGIP), He is experienced in Information Technology (IT) policies development and implementation strategies with extensive technical, management and training experience in IT including E-Business and Internet, rich exposure to Intellectual Property Rights (IPRs), generic and country code Domain Names, and (Multilingual) Internationalized Domain Name issues.

Sha'ban currently serves on the International Trademarks Association (INTA) board of Directors and the INTA Board planning committee, the Multistakeholder Advisory Group (MAG) of the Internet Governance Forum (IGF) and the Arab Multistakeholder Advisory Group (AMAG). In 2004, he served on the Working Group on Internet Governance (WGIG) that was established by the UN Secretary General.

Recently co-authored the Thomson Compumark special report about brands in the Middle East:<http://img.en25.com/Web/ThomsonReutersScience/1001619.pdf>

During 2004 - 2007, he served on the ccNSO Council of ICANN. Currently, he is representing AGIP in ICANN Intellectual Property Constituency (IPC) and was selected to the IDNC committee to work on Internationalized Domain Names.

He served on the International Trademark Association (INTA) Internet committee for two terms and he is currently chairing the Middle East and Africa sub-committee of the INTA Bulletin Committee. Sha'ban holds a Bachelor Degree in Computer Science from the University of Jordan and recently finished an Executive Course from Thunderbird School of Global Management: "Advanced Global Marketing Strategies" online through Talal Abu-Ghazaleh University (TAGIUNI).

- Dilek Ustun

(Partner, Head of the Foreign Trademark Dept.)

Attorney at Law (LL.B. Istanbul University)

Dilek, a founder partner of Istanbul Patent, is a registered trademark attorney and a legal attorney licensed by the Bar of Istanbul.

Dilek especially dealt with intellectual property conflicts arising particularly from trademark rights and internet domain names. She is the head of the Foreign Trademark and Internet Domain Name Disputes-Resolution Department. She has been working as a trademark attorney since 1997. Her articles appeared in various newspapers, periodicals and books in Turkey. Dilek serves as an expert on her area of specialization especially on Domain Name Disputes.

Dilek has been selected as the first WIPO panelist from Turkey under the organization's Uniform Domain Name Dispute Resolution Policy.

- Hoda Barakat

In September 2011, Ms. Barakat founded her own boutique legal consulting practice in Dubai specialized in advising international and local clients in strategic, high level legal matters and issues. The firm assists corporate clients in general legal strategies whether in litigation or commercial matters including working with other firms who have specialists in certain areas of law. This is in addition to her technical expertise in Intellectual Property matters (trademarks, copyrights and patents). She also recently acted as an arbitrator in an Intellectual Property dispute under the Dubai International Arbitration Centre's Rules where a patent agreement was under dispute as well as a Neutral in a WIPO UDRP Panel for domain name disputes: ftafrica.com. During January 2010 – September 2011: Ms. Barakat acted as a Panelist in two World Intellectual Property Organisation (WIPO) domain name disputes (higeen.com and cinemacity.com) and provided support to several not for profit organizations during this time with their legal requirements. She also worked in house on various legal issues of her family's businesses in addition to giving lectures at schools and the American University in Dubai on law and legal issues. From October 1995 – December 2009: Al Tamimi & Company (ATCO) Managing Partner and Head of the Intellectual Property (IP) & Information Technology (IT) Law Department. Al Tamimi & Company is the largest non affiliated law firm in the Middle East, based in Dubai, United Arab Emirates. From October 2005 to December 2009, she managed the firm in addition to managing my Department. In that role, she was responsible for the leadership of 130 lawyers and 300 employees. That period was a period of huge growth and establishment of systems, policies and procedures. The measures put in place however were shown to be strong by allowing the firm to weather the financial crisis so well. As the Managing Partner, she was of course responsible for quality and supervision of work. That included overseeing and therefore having knowledge and experience in a number of areas such as: All UAE and DIFC laws, dealing with cross jurisdictional matters, corporate governance, finance related matters amongst others. Technically, she was also responsible for the firm's Intellectual Property Department attained international fame, and became the leading IP practice in the Middle East.

Ms. Barakat's role included:

Advising the UAE Government on various aspects to ensure compliance with international standards, norms and obligations.

Participating in international and bilateral negotiations such as Free Trade Agreement meetings in the UAE, London and Washington for the UAE Government. Having worked in the private sector for a number of years, she was well placed to support the Government in understanding the issues from industry.

Building capacity of government officials in international trade negotiations and IP issues.

Working on all aspects of IP cases from Registration to Enforcement & Litigation. Ms. Barakat had a diverse client base ranging from software, mobile phone and pharmaceutical industries etc.

Making presentations, creating and conducting training programs for the private sector and publishing papers on various topics.

Acting as a Sole Panelist in a WIPO domain name dispute.

- **Gustavo Giay**

Gustavo Giay has been a member of Marval, O'Farrell & Mairal since 1995 and was made a partner in 2003. Currently, he is the head of the firm's Trademark and IT Litigation Group. He specializes in Intellectual Property litigation and Information Technology.

His practice has focused on intellectual property enforcement and he has extensive experience in advising businesses and individuals in matters related to Internet Law and assessment on legal and contractual questions in new and developing technologies.

He graduated as a lawyer from the Universidad de Buenos Aires in 1994 with a concentration in business economics and in 1997 he earned his LLM degree from Northwestern University in Chicago, Illinois. In 2002 he completed a postgraduate course on Intellectual Property at the Universidad de Palermo in Buenos Aires.

He is a frequent lecturer on intellectual property law and currently serves as Professor on Advanced Trademark Law, Internet Law and IP Contracts at the Center of Intellectual Property of the Universidad Austral in Argentina, which offers a Masters of Law focusing on IP

He is a licensed intellectual property agent, and a domain name panelist of the World Intellectual Property Organization Domain Name Center. He is a member of INTA, where he serves as chair of the Anti-Counterfeiting Committee, and the International Anti-Counterfeiting Coalition, where he participates in the Internet Committee. He is currently president of Licensing Executive Society Argentina (LES Argentina), the Argentine Association of Industrial Property Agents (AAAPI), and member of the International Association for the Protection of the Industrial Property (AIPPI), and the Interamerican Association of Intellectual Property (ASIPI).

- **Victoria McEvedy**

Ms. McEvedy is an experienced media and Intellectual Property lawyer and an expert in content on the Internet. She practiced in large international law firms before establishing her own firm six years ago. Her Qualifications and Awards include Recognition as a Leading Individual in Chambers 2013 (Digital Media) and Solicitor, England & Wales & Attorney, New York State and District Courts for the Southern and Eastern Districts of New York University of Canterbury, NZ, LLB. (Hons.) She has served on the WIPO Panel of Arbitrators, WIPO Media Panel and Expert for .EU and UDRP Domain Name Panels.

- Alan Limbury

Mr. Limbury has been mediating part-time since 1986 and full time since 1996, with wide experience as sole mediator in over 1,800 commercial and Intellectual Property disputes of all kinds in Australia, New Zealand and the UK, in which parties are legally represented. Alan has particular expertise in: Intellectual Property – including Trademarks, Copyright & Patents, Trade Secrets, Passing Off, Licensing, and Distribution & Franchising.

- Mladen Vukmir

Mr. Vukmir was ADR Committee Chair, International Trademark Association (INTA) for the 2010-2011 term. He served as a Vice-Chair in the 2008-2009 term and has served as a Chair of the External Partnering Subcommittee during 2006-2007 and as the Chair of the Law Firm Outreach Subcommittee during 2004-2005. He was a Member of the INTA Board of Directors in the 2012 to 2015 term.

From 2008 – until the present he is member of the Patent and Topographies Board of the Appeals Board CSIPO (Croatian Intellectual Property Office. Mr. Vukmir has been appointed by the Government of the Republic of Croatia to serve as a member of the Board of Appeals for Patents and Topographies. Board of Appeals of the Croatian State Intellectual Property Office is an intramural appeals body that decides the appeals of the first instance decisions of the CSIPO.

Mr. Vukmir is a distinguished Neutral (Mediator) of the International Institute for Conflict Prevention and Resolution (CPR) 2006 to the Present, as well as a distinguished Neutral at CPR trademark, domain names, IP and IT lists. He was an arbitrator and mediator at the Permanent Arbitration Court and the Mediation Center of the Croatian Chamber of Commerce. Mediator at the Croatian Bar Association's Mediation Center. He is a certified mediator by the Croatian Ministry of Justice (2011). Mr. Vukmir has also been an UDRP Panelist and mediator at the WIPO Arbitration and Mediation Center.

Mr. Vukmir is a founding partner of VUKMIR & ASSOCIATES, Zagreb, Croatia, a law firm. Among his various teaching assignments are at the University of Zagreb, American College of Management and Technology (A Rochester Institute of Technology Institution) and other international teaching institutions. He is also a frequent public speaker.

Main mediation practice areas:

Intellectual Property (Copyrights, trademarks, patents, designs, unfair competition, geographical indications etc), Technology (start-ups, software, pharmaceutical), Telecommunications-

Mediation experience

As a commercial mediator, Mr. Vukmir has mediated over 30 commercial disputes within the programs at the Commercial Court in Zagreb and the High Commercial Court of the Republic of Croatia and various mediation institutions. The former is specific in the sense that the mediation is conducted in the situation where a first instance decision is rendered and appealed by one of the parties.

Mediated disputes before the Croatian Chamber of Commerce Permanent Dispute Resolution Court's Mediation Center and at the Croatian Bar Association's Mediation Center. He has mediated several ad hoc meditations between domestic and international parties.

Description of mediation style

Facilitation of Disputes: Empowering the parties to resolve their disputes in a responsible way is the underlying approach in most mediation situations and needs. Techniques and styles (facilitative or evaluative) are seen as the mere tools in achieving a desired outcome. Courtesy and politeness help bridge cultural differences and create spaces that can serve as platforms for discovering common interests. Emphasizing the spaces available around the disputed areas helps the disputants to alleviate their perceptions and lead to the creative solutions. Outside of the mediation room, general approach is to prevent conflicts from arising by empowering parties to listen and accommodate the other party's interests.

- **Debrett Lyons**

Mr. Lyons is qualified as a Registered Trademark Attorney in the UK and Australia. Debrett is a full-time arbitrator for the Australian Federal government, responsible for decisions in Intellectual Property disputes. Debrett is a former partner and practice group head of one of the most prestigious London law firms and has specialized in IP law for almost 30 years. Debrett is a fellow and former director and treasurer of the British Institute of Trademark Attorneys. He has been a consultant to government bodies responsible for legislative reform of IP laws and practice and has been regularly recognised as one of the pre-eminent IP and trade mark practitioners of his generation.

Debrett has been an arbitrator of domain name disputes since 1999 and is currently a Panelist with the HKIAC, WIPO and the NAF. He has arbitrated more than 250 domain name disputes and has been appointed as Presiding Panellist in many of those cases.

- **Charne Le Roux**

Ms. Le Roux is a Trade mark practitioner – from the SA Institute of Intellectual Property Law (1996). She has specialization in Trade mark, domain name, copyright and competition law litigation and was a World Intellectual Property Organization (WIPO) - panelist for all top level domain name disputes (2003) .

- **Syed Naqiz Shahabuddin**

Description of Practice: Naqiz is a well-rounded lawyer, having practiced in the Dispute Resolution and Intellectual Property practice groups of Skrine and thereafter the Technology and Corporate and Commercial practice groups of Wong & Partners (a member firm of Baker & McKenzie International). In 2005, he co-founded the firm Naqiz & Partners, which now comprises 15 lawyers. The Firm has also established a mirrored presence in Jakarta which comprises eight lawyers. The Firm is highly ranked in various international publications including Legal500, IFLR and AsiaLaw. Naqiz has been involved in transactions and negotiations of various agreements such as asset transfer agreements, share sale and purchase agreements, restructuring for compliance with foreign equity guidelines, partnership agreements, teaming agreements, management agreements, outsourcing agreements, collaboration agreements, joint venture agreements, trust structures, development agreements and franchises.

- **Albert Agustinoy Guilayn**

Extensive experience in advising a large number of multinational online operators in connection with their Spanish activities, covering regulatory, commercial and litigation advice. Mr. Guilayn has a strong background in the field of IP/IT, having been involved in numerous commercial and

litigation matters related to technological agreements (including outsourcing and software licensing contracts), e-commerce, personal data protection, domain names or image rights . Since 2003, he has been on the list of neutrals for domain-name dispute resolution of both the World Intellectual Property Organization (WIPO) and the National Arbitration Forum (NAF). He is also a member of the list of experts appointed by the Spanish High Council of the Chambers of Commerce to decide on disputes over the use of .ES domains. Mr. Agustinoy is also on the WIPO list of arbitrators for accelerated mediation and arbitration proceedings in the film and media sectors. Mr. Guilayn has a significant academic background, collaborating with numerous universities as invited lecturer and is the author of numerous books and articles on gambling and IP/IT issues. He is also a recurrent speaker in international events connected with e-commerce.

- **Hossam El Saghir**

Dr. El Saghir, Professor of Commercial Law, Faculty of Law, Helwan University obtained LL.B in Law (1971) from Ain Shams University, Egypt. He obtained Higher Diplomas in Public Law (1973), Islamic Law (1974), Private Law (1979) and Ph.D in Commercial Law (1987) from Cairo University. He also obtained Master of Laws (LL.M) in Intellectual Property from Turin University, Italy in 2003. From 1987 he taught Commercial and Intellectual Property Laws in Ain Shams, Asiout, Menofia, Cairo and Helwan Universities (Egypt). He was a visiting professor at Saint Louis University (1990-1991) and Pace University (1996-1997 and 1999) in USA. He is the founding Director of the Regional Institute for Intellectual Property established with the cooperation of World Intellectual Property Organization (WIPO) in 2006 at Helwan University. The government has appointed him a member of several committees responsible for drafting a number of commercial legislations one of which is the Egyptian Intellectual Property Law in force. He has represented the WIPO as an intellectual property expert in several missions to provide advice to Arab countries while drafting their intellectual property laws; in addition to representing WIPO in many conferences, workshops and symposiums. He is a member of the International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP). He has valuable writings in the fields of commercial and intellectual property laws. Among which are: Fundamental breach of contract: Remarks on the manner in which the Principles of European Contract Law may be used to interpret or supplement Art. 25 of the CISG, in: John Felemegas ed., *An International Approach to the Interpretation of the United Nations Convention on Contracts for the International Sale of Goods (1980) as Uniform Sales Law*, Cambridge University Press (2006) 335-339, and *The Interpretation of the CISG in the Arab World*, in: Janssen / Meyer, eds., *CISG Methodology*, Selier: Munich (2009) 355-374. He is also the author of the monograph *Egypt, July 2009* (184 p.), an integral part of *Intellectual Property in the International Encyclopedia of Laws* series, published by Kluwer Law International. He practices law as a legal consultant, arbitrator and a lawyer before the Court of Cassation, the Higher Administrative Court and the Constitutional Court. The President of the Arab Republic of Egypt has appointed him a Member of the Board of Directors of the National Authority for Quality Assurance and Accreditation in Education.

- **Assen Alexiev**

Attorney-at-law, member of the Sofia Bar Association, 1998. Trademark and Design Attorney, registered in the Patent Office of the Republic of Bulgaria, 2000 and European Trademark and Design Attorney, registered in OHIM, 2007. Current professional activities and positions: Assen Alexiev has been a partner in Sabev and Partners law firm since the establishment of the law firm in 1998. He provides legal and consulting services in the field of commercial law, the protection

of intellectual and industrial property in Bulgaria and in the European Union, the international commercial arbitration, information technologies and the protection of the competition. In 2004 Assen Alexiev became a Panelist at the WIPO Arbitration and Mediation Center in relation to domain name disputes, where until now he has issued decisions in seventy nine international cases as Sole Panelist, Chairman or Co-Panelist. In 2006, Assen Alexiev was included in the list of Experts of WIPO in relation to .mobi domain names. In 2007, Assen Alexiev was included in the list of Panelists for .eu Internet domain name disputes at the Arbitration Court attached to the Economic Chamber of the Czech Republic and Agricultural Chamber of the Czech Republic, where he has rendered decisions in three international cases as Sole Panelist. In June 2008, Assen Alexiev was elected as member – representative of Bulgaria in the ICC International Court of Arbitration, Paris, where he now serves his third term. In this capacity he regularly participates in plenary and committee sessions of the Court. In 2011 Assen Alexiev was appointed as member of the ICC Task Force on National Rules of Procedure for Recognition and Enforcement of Foreign Arbitral Awards Pursuant to the New York Convention of 1958. In 2012 Assen Alexiev was included in the list of arbitrators of the Vienna International Arbitral Centre (VIAC). In 2012, Assen Alexiev was appointed as Country Reporter for Bulgaria at the Institute for Transnational Arbitration, Dallas, where he prepares quarterly reports on the current developments of the arbitral practice and court decisions in the field of arbitration in Bulgaria. The reports from various countries around the world, presented to the Institute for Transnational Arbitration, are published on the website kluwerarbitration.com. Assen Alexiev acted as Sole Expert before the WIPO Arbitration and Mediation Center in two cases whose subject are the applications for the delegation of the new top level domains .kom and .opr in Cyrillic script. Assen Alexiev currently acts as co-expert in a three member Panel of international experts before the Center for Expertise of the International Chamber of Commerce in a case whose subject is the application for the delegation of the new .broker top level domain. These disputes are administered and resolved under the New gTLD Dispute Resolution Procedure of ICANN, and their resolution involves the consideration of matters in the field of Intellectual Property and international law, including generally accepted and internationally recognized principles of law and generally accepted legal norms relating to morality and public order that are recognized under principles of international law.

- **Natalie Dreyfus**

Since 1992, She has been active in daily practice of Intellectual Property law (trademarks, designs, copyright, patents, software, contracts), Internet domain names disputes, e-commerce, unfair competition and competition law, new technologies law, new gTLDs, social networks, Google Adwords, distribution and licensing, protection and domain name registrations; Strategy in relation to the protection and defence of Intellectual Property Rights on the web, including settlements, counterfeiting, transfers, cancellations, UDRP procedures, out of court actions, follow up of court actions; Adjunct professor at the University of Strasbourg and the University Lumière Lyon 2; Intervention in numerous conferences in France and all around the world; Mission of the European Commission in Georgia and Tunisia for the development of Intellectual Property.

- **Kiyoshi Tsuru**

Mr. Tsuru has specialization in Intellectual Property law practice, mainly in the areas of new technologies and cyberspace; Domain name dispute resolution; Protection of copyrighted works in the digital realm; Software protection; Electronic transactions regarding Intellectual Property Rights;

Patents (drafting, prosecuting, enforcing); trade secrets; Copyrights; Licensing; Trademarks; Litigation before foreign courts, in association with local counsel; Antipiracy, Media law, Sports law, Ventures capital and ADR.

In his career, he is founding Partner of TSURU MORALES & ISLA ABOGADOS, S.C. 2011. He is Director, Intellectual Property, Technology, and Cyberlaw practice; TSURU, MORALES & TSURU ABOGADOS, S.C. 2008-2012; Founder Partner. Director, Intellectual Property, Technology, and Cyberlaw practice.

His experience with respect to domain names includes Counseling in the negotiation of amicable settlements between trademark and domain name holders; ADR procedures before WIPO; Dispute resolution procedures before NIC-MEXICO; Panelist in more than a dozen cases involving trademarks and domain names.

Mr. Tsuru's Professional Memberships amongst others are: Licensing Executives Society (LES) Member of the Board 2009; American Chamber (AMCHAM), IP Committee. Vicepresident 2009; Mexican Software Consortium. Vice President. 2006; Institute for the Protection of Intellectual Property and the control of piracy. Vice President. 2006; Internet Corporation for Assigned Names and Numbers (ICANN). Member of the GNSO Council (IPC Representative). 2004-06; Intellectual Property Constituency (IPC) of ICANN. Past Vice-President. 2002; American Bar Association (ABA); Mexican Bar Association Information and communications Technologies (ICT) Subcommittee; Chair Security and Prosperity Partnership (SPP) Delegate, Industry Mexico; American Intellectual Property Law Association (AIPLA). Past Chair, ICANN Working Group.

5. DESIRABLE FEATURES OF THE UNIFORM DISPUTE RESOLUTION POLICY

The Uniform Dispute Resolution Process ensures consistency. It is a conflict management scheme which enables the address of new developments in the Domain Name System, allowing to evolve and maintain its' flexibility. Further there is the development Dispute resolution that is not confined to territories and which is fully cognizant of the international economic landscape is essential to enable registries

The UDRP policy applies to cases of Bad Faith Registration. In cases where there is Cyberpiracy, Cybersquatting there a remedy through the UDRP is applicable. A registered owner will have a trademark protected domain name. The function of the Rights Protection Mechanism is to ensure a legitimate and neutral process that ensures a commitment to an outcome that promotes a process up to date on

The Uniform Domain Name Dispute Resolution Policy (UDRP) came into force in December 1999. It has been adopted by ICANN-accredited registrars in all gTLDs (.aero, .asia, .biz, .cat, .com, .coop, .info, .jobs, .mobi, .museum, .name, .net, .org, .pro, .tel and .travel).The UDRP policy utilizes a separate set of supplemental rules from certain other TLD's.

While ACDR will administer the commonly accepted policies, practices and procedures of the Uniform Domain Name Dispute Resolution Policy, caution should be used by practitioners regarding the type of application submitted. The Uniform Domain Name Dispute Resolution Policy (below) is applicable across all generic Top Level Domains (gTLD's). It is worth noting that applicability of the UDRP depends on whether the UDRP clause is included in the Registration Agreement.

As the groundbreaking leader in dispute resolution in the Middle East, the Arab Center for Dispute Resolution (ACDR), has the depth of knowledge, expertise and experience to deal with complex and advanced Intellectual Property issues, striving to resolve disputes fairly, economically and expeditiously.

The Arab Center for Domain Name Dispute Resolution maintains upto date information on the most salient issues such as Internet Governance, its' impact on

The UDRP offers a cheaper, quicker alternative method of resolving a domain name dispute over availing use of the local jurisdictions of the courts. While an applicant opts for the UDRP, it does not forego its' ability to litigate its' claim. It is worth noting a domain name holder is bound to the Uniform Dispute Resolution Policy from its' Registration Agreement .

A beneficial aspect of the Uniform Dispute Resolution Process is that there are no jurisdictional limits. There, a domain name holder may file in a country of non domicile where ownership of trademark is located. A domain registrar that registers information on a top level is in charge of domains such as .aero, .asia, .biz, .cat, .com, .coop, .info, .jobs, .mobi, .museum, .name, .net, .org, .post, .pro, .tel and .travel top-level domains, as well as country code top-level domains. The Registrar has the obligation to enforce the decision of the UDRP Panel. In case of refusal to participate, where there is no answer, the proceeding may continue without the appropriate position papers. The domain could be cancelled or transferred without appropriate involvement.

- In general, the practice of UDRP can be availed and is based upon the between the Registrar and it's customer
- There is general recognition of a business, even where officially unregistered, it may acquire common law trademark rights:
 - a. where there is general recognition of an establishment within a community, (as a personal or business name),
 - b. if there is a legitimate noncommercial or fair uses without intent to mislead consumers or where the term is describe generically .
- UDRP Arbitrators determine the disposition of the domain name. They include law professionals such as practicing attorneys, law professors, and former judges. Selected arbitrators are to be neutral, impartial facilitators that determine whether a domain name is being held in bad faith. Where bad faith is determined, there are no money damages for domain name infringement. The domain name will be cancelled or transferred upon a valid determination through the Administrative Proceeding.

Benefits for Trademark Holders:

It allows Trademark laws to protect trademark owner goods which are under protection to enable a robust growth of the economy, while protecting an owners interests in goods or services developed to retain reliability and promotion of dependability.

Accuracy of Domain Name Application

In the process of applying for a domain name, an applicant pursues a domain name registration, thereby making statements in the Registration Agreement statements that shall be verifiably true and accurate. Such application shall not to the best knowledge of the applicant infringe on another domain holders' rights. The domain name shall not be registered for an illegal activity. Further there shall not be any knowing violation of any laws rules or regulations.

Domain Name Registration Changes

Registrar may authorize changes to registration based on appropriate written instructions, including cancellation or transfer, or directed changes pursuant to instructions from an authorized entity such as a court/Tribunal order, an Administrative Panel pursuant to an Administrative Proceeding in accordance with the Terms of the Registration Agreement .

Mandatory Nature of Proceedings

An applicant enters a domain name registration contract where an applicant is required to submit to a Mandatory Administrative Proceeding in the case of a dispute.

Language of the Proceedings

It is generally accepted the language of the proceeding is the language in which the Registration Agreement was made. However, Arbitrators take into consideration and evaluate the circumstance and may hold otherwise in appropriate circumstances.

Electronic Submissions

Based on UDRP Rules, a complaint is submitted via electronic mail. Electronic submissions have the advantage of reducing dependency on heavy paper submissions. Maximum file size for such submissions cannot exceed 50 MB. Submissions pursuant to the mandatory pleadings requirement do not require hard copy versions. The Center only utilizes hard copy versions when providing written notice of proceeding.

A Successful Claim Must Establish

Elements which the Domain Name registrant/Trademark Holder must establish:

Where a domain name holder has a right or a legitimate interest in the domain name, then s/he is entitled to protection from cybersquatting under the UDRP. A case of Abusive Registration pursuant to the Uniform Dispute Resolution Policy must be established based through the following elements:

- i. Identical or Confusingly Similar Domain Name to which the complaining trade mark holder has rights.
- ii. Where there is no legitimate interest in the domain name.
- iii. A domain name is registered and is being used in Bad Faith.

Establishing Bad Faith Registration:

A registration with a Domain Name is considered a Use in Bad Faith where:

- There is intent showing bad faith where the Primary Purpose of Acquiring the Domain Name is for selling, renting or transferring the domain name registration to the trademark owner or a competitor for valuable consideration in excess of the costs directly related to the domain name .
- Preventing the trademark domain name holder from reflecting the corresponding mark in a domain name, based on a pattern of such behavior
- Primary purpose of acquiring the domain name is to disrupt trademark owners' business
- Intentional attempt to attract internet users for commercial gain by creating a likelihood of confusion.

Selection of Panelist:

A claimant may choose a single panelist to determine a case or where a claimant believes a panel of 3 is required, for example where there are several multiple domains that are being infringed upon determines the amount paid.

4. PAYMENT OF COSTS

Costs are generally paid by the Claimant. Where the individual chooses 1-2 panelists, the cost is \$1500 and increases when there is a choice of a 3 member panel and/or there is more than 2 domain names involved.

Number of Domain Names	Fee for single panel member	Administrative Fee	Total
1-2	\$1,000.00	\$500.00	\$1,500.00
3-5	\$1,100.00	\$600.00	\$1,700.00
6-10	\$1,200.00	\$900.00	\$2,100.00
11-15	\$1,500.00	\$1,200.00	\$2,700.00
16 or more	Please contact the Center.		

Fees for a Three-member panel

Number of Domain Names	Fee for single panel member	Administrative Fee	Total
1-2	Presiding panelist: \$1000.00 Each co-panelist: \$500.00	\$600.00	\$2,600.00
3-5	Presiding panelist: \$1,300.00 Each co-panelist: \$700.00	\$1000.00	\$3,700.00
6-10	Presiding panelist: \$1,400.00 Each co-panelist: \$1,000.00	\$1,100.00	\$4,500.00
11-15	Presiding panelist: \$1,500.00 Each co-panelist: \$1,200.00	\$1,300.00	\$5,200.00
16 or more	Please contact the Center.		

All transfer charges or other amounts that may be levied in connection with a payment made to the center shall be the responsibility of the party making the payment.

Determining Payment of Fees

The fee calculation is determined with the following in mind:

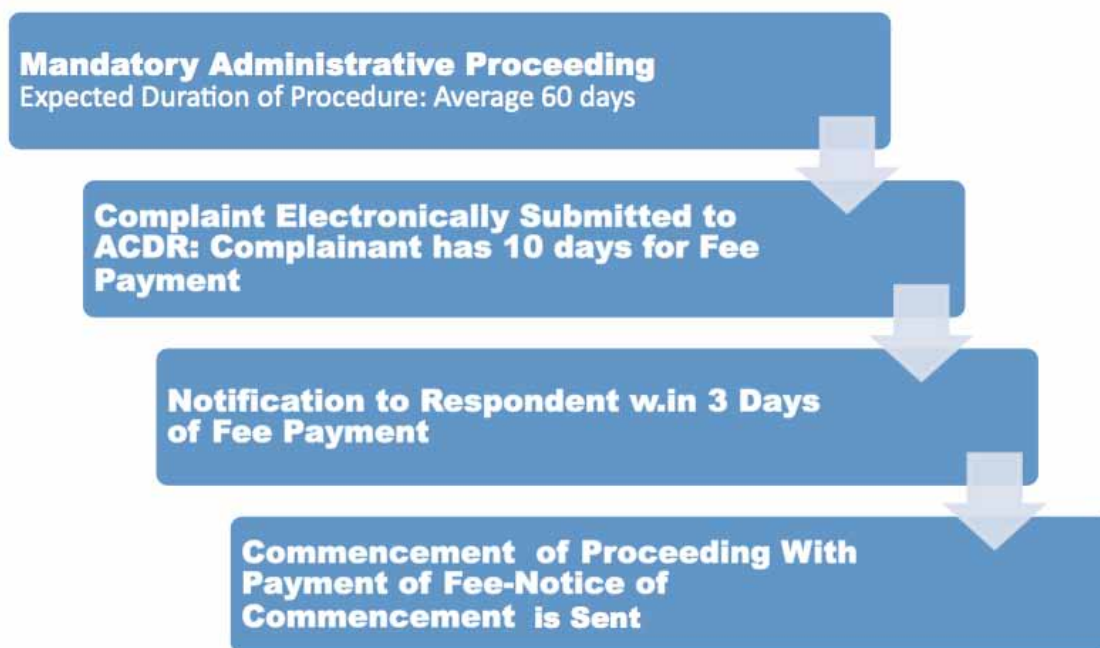
1. How many domain name settlements are requested in the complaint?
2. Whether the panel shall consist of Single or Triple panel members (one or three)?
3. The fee consists of an amount to be retained by the Center as an administration fee and an amount to be paid to the panelist(s).
4. Determined based on necessary and reasonable costs (based on Administrative and panelists expenses).
5. Upon full payment of the initial fee by the Complainant, shall the provider take required action on a complaint submission. A complaint is deemed withdrawn and terminated if there is non payment of required and established fees within 10 calendar days of submission of complaint.
6. Fee: The fee in its' entirety shall be paid by Complainant. All administrative, necessary and reasonable costs shall be determined by the Provider.

7. Respondent selects a 3 member Panel: If a Complainant has elected to have the dispute decided by a single-member Panel and Respondent elects a three-member Panel, Respondent shall be required to pay one-half of the applicable fee for a three-member Panel as set forth in the Provider's Supplemental Rules. This payment shall be made together with the submission of the response to the Provider. In the event that the required payment is not made, the dispute shall be decided by a single-member Panel.
8. Additional fees may be requested by the Provider upon agreement of the parties and panel, in exceptional circumstance, for example in the event of an in person hearing.

Reverse Domain Name Hijacking: It is considered Reverse Domain Name Hijacking where a trademark owner files a bad faith complaint. It is considered an abuse of the administrative proceeding and the Panel can enter such a finding in the record to warn others about such a trademark owner.

Arab Center for Dispute Resolution

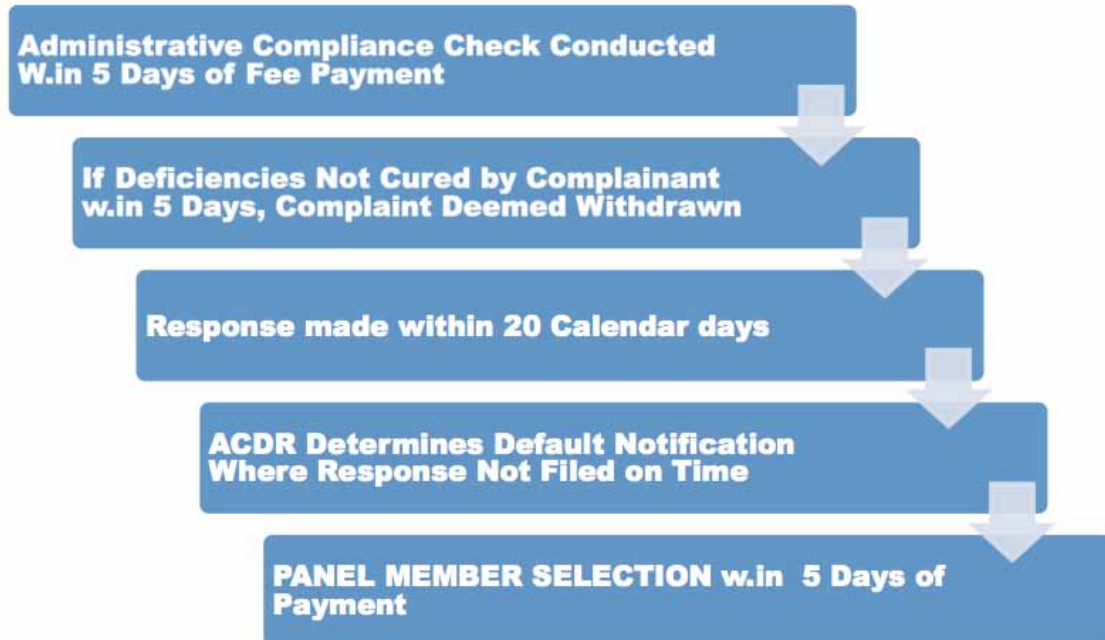
Flow Chart for Administrative Proceedings
Expected Procedures and Timelines



Arab Center for Dispute Resolution

Flow Chart for Administrative Proceedings

Expected Procedure and Timelines



Arab Center for Dispute Resolution

Flow Chart for Administrative Proceedings

Expected Procedure and Timelines



Associated Societies

- Arab Intellectual Property Mediation Society (AIPMAS)
(Description and Services)|(www.aipmas.org)

- Arab Society for Intellectual Property (ASIP)
(Description and Services)|(www.asip.org)