

ICANN News Alert – Modification to Rules for UDRP Proceedings

On 30 October 2009, the ICANN Board approved a modification to the Implementation Rules for the Uniform Domain Name Dispute Resolution Policy (“Rules”). The modified Rules now require UDRP claimants and respondents to provide documents to UDRP Providers in electronic form. The modified Rules also change UDRP Provider obligations in forwarding hard copy notice to respondents in UDRP proceedings: the original Rules required Providers to forward a hard copy of the UDRP complaint; under the new Rules, Providers do not have to forward a hard copy of the entire complaint. Providers are now only required to forward a hard copy notice that a UDRP complaint has been filed.

The modified Rules will become mandatory for all UDRP proceedings filed on or after 1 March 2010.

Until 1 March 2010, UDRP Providers may elect to follow the hard copy notice (without complaint) requirement as set forth in the modified Rules. For all UDRP proceedings filed on or after 1 March 2010, all UDRP Providers must follow the updated requirements. At that time, even if a UDRP Provider’s supplemental rules contain provisions conflicting with the modified Rules, the modified Rules will guide the proceedings.

Providers may allow, but must not require, UDRP complainants and respondents to submit complaints and responses in electronic form prior to 1 March 2010. For all UDRP proceedings filed on or before 28 February 2010, complainants and respondents may elect to submit their documents in hard copy form, as set forth in the original Rules.

If you have any questions about this change in ICANN’s UDRP procedure and how it may affect your business, please contact Darren M. Geliebter at dgeliebter@lgtrademark.com or G. Mathew Lombard at mlombard@lgtrademark.com. By phone, we can be reached at (212) 551-1755.