

Domain Name Arbitration

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After several minutes of pondering and looking at keyword analyzers, you find the perfect domain name for your new website. You see if it is available through your desired domain name company. When you find that it is, you get excited because it seems that it is going to be quite profitable for your site. So, you sign up for it, thinking that it is up for grabs, since your domain name company has said it is available.

Then after a few months you get correspondence from an attorney saying that your new domain name has violated another company's trademark. You are now stuck with a potential legal battle that could cause you to lose your domain name, your reputation and maybe even worse. Fortunately, with domain name arbitration, there's a chance you can get out of such a situation and avoid any possible legal consequences.

What is domain name arbitration? It is a process in which the complainant and the original holder of the domain name try to work out a reasonable agreement as to who actually has the rights to the domain name in question. The arbitration in itself is done through the Uniform Domain Name Dispute Resolution Policy, (also known as UDRP). This is a special arbitration method set forth by the ICANN (Internet Corporation for Assigned Names and Numbers) organization. It is used for most domain name disputes, because it is cheaper and less time-consuming than 'traditional' litigation.

In order to initiate a domain name arbitration proceeding, a webmaster must go through a provider that has been approved by ICANN to handle such disputes. Once the arbitration begins, the provider will first determine if the complainant has merit in their claim. They will do this by evaluating whether the domain name in question is similar to a trademark or domain name set forth by the claimant.

They will then determine what rights the claimant has to the title along with whether or not the domain was chosen accidentally or with the intention of taking advantage of the claimant's brand popularity. If it is found the domain name was chosen in bad faith, rights to it will be granted to the claimant. Otherwise, the original owner will retain possession of the disputed domain name. If either party is not satisfied with a domain name arbitration proceeding, they can challenge the findings in a regular courtroom. An example of this happened with Robert De Niro, when he tried to claim the rights to any domain name containing the phrase 'Tribeca.' He is still in court trying to retain the rights to Tribeca.net, which has been claimed by another person.

In conclusion, domain name arbitration is a great alternative to avoiding taking a domain name dispute into a courtroom, at least initially. There is the option to go to court if either side feels an arbitration isn't fair. Yet, for most webmasters, the decisions made by the UDRP panel are good enough for them, since getting their consul is a lot cheaper than going to a judge.