

GIs and ccTLDs Practices for combating speculative and abusive domain name registrations

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Strengthening geographical indications

ccTLDs

(source: Nominet)

The Online World: 2019



The .us for the USA has continued to see a steady decline in registrations, dropping a further 4% on last year's 17% decline. With a population of over 325 million, the proportion of the domains to citizens is significantly below other developed nations. This is easily explained however by the country's preference for .com domains.

One of the biggest growers in 2019 is Guernsey (.gg). Up by 107%, the domain has proven popular with video game and eSports websites, with the initialisation "gg" being a common abbreviation for the phrase "good game".

With over 13 million domains the .UK namespace remains one of the world's most popular country code domains. It saw 12% growth last year, supported by the end of the UK right-of-registration period, which held back second level .uk domains for owners of the equivalent third level .co.uk until June 2019. Of the top ten country-code domains, UK is the fastest growing, second only to Tokelau.

Entering the top 10 leader board for 2019, Italy (.it) has overtaken Australia (.au) to become the 10th largest ccTLD, with 3,221,809 domain registrations.

Now exceeding 25.1 million domain names - up 4 million year on year - the South Pacific Island Tokelau's .tk continues to reign supreme as the world's largest country code domain name, driven by its free registration policy. The rest of the top ten include:

- China (.cn): 20,868,593
- Germany (.de): 16,264,004
- United Kingdom (.uk): 13,270,812
- Netherlands (.nl): 5,888,350
- Russian Federation (.ru): 4,964,156
- Brazil (.br): 4,106,520
- European Union (.eu): 3,581,478
- France (.fr): 3,422,687
- Italy (.it): 3,221,809

Did you know?

There are now nearly 160 million country code domains registered around the world.

Top Level Domains (TLDs) don't just stop with countries. Region specific TLDs such as .london and .nyc are also available, as are TLDs linked to professions such as .accountant and .law.

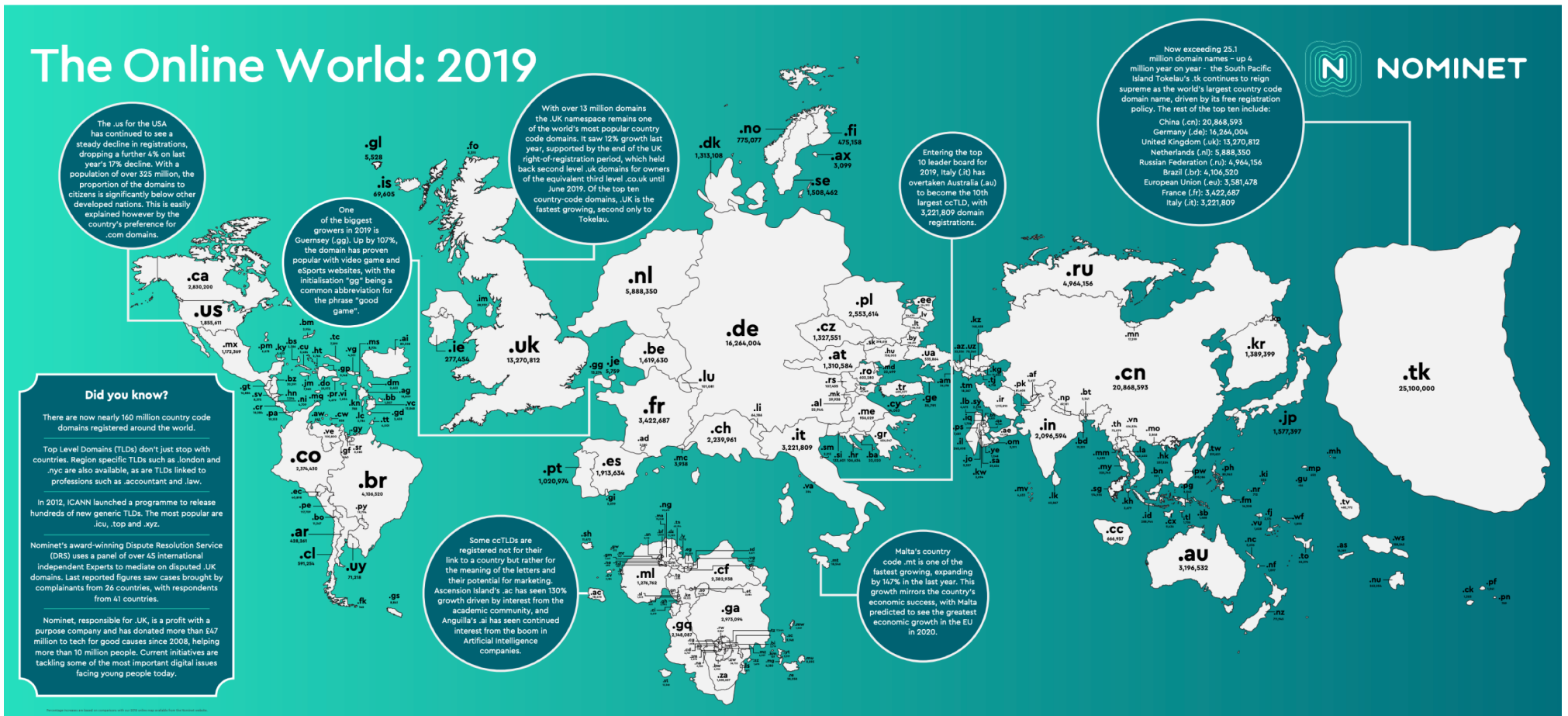
In 2012, ICANN launched a programme to release hundreds of new generic TLDs. The most popular are .icu, .top and .xyz.

Nominet's award-winning Dispute Resolution Service (DRS) uses a panel of over 45 international independent Experts to mediate on disputed .UK domains. Last reported figures saw cases brought by complainants from 26 countries, with respondents from 41 countries.

Nominet, responsible for .UK, is a profit with a purpose company and has donated more than £47 million to tech for good causes since 2008, helping more than 10 million people. Current initiatives are tackling some of the most important digital issues facing young people today.

Some ccTLDs are registered not for their link to a country but rather for the meaning of the letters and their potential for marketing. Ascension Island's .ac has seen 130% growth driven by interest from the academic community, and Anguilla's .ai has seen continued interest from the boom in Artificial Intelligence companies.

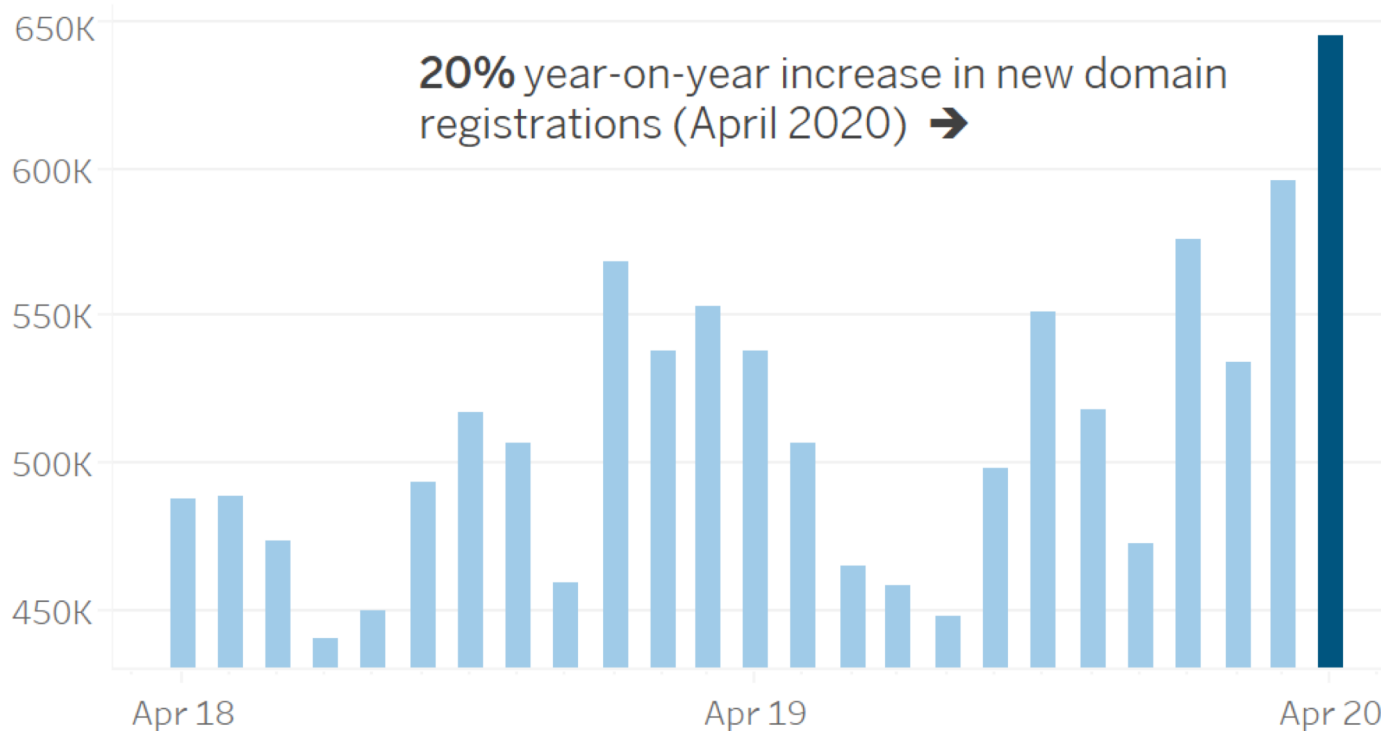
Malta's country code .mt is one of the fastest growing, expanding by 167% in the last year. This growth mirrors the country's economic success, with Malta predicted to see the greatest economic growth in the EU in 2020.



ccTLDs during COVID-19

New domain creations

Sample: 25 ccTLDs (CENTR full members)



Source: CENTR.

The Study on evaluation of practices for combating speculative and abusive domain name registrations

- Link to the Study: <https://op.europa.eu/s/oklf>
- Published on: 21 July 2020



The Study on evaluation of practices for combating speculative and abusive domain name registrations

Preventive measures (registration procedure)

1. Strict registrant identification
2. Public list of domain registration requests
3. Cross-checks in official registers
4. Registrant to do priority search
5. Domain blocking services
6. Predictive algorithms

Curative measures (post-delegation phase)

1. Similarity search tool within WHOIS
2. Alert notification
3. Abuse reporting contacts
4. Preliminary ADR proceedings
5. Fast-track ADR proceedings
6. Harmonization on claim requirements of ADR proceedings (recognition of GIs)

Preventive measures

Registration procedure

1/6 Strict registrant identification

- Require the Registrars to carry out strict verification of the registrants' identity, possibly through eID authentication, in order to enter correct and accurate registration data in the WHOIS registry
- .dk: NemID for Danish registrants; risk management for foreign registrants

Preventive measures

Registration procedure

2/6 Public list of domain registration requests – delayed delegation

- Provide for publicly accessible list of the domain registration requests and allow a sufficient time period to submit objections to the Registry, the Registrars or the ADR provider(s)
- .hu: requests published under the announcement section for 8 days
<http://www.domain.hu/domain/English/meghirdetes.html>

Preventive measures

Registration procedure

3/6 Cross-checks in official registers

- Carry out cross-checks in the EU geographical indications register (eAmbrosia):
<https://ec.europa.eu/info/food-farming-fisheries/food-safety-and-quality/certification/quality-labels/geographical-indications-register/>
- *.eu, .dk, .hu, .uk limited to business registries, TM registries*

Preventive measures

Registration procedure

4/6 Registrant to do priority search

- In the registration policies recommend to Registrants to carry out priority search before registration (not only availability search)
- .hu, .uk

Preventive measures
Registration procedure
5/6 Domain blocking services

- Offer services allowing to preventively block infringing domain name registrations
- gTLDs: several domain blocking services, such as Donut's Domain Protected Marks List (DPML), Trademark Clearinghouse's (TMCH) TReX, Uniregistry's Uni EPS, ICM Registry's AdultBlock, .club Registry's .club Trademark Sentry (most of them are based on marks entered in the TMCH repository; .club Trademark Sentry is based on US trademark registrations)

Preventive measures

Registration procedure

6/6 Predictive algorithms

- Implement and extend the use of predictive algorithms to prevent speculative and abusive registrations
- *.eu, .uk limited to prevent malicious registrations e.g., malware*

Curative measures
Post-delegation phase
1/6 Similarity search tool

- Implement and improve similarity search tools within the WHOIS lookup to carry out searches or receive (upon request) a list with similar domain names
- .be

Curative measures
Post-delegation phase
2/6 Alerts

- Implement and improve alert systems to receive notifications if identical (similar) domain names are registered
- *.eu limited to EUTMs provided through EUIPO*

Curative measures
Post-delegation phase
3/6 Abuse reporting contacts

- Make readily accessible information available on how to report different types of abuses
- .be, .dk, .hu

Curative measures

Post-delegation phase

4/6 Preliminary ADR proceedings

- Provide for preliminary procedures available before the ADR dispute
- .hu: **objection** against a domain name registration request in the pre-delegation phase – *preventive measure*
- .it: mandatory **opposition** against a domain name registration in post-delegation phase in order to obtain the Registry's lock of the domain name – *curative measure*
- .dk and .uk: free and voluntary **mediation** phase within the ADR proceeding before the controversial phase

Curative measures
Post-delegation phase
5/6 Fast-track ADR proceedings

- Introduce simplified and fast-track proceeding in clear-cut cases of infringement (Uniform Rapid Suspension – URS) or in cases of obvious typosquatting (.dk)
- URS, .dk

Curative measures

Post-delegation phase

6/6 Harmonization on claim requirements of ADR proceedings (recognition of GIs)

- Align and harmonise ADR rules to expressly recognize GIs as legitimate IP rights to qualify as prior rights – legal certainty
- .eu, .be, (.hu, .it)

Conclusions

- Prevention is better than cure
- Harmonization enhances legal certainty throughout the EU

Thank you!

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