



# Dispute Resolution for FROGANS Addresses

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Presented By  
National Arbitration Forum



# What is the National Arbitration Forum?

## Traditional ADR

- Arbitration
- Mediation

## Programs

- Domain Names--  
Multiple Rule Sets
- American Movers and Storage Association

# NAF's Experience

# Uniform Domain Name Dispute Resolution Policy (UDRP)

- Contract-based administrative process built around three elements:
  - Does the complaining party have rights in a trademark / is the domain name identical or confusingly similar to the trademark?
  - Does the domain name holder have independent rights to the domain name (usually because the domain is comprised of generic words, or the domain name holder is running a business at the domain name)?
  - Was the domain name registered by the domain name holder in bad faith (to trade off the goodwill of the trademark holder) and are they using the domain name in bad faith?
- Standard is preponderance of the evidence
  - 51%-49%

# Uniform Domain Name Dispute Resolution Policy (UDRP)

- Policy is for “cybersquatting” situations. Not for cases:
  - Where there may have been permission
  - Where the domain is generic enough that many businesses exist
  - Where the domain name owner didn’t register the name to target the trademark holder
- Policy is global. Parties can be anywhere in the world. Parties agree if they’re going to sue one another, to sue where they get jurisdiction and specifically that can be the location of the registrar or registrant.
- Remedies are the transfer or cancellation of the domain name. No other remedies available.

# FROGANS UDRP-F

# Frogans' Dispute Policy (UDRP-F)

- Based closely on the UDRP; the biggest difference is in the terminology
  - Frogans has promulgated the Policy, so it, rather than ICANN, is the governing body.
  - Network and site names vs. domain names
  - Site names and Network Names can be transferred or canceled, but Site Names within a Frogans' Dedicated Network may only be cancelled.

# Filing a Frogans' UDRP-F Dispute

- Ensure that you can prove all elements of the UDRP-F policy, including that you have trademark rights and that the respondent purchased the Network or Site Address to take advantage of those rights.
- Visit <http://domains.adrforum.com> to find the dedicated Frogans UDRP-F page that will contain the Supplemental Rules and forms you need to file.