

KEEP ALERT REPORT SHOWS INCREASE IN SUCCESSFUL ACTION AGAINST CYBER SQUATTERS

With the release of new top level domain names, the pressure for brand owners to defend their intellectual property against cyber squatting is more important now than ever before. The good news is that there are a number of mechanisms available to protect your presence on the net and reports suggest that actions against squatters are increasingly more successful year on year.

Keep Alert, a domain registrar and clearing house agent, has just published its 2013 White Paper on domain name cybersquatting. The report will be welcomed by brand owners, as the statistics show that the chances of successfully defending domain names held by cyber squatters continues to significantly outweigh the chances of a successful defence in the five major domain name arbitration centres. In fact, all of the adjudication centres bar the French registry, AFNIC, reported successful transfers or cancellations of infringing domains in 80% or more of the claims - a small increase from the figures published for 2012. Even AFNIC reported either the transfer or cancellation of disputed domain names in 60% of their decisions.

For .com disputes, the report sets out figures from WIPO and the US National Arbitration Forum. Proceedings at both centres are characterised by the lack of response from defendants. Only 3% of all claims brought in either forum were defended at all. The cost of proceedings for up to 5 domain names was between \$1,500 and \$4,000 at WIPO and between \$1,300 and \$2,600 at NAF, depending on the number of tribunal panellists overseeing the arbitration.

Brands subject to .uk domain squatting enjoyed a similar degree of success with Nominet's dispute resolution procedure, with 87% of the disputed domains transferred or cancelled. However, more squatters sought to defend their registrations at Nominet proceedings than at either WIPO or NAF proceedings: the response rate was 24%. That said, a response in less than a quarter of disputes brought is hardly a deterrent. Particularly as the cost for enforcing up to 5 domain names was between £200 and £750 - generally cheaper than disputing a .com registration.

Dispute resolution mechanisms outside of the court system continue to be an effective way of preventing cyber squatters from holding your brand to ransom. Even in cases where the threat may be marginal, the absence of a defence in many of these cases suggest that caution is rewarded. There are a number of useful guides to the dispute processes available online that can help to simplify this process should you come across a squatter, for example the [Nominet DRS Guidance](#) and the [WIPO Guide](#). If you would like to talk through any domain issues that you are currently facing with an expert, you can reach us using the contact details below.

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