

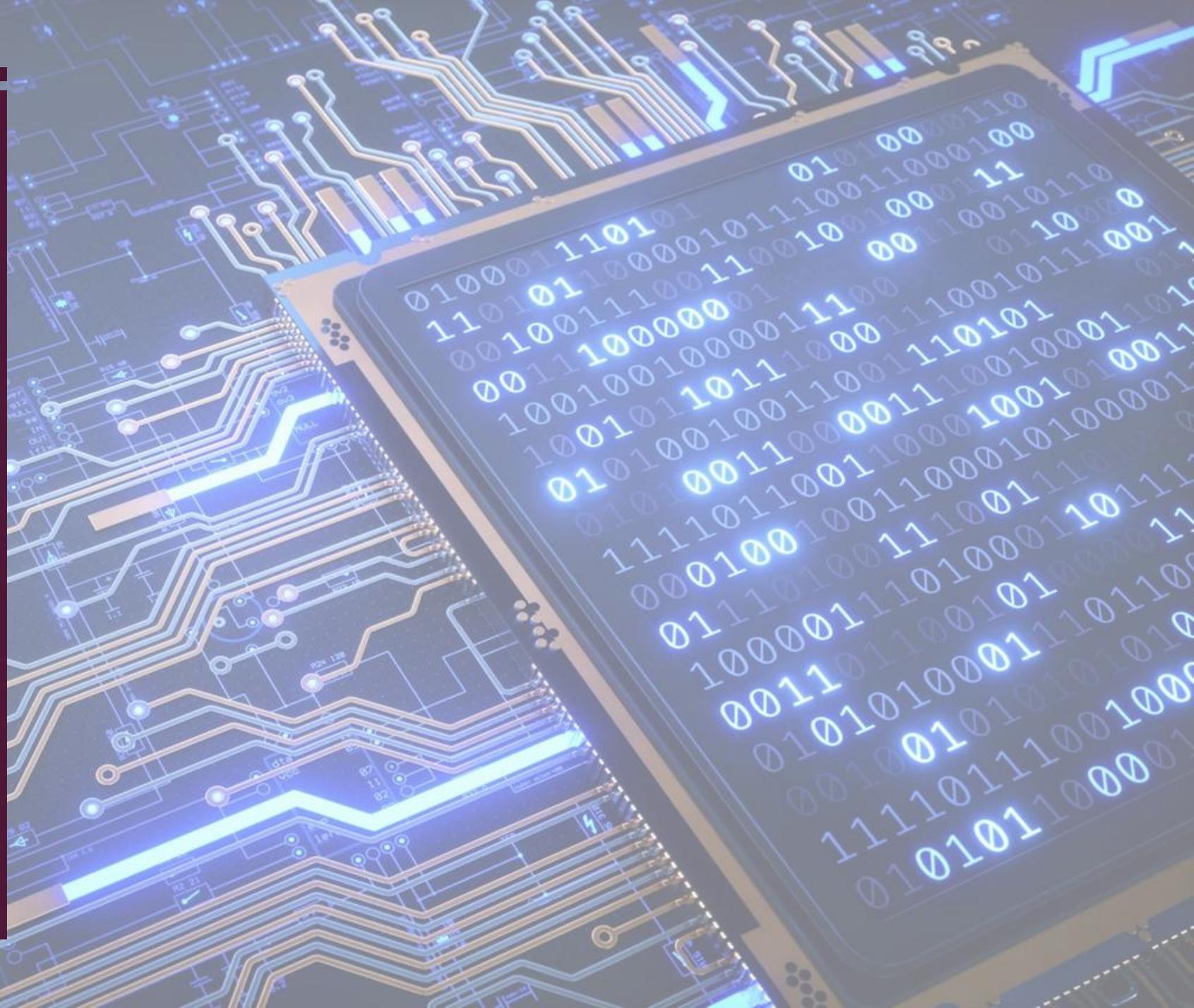
**NEMANJA MILIČEVIĆ**

***MSA IP***

# HOW TO MAXIMISE USE OF UDRP IN ONLINE ENFORCEMENT

**NEMANJA MILICEVIC**  
**ATTORNEY AT LAW**

**MSA IP - MILOJEVIC SEKULIC &  
ASSOCIATES, SERBIA**



# ONLINE BRAND PROTECTION & THE PHARMACEUTICAL INDUSTRY

**High Stakes Fight** – beyond protecting brands, **patient safety** and **public health** are at risk

• **Online risks include:**

• **Counterfeit products**

• **Impersonation/passing off**

• **Phishing**

• **Tarnishment** (false or defamatory content, including for commercial purposes)

• **Fraud** (malware distribution, identity theft)

• **Cybersquatting** (PPC pages, For Sale domain names)

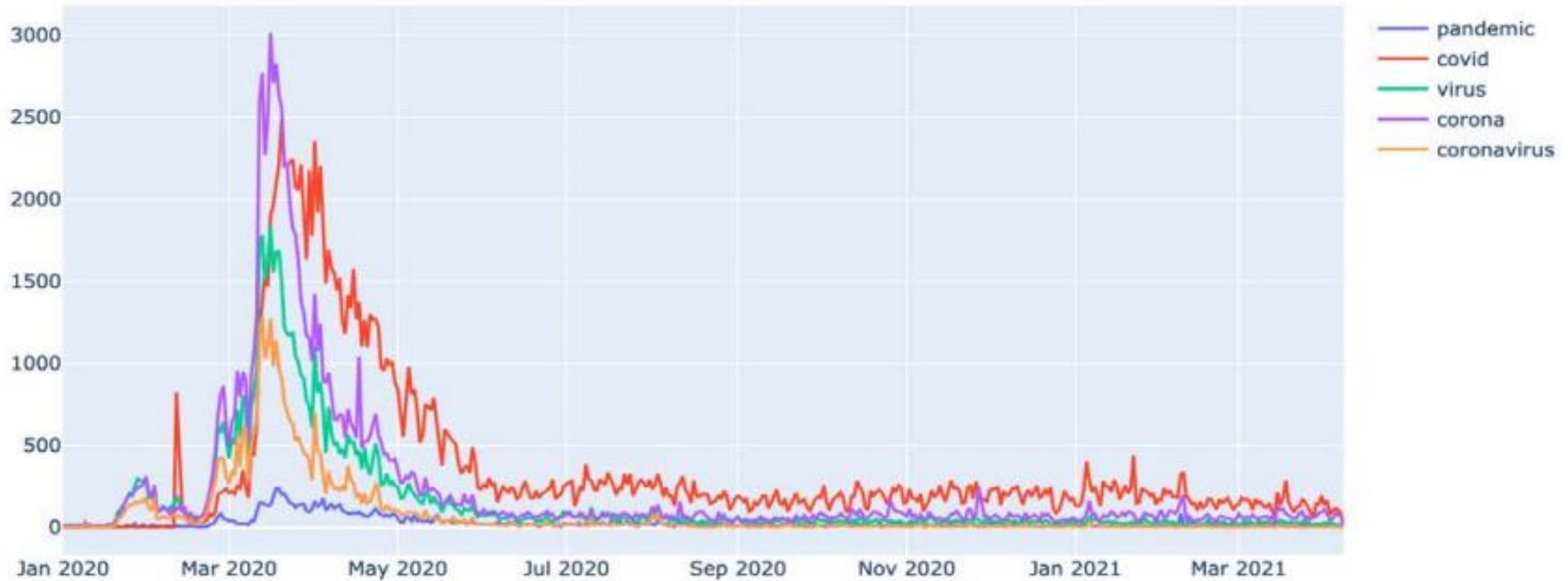
**Substandard and falsified (fake or counterfeit) medical products** are among products with the greatest potential for harming the health of consumers. The problem has been recognised by the WHO as significantly undermining health systems, eroding trust in healthcare, and resulting in financial losses for both patients and legitimate industries.



## PHARMA V. CYBERSQUATTERS

- **Medical breakthroughs, as well as health crises, both lead to increased risks of abuse** – bad actors are quick to focus on well-known brands as soon as they enter into the public spotlight:
  - COVID-19 surge in domain registrations was so significant and abrupt to motivate targeted scientific studies and even investigations by law enforcement agencies; INTERPOL measured, from February to March 2020, a 569% growth in malicious registrations, including malware and phishing, and a 788% growth in high-risk registrations (<https://www.interpol.int/en/News-and-Events/News/2020/INTERPOL-report-shows-alarming-rate-of-cyberattacks-during-COVID-19>)
  - COVID-19 vaccine-related phishing attacks rose by 530% from December 2020 to February 2021, and phishing attacks relating to and/or targeting pharmacies and hospitals rose by 189% during that same timeframe (<https://unit42.paloaltonetworks.com/covid-19-themed-phishing-attacks/>).
- **Size and complexity of trademark portfolios** present significant challenges for protection against infringement.

## Domains Registered per day



<https://www.domaintools.com/wp-content/uploads/domain-blooms-new-method-of-detecting-trending-bad-domains.pdf>

# 2020 COVID-19 Giveaway

Complete the following appropriately to register.



Full Name:  First Name  Middle Name  Last Name

Street Address:

City:  State:

Zip code:

Date of Birth:   Sex:

Job Title:

Company Name:

Company Address:

Email Address:



Verify Your Identification and Connect Your Bank Account

Your ID verification process may constitute biometric data.

(Please take note, only a State-issued Driver's License is accepted.)



Driver's License (Front side):  No file chosen

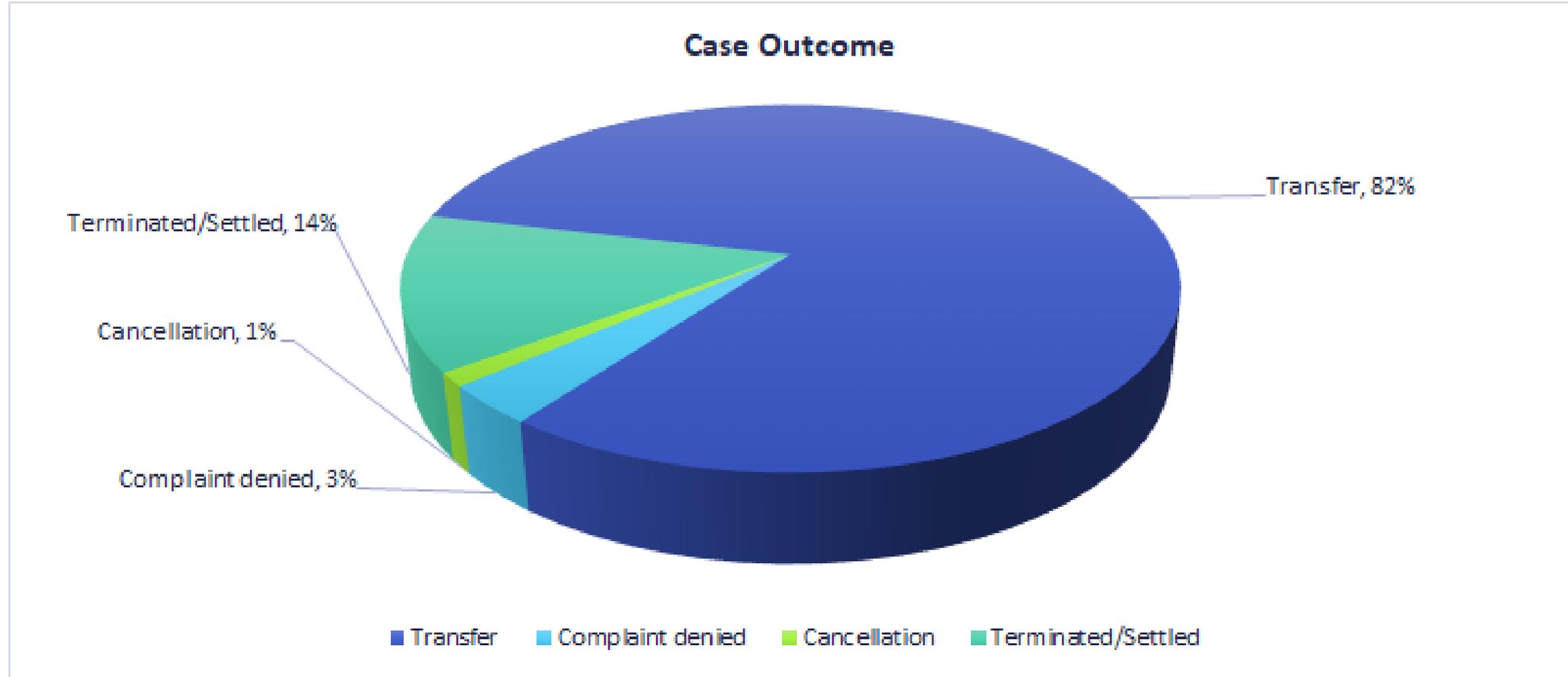
Driver's License (Back side):  No file chosen

<https://unit42.paloaltonetworks.com/covid-19-themed-phishing-attacks/>

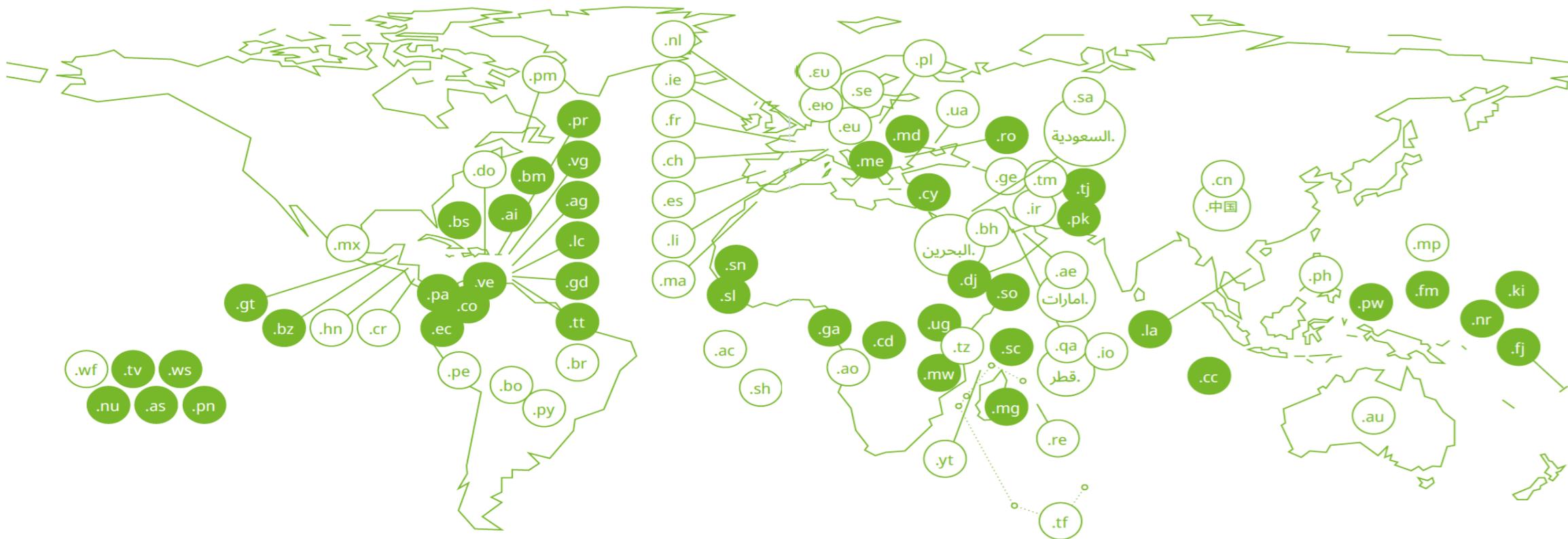
# UDRP AND ITS ROLE

## **An asset against trademark-abusive domain names:**

- **Targets Cybersquatting**
  - Designed to combat bad-faith domain registrations which exploit trademark rights
  - Streamlined, expedited process specifically designed for its single, narrow purpose
- **Clear, Straightforward Legal Standards**
  - Clear-cut standards allow high predictability of outcome in any UDRP proceedings
  - Predictable expenses
  - Developed as a universal policy, it is a standard for domain name dispute policies:
    - Applies to all gTLDs and New gTLDs
    - 80+ countries and territories have either adopted the UDRP or a UDRP variant



- ccTLDs adopting the UDRP
- ccTLDs adopting UDRP variations



## UDRP v litigation

- Cases are adjudicated by highly specialized experts in areas such as intellectual property law, domain name and internet law, arbitration and alternative dispute resolution (ADR)
- Panels are able to relying on 25 years of existing UDRP practice
- Published decisions and jurisprudential overviews reinforce predictability in UDRP proceedings

## UDRP v URS as an alternative resolution mechanism

- URS applies mainly to new gTLDs (e.g. not <.com>) and allows only suspension (not transfer) of the domain name
- Higher burden of proof than the UDRP ('balance of probabilities' v 'clear and convincing evidence')
- Limitations in complaint size, relying on word marks
- While usually a lower-cost, faster path to relief, URS still remains less popular than UDRP

# UDRP V. LITIGATION

	<b>UDRP</b>	<b>Litigation</b>
<b><i>Timeframe</i></b>	60-90 days	Potentially years
<b><i>Locking</i></b>	Swiftly upon submitting complaint	Injunctions
<b><i>Adjudication</i></b>	Domain name dispute experts	Judges, predominantly with little or no specialisation
<b><i>Rules of procedure</i></b>	UDRP Rules	National laws and bylaws (e.g. Trademark Act)
<b><i>Legal basis</i></b>	Three-part test	Trademark infringement
<b><i>Costs and expenses</i></b>	Each party bears its own costs	Successful litigants may be able to recover costs
<b><i>Damages</i></b>	Not available	May be claimed
<b><i>Remedy</i></b>	Domain name transfer or cancelation	As defined by applicable national law
<b><i>Repeat proceedings</i></b>	Possible (under specific circumstances)	<i>Res Judicata</i>



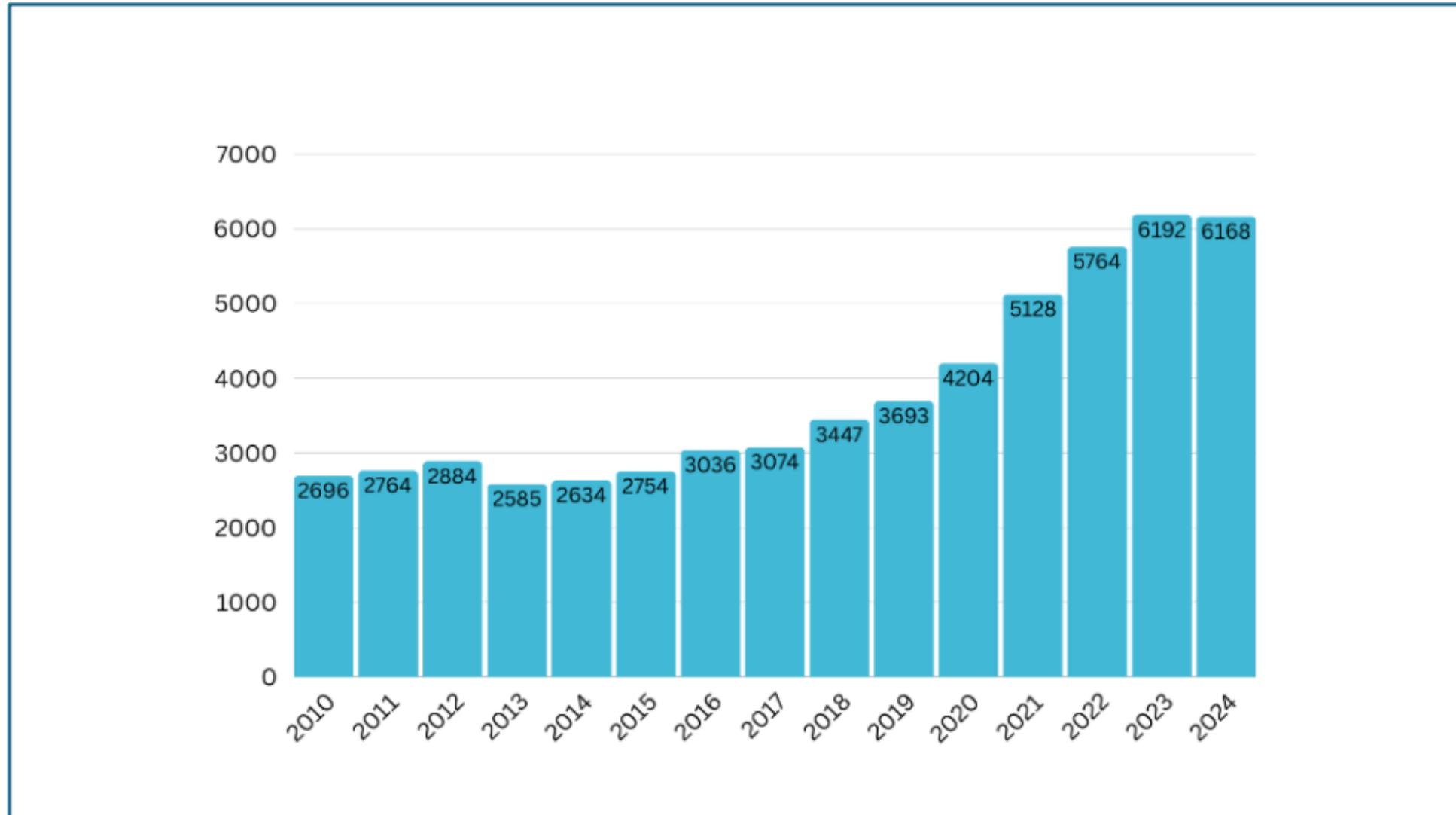
- **Effective Remedies**

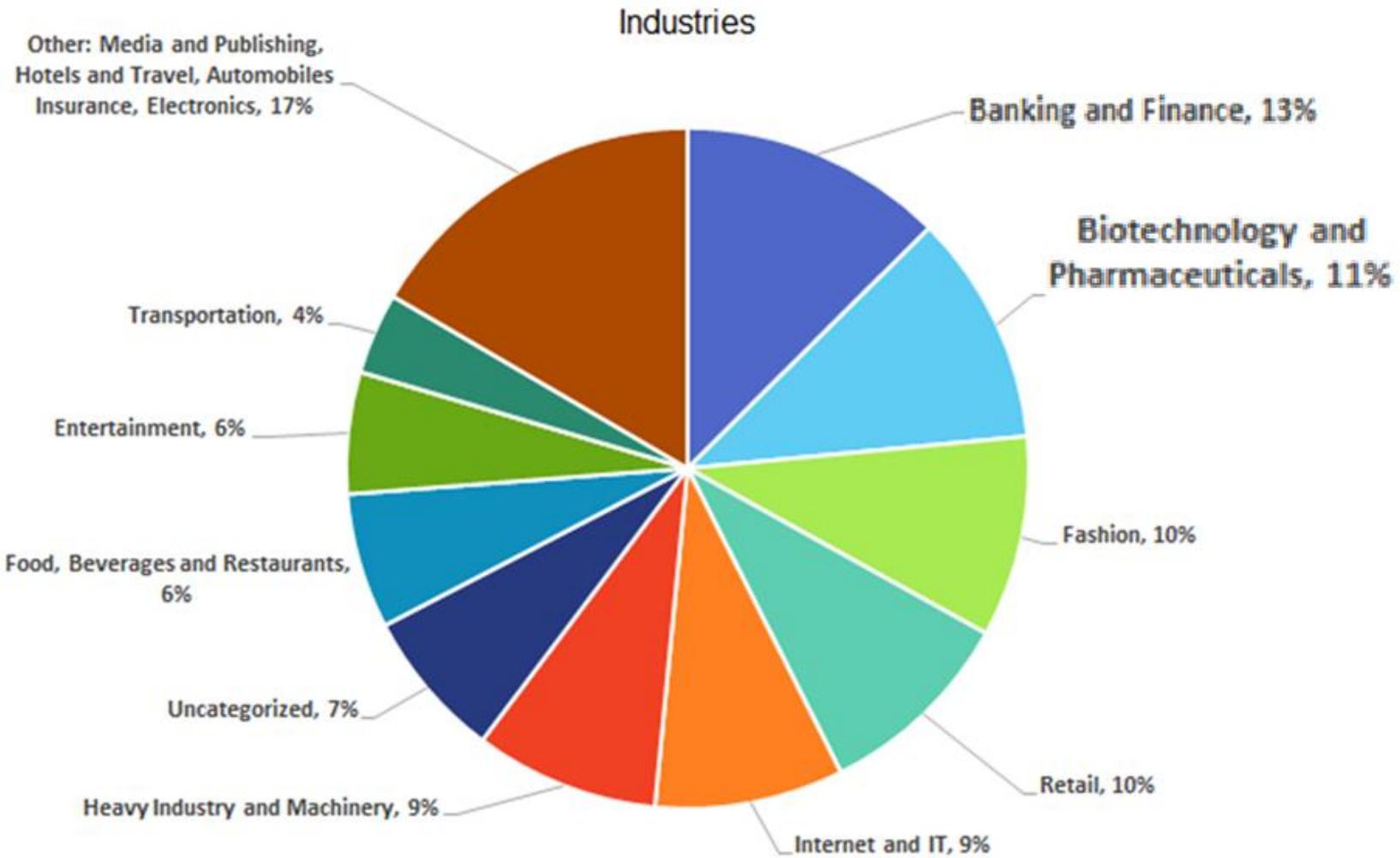
- Success in UDRP proceedings guarantees a domain name transfer or cancellation, as requested by complainant
- Transfer allows the complainant to stop or prevent any abuse with certainty

- **Disclosure of Cybersquatter Data**

- All registrant information used to register abusive domain name are disclosed during UDRP proceedings
- Registrant name is included in the published decision, deterring abuse and creating a searchable, authoritative record of bad faith actors, reinforcing predictability

## Annual Filings: Evolution since 2010





# LARGE DOMAIN NAME DISPUTES – CONSOLIDATION

- Factors taken into account for determining common control:
  - Registrant information:
    - registrants' identity(ies) including pseudonyms
    - registrants' contact information including email and postal address(es), phone number(s), including patterns of irregularities
  - IP addresses, name servers, or webhost(s)
  - Websites - content or layout
  - Nature of the marks at issue (e.g. if a registrant targets a specific sector)
  - Structure of domain names:
    - any naming patterns in the disputed domain names (e.g., <mark-country> or <mark-goods>)
    - relevant language/scripts, particularly where they match the mark(s) at issue
  - Changes to any of the above items following communications regarding the disputed domain name(s)
  - Evidence of respondent affiliation with respect to the ability to control the disputed domain name(s)
  - Any (prior) pattern of similar respondent behavior, or
  - Other arguments made by the complainant and/or disclosures by the respondent(s).

# FACING UDRP'S LIMITATIONS

## Costs

Official fees typically range from 800 to 1500 USD

Takedown notices, ID requests, C&D letters, URS – lower cost alternatives

## Limitations against Repeat Offenders

No interim or emergency relief against most severe or damaging abuses

No monetary damages or compensation

Low risk for the cybersquatter who loses the domain name

## Whack-a-Mole Problem

New abusive registrations after UDRP action

Particularly exacerbated by a need to protect a large trademark portfolio

## Limitations against Mass Abuse

A complaint may target a single registrant

Exacerbated by data masking

# LEVERAGING THE UDRP

## LARGE DOMAIN NAME DISPUTES – CONSOLIDATION

- Basis for consolidation: Paragraph 3(c) of the UDRP Rules:

*The complaint may relate to more than one domain name, provided that the domain names are registered by the same domain-name holder.*

- Section 4.11.2 of WIPO Overview 3.0:

*Where a complaint is filed against multiple respondents, panels look at whether (i) the domain names or corresponding websites are subject to common control, and (ii) the consolidation would be fair and equitable to all parties. Procedural efficiency would also underpin panel consideration of such a consolidation scenario.*

# LARGEST DOMAIN NAME DISPUTES IN 2024

Case No.	Provider	Complainant	No. of Domain Names
<b>D2024-5218</b>	<b>WIPO</b>	<b>Novartis AG</b>	<b>229</b>
2095191	Forum	American Eagle Outfitters, Inc. et al.	143
D2024-1707	WIPO	Compagnie Générale des Etablissements Michelin et. al.	138
D2024-0672	WIPO	Verizon Trademark Services LLC	138
<b>D2024-5053</b>	<b>WIPO</b>	<b>Novartis AG</b>	<b>122</b>
2111474	Forum	World Wrestling Entertainment, LLC	113
CAC-UDRP-106159	CAC	Jellycat Limited	102
CAC-UDRP-106212	CAC	Diadora S.p.A.	100
D2024-1208	WIPO	Prada S.A.	95
D2024-3624	WIPO	International Business Machines Corporation (IBM)	95

# IDENTIFICATION OF LARGE CASES – POTENTIAL ISSUES

Specific Issue	Example	Potential Solution
<b>Data collection</b>	Clusters may take months to form (e.g. 11 months in a recent case)  Similar websites, registered through different registrars, different registrant data, etc.	Continuous monitoring of each brand showing potential of abuse, especially potential of cluster formation
<b>Privacy protection</b>	Post-GDPR, personal information of registrants is largely "redacted for privacy" or otherwise hidden from public records.	Detailed review of all available data points connected to each domain name
<b>DNs targeting different products</b>	Registrations targeting different portfolios handled by different attorneys	Cross-check of data among portfolios and with external service providers
<b>DNs targeting different divisions</b>	Registrations targeting e.g. Corporate and Pharma divisions	Cross-check of data among portfolios and with external service providers

# IDENTIFICATION OF LARGE CASES – BENEFITS

Specific Benefit	Example	Potential Effect
<b>Cost optimisation</b>	Large complaints allows scaling of fees and expenses, resulting in a much lower cost-per-domain compared to targeting individual registrations	Improved efficiency, allows tackling more abusive domain names and cybersquatters
<b>Data unmasking</b>	Unmasking registrant data during UDRP may reveal multiple nominally separate persons or entities listed as registrants	Collecting cybersquatter information is useful for future disputes, and allows targeted investigations (beyond UDRP)
<b>Public attention</b>	Large cases generate public interest - published decisions, articles and statistics	Deterrent against targeting the complainant
<b>Disrupting cybersquatters</b>	Generating a greater impact and	Deterring new cybersquatting

# IDENTIFICATION OF LARGE CASES – METHODOLOGY

Domain name	Registrar	Registrant	Creation Date	Directions	MX Records
best-kesimpta.online	DNSPod, Inc.	Hai Nan Qu Gou Ke Ji You Xian Gong Si	29.3.2024	PPC - matching layout	localhost
bestkisqali.online	DNSPod, Inc.	Hai Nan Qu Gou Ke Ji You Xian Gong Si	11.3.2024	PPC - matching layout	localhost
best-kisqali.online	DNSPod, Inc.	Shen Zhen Xing Mang Hu Lian Ke Ji You Xian Gong Si	18.3.2024	PPC - matching layout	localhost
bestkisqali001.online	DNSPod, Inc.	Hai Nan Qu Gou Ke Ji You Xian Gong Si	18.3.2024	PPC - matching layout	localhost
best-kisqali01.online	DNSPod, Inc.	Shen Zhen Xing Mang Hu Lian Ke Ji You Xian Gong Si	19.3.2024	PPC - matching layout	localhost
best-kisqali02.online	DNSPod, Inc.	Hai Nan Qu Gou Ke Ji You Xian Gong Si	20.3.2024	PPC - matching layout	localhost
best-kisqali03.online	DNSPod, Inc.	Hai Nan Qu Gou Ke Ji You Xian Gong Si	20.3.2024	PPC - matching layout	localhost
bestkisqali1.online	DNSPod, Inc.	Hai Nan Qu Gou Ke Ji You Xian Gong Si	18.3.2024	PPC - matching layout	localhost
best-kisqali2.site	DNSPod, Inc.	Hai Nan Qu Gou Ke Ji You Xian Gong Si	7.4.2024	PPC - matching layout	localhost
bestkisqali2024.online	DNSPod, Inc.	Hai Nan Qu Gou Ke Ji You Xian Gong Si	19.3.2024	PPC - matching layout	localhost
best-kisqali-2024.online	DNSPod, Inc.	Hai Nan Qu Gou Ke Ji You Xian Gong Si	29.3.2024	PPC - matching layout	localhost
best-kisqali3.online	DNSPod, Inc.	Hai Nan Qu Gou Ke Ji You Xian Gong Si	21.3.2024	PPC - matching layout	localhost
bestkisqali77.fun	DNSPod, Inc.	Hai Nan Qu Gou Ke Ji You Xian Gong Si	18.3.2024	PPC - matching layout	localhost
bestkisqali77.online	DNSPod, Inc.	Hai Nan Qu Gou Ke Ji You Xian Gong Si	18.3.2024	PPC - matching layout	localhost
bestkisqali77.site	DNSPod, Inc.	Hai Nan Qu Gou Ke Ji You Xian Gong Si	18.3.2024	PPC - matching layout	localhost
best-kisqali-aa.online	DNSPod, Inc.	Hai Nan Qu Gou Ke Ji You Xian Gong Si	21.3.2024	PPC - matching layout	localhost
best-kisqali-bb.online	DNSPod, Inc.	Hai Nan Qu Gou Ke Ji You Xian Gong Si	21.3.2024	PPC - matching layout	localhost
bestkisqali-cure.online	DNSPod, Inc.	Hai Nan Qu Gou Ke Ji You Xian Gong Si	18.3.2024	PPC - matching layout	localhost
best-kisqali-h.online	DNSPod, Inc.	Hai Nan Qu Gou Ke Ji You Xian Gong Si	22.3.2024	PPC - matching layout	localhost
best-kisqali-l.online	DNSPod, Inc.	Shen Zhen Xing Mang Hu Lian Ke Ji You Xian Gong Si	21.3.2024	PPC - matching layout	localhost
bestkisqali-l01.online	DNSPod, Inc.	Hai Nan Qu Gou Ke Ji You Xian Gong Si	18.3.2024	PPC - matching layout	localhost
bestkisqali-l02.online	DNSPod, Inc.	Hai Nan Qu Gou Ke Ji You Xian Gong Si	18.3.2024	PPC - matching layout	localhost
best-kisqali-t.online	DNSPod, Inc.	Hai Nan Qu Gou Ke Ji You Xian Gong Si	20.3.2024	PPC - matching layout	localhost
best-kisqali-x.online	DNSPod, Inc.	Hai Nan Qu Gou Ke Ji You Xian Gong Si	18.3.2024	PPC - matching layout	localhost
firstkisqali.online	DNSPod, Inc.	Hai Nan Qu Gou Ke Ji You Xian Gong Si	18.3.2024	PPC - matching layout	localhost
firstkisqali00.online	DNSPod, Inc.	Hai Nan Qu Gou Ke Ji You Xian Gong Si	2.4.2024	PPC - matching layout	localhost
firstkisqali1.online	DNSPod, Inc.	Hai Nan Qu Gou Ke Ji You Xian Gong Si	20.3.2024	PPC - matching layout	localhost
firstkisqali-1.online	DNSPod, Inc.	Hai Nan Qu Gou Ke Ji You Xian Gong Si	18.3.2024	PPC - matching layout	localhost
firstkisqali-2.online	DNSPod, Inc.	Hai Nan Qu Gou Ke Ji You Xian Gong Si	22.3.2024	PPC - matching layout	localhost
firstkisqali3.online	DNSPod, Inc.	Hai Nan Qu Gou Ke Ji You Xian Gong Si	21.3.2024	PPC - matching layout	localhost
firstkisqali-l.asia	DNSPod, Inc.	Hai Nan Qu Gou Ke Ji You Xian Gong Si	2.4.2024	PPC - matching layout	localhost
firstkisqali-l.online	DNSPod, Inc.	Shen Zhen Xing Mang Hu Lian Ke Ji You Xian Gong Si	21.3.2024	PPC - matching layout	localhost
kesimpta.site	DNSPod, Inc.	Hai Nan Qu Gou Ke Ji You Xian Gong Si	11.9.2024	PPC - matching layout	localhost
kesimpta003.online	DNSPod, Inc.	Hai Nan Qu Gou Ke Ji You Xian Gong Si	13.9.2024	PPC - matching layout	localhost
kesimpta004.online	DNSPod, Inc.	Hai Nan Qu Gou Ke Ji You Xian Gong Si	13.9.2024	PPC - matching layout	localhost
kesimpta15.xyz	DNSPod, Inc.	Hai Nan Qu Gou Ke Ji You Xian Gong Si	26.6.2024	PPC - matching layout	localhost
kesimpta-best1.online	DNSPod, Inc.	Hai Nan Qu Gou Ke Ji You Xian Gong Si	13.9.2024	PPC - matching layout	localhost
kesimpta-best2.online	DNSPod, Inc.	Hai Nan Qu Gou Ke Ji You Xian Gong Si	13.9.2024	PPC - matching layout	localhost
kesimpta-best3.online	DNSPod, Inc.	Hai Nan Qu Gou Ke Ji You Xian Gong Si	13.9.2024	PPC - matching layout	localhost



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bestkisqali001.online	DNSPod, Inc.	Hai Nan Qu Gou Ke Ji You Xian Gong Si	18.3.2024	PPC - matching layout	localhost
best-kisqali01.online	DNSPod, Inc.	Shen Zhen Xing Mang Hu Lian Ke Ji You Xian Gong Si	19.3.2024	PPC - matching layout	localhost
best-kisqali02.online	DNSPod, Inc.	Hai Nan Qu Gou Ke Ji You Xian Gong Si	20.3.2024	PPC - matching layout	localhost
best-kisqali03.online	DNSPod, Inc.	Hai Nan Qu Gou Ke Ji You Xian Gong Si	20.3.2024	PPC - matching layout	localhost
bestkisqali1.online	DNSPod, Inc.	Hai Nan Qu Gou Ke Ji You Xian Gong Si	18.3.2024	PPC - matching layout	localhost
best-kisqali2.site	DNSPod, Inc.	Hai Nan Qu Gou Ke Ji You Xian Gong Si	7.4.2024	PPC - matching layout	localhost
bestkisqali2024.online	DNSPod, Inc.	Hai Nan Qu Gou Ke Ji You Xian Gong Si	19.3.2024	PPC - matching layout	localhost
best-kisqali-2024.online	DNSPod, Inc.	Hai Nan Qu Gou Ke Ji You Xian Gong Si	29.3.2024	PPC - matching layout	localhost
best-kisqali3.online	DNSPod, Inc.	Hai Nan Qu Gou Ke Ji You Xian Gong Si	21.3.2024	PPC - matching layout	localhost
bestkisqali77.fun	DNSPod, Inc.	Hai Nan Qu Gou Ke Ji You Xian Gong Si	18.3.2024	PPC - matching layout	localhost

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Domain	Registrar	Registrant	Content	Created	DNS	MX records
kisqali.live	GoDaddy.com, LLC	Domains By Proxy, LLC	PPC - matching design	2023-11-07	sedopark.net	localhost
kisqali.online	Go Daddy, LLC	Domains By Proxy, LLC	PPC - matching design	2023-12-08	sedopark.net	localhost
kisqali01.online	Go Daddy, LLC	Domains By Proxy, LLC	PPC - matching design	2023-12-12	sedopark.net	localhost
kisqali.life	GoDaddy.com, LLC	Domains By Proxy, LLC	PPC - matching design	2024-02-01	sedopark.net	localhost
kisqali1988.shop	GoDaddy.com LLC		PPC - matching design	2024-02-01	sedopark.net	localhost
kisqali.xyz	Go Daddy, LLC	Domains By Proxy, LLC	PPC - matching design	2024-02-03	sedopark.net	localhost
kisqali.ltd	GoDaddy.com, LLC	Domains By Proxy, LLC	PPC - matching design	2024-02-04	sedopark.net	localhost
kisqali.space	Go Daddy, LLC	Domains By Proxy, LLC	PPC - matching design	2024-02-04	sedopark.net	localhost
kisqali.today	GoDaddy.com, LLC	Domains By Proxy, LLC	PPC - matching design	2024-02-04	sedopark.net	localhost
kisqali.world	GoDaddy.com, LLC	Domains By Proxy, LLC	PPC - matching design	2024-02-04	sedopark.net	localhost
kisqali01.store	Go Daddy, LLC	Domains By Proxy, LLC	PPC - matching design	2024-02-04	sedopark.net	localhost
kisqali01.today	GoDaddy.com, LLC	Domains By Proxy, LLC	PPC - matching design	2024-02-04	sedopark.net	localhost
kisqali06.live	GoDaddy.com, LLC	Domains By Proxy, LLC	PPC - matching design	2024-02-04	sedopark.net	localhost
kisqali1.space	Go Daddy, LLC	Domains By Proxy, LLC	PPC - matching design	2024-02-04	sedopark.net	localhost
kisqali100.life	GoDaddy.com, LLC	Domains By Proxy, LLC	PPC - matching design	2024-02-04	sedopark.net	localhost
1-kisqali.online	Go Daddy, LLC	Domains By Proxy, LLC	PPC - matching design	2024-02-23	sedopark.net	localhost
kisqali.shop	GoDaddy.com LLC		PPC - matching design	2024-02-29	sedopark.net	localhost
kisqali1.today	GoDaddy.com, LLC	Domains By Proxy, LLC	PPC - matching design	2024-02-29	sedopark.net	localhost
kisqali.buzz	GoDaddy.com, LLC	Domains By Proxy, LLC	PPC - matching design	2024-03-01	sedopark.net	localhost
kisqali01.xyz	Go Daddy, LLC	Domains By Proxy, LLC	PPC - matching design	2024-03-01	sedopark.net	localhost
kisqali1.shop	GoDaddy.com, LLC		PPC - matching design	2024-03-01	sedopark.net	localhost
kisqali2.today	GoDaddy.com, LLC	Domains By Proxy, LLC	PPC - matching design	2024-03-01	sedopark.net	localhost
kisqali3.today	GoDaddy.com, LLC	Domains By Proxy, LLC	PPC - matching design	2024-03-01	sedopark.net	localhost
kisqali3.xyz	Go Daddy, LLC	Domains By Proxy, LLC	PPC - matching design	2024-03-01	sedopark.net	localhost
kisqali4.today	GoDaddy.com, LLC	Domains By Proxy, LLC	PPC - matching design	2024-03-06	sedopark.net	localhost
kisqali5.today	GoDaddy.com, LLC	Domains By Proxy, LLC	PPC - matching design	2024-03-08	sedopark.net	localhost
kisqali6.today	GoDaddy.com, LLC	Domains By Proxy, LLC	PPC - matching design	2024-03-09	sedopark.net	localhost
kisqali8.today	GoDaddy.com, LLC	Domains By Proxy, LLC	PPC - matching design	2024-03-09	sedopark.net	localhost
kisqali10.today	GoDaddy.com, LLC	Domains By Proxy, LLC	PPC - matching design	2024-03-14	sedopark.net	localhost
kisqali11.today	GoDaddy.com, LLC	Domains By Proxy, LLC	PPC - matching design	2024-03-14	sedopark.net	localhost
kisqali12.today	GoDaddy.com, LLC	Domains By Proxy, LLC	PPC - matching design	2024-03-14	sedopark.net	localhost
kisqali13.today	GoDaddy.com, LLC	Domains By Proxy, LLC	PPC - matching design	2024-03-14	sedopark.net	localhost
kisqali14.today	GoDaddy.com, LLC	Domains By Proxy, LLC	PPC - alternative desing	2024-03-14	sedopark.net	localhost
kisqali7.today	GoDaddy.com, LLC	Domains By Proxy, LLC	PPC - matching design	2024-03-14	sedopark.net	localhost
kisqali9.today	GoDaddy.com, LLC	Domains By Proxy, LLC	PPC - matching design	2024-03-14	sedopark.net	localhost
kisqali.monster	Go Daddy, LLC	Domains By Proxy, LLC	PPC - matching design	2024-03-15	sedopark.net	localhost
kisqali01.shop	GoDaddy.com LLC		PPC - matching design	2024-03-15	sedopark.net	localhost



# IDENTIFICATION OF LARGE CASES – METHODOLOGY

Domain	Registrar	Registrant	Content	Created	DNS	MX records
kisqali.live	GoDaddy.com, LLC	Domains By Proxy, LLC	PPC - matching design	2023-11-07	sedopark.net	localhost
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kisqali01.online	Go Daddy, LLC	Domains By Proxy, LLC	PPC - matching design	2023-12-12	sedopark.net	localhost
kisqali.life	GoDaddy.com, LLC	Domains By Proxy, LLC	PPC - matching design	2024-02-01	sedopark.net	localhost
kisqali1988.shop	GoDaddy.com LLC		PPC - matching design	2024-02-01	sedopark.net	localhost
kisqali.xyz	Go Daddy, LLC	Domains By Proxy, LLC	PPC - matching design	2024-02-03	sedopark.net	localhost
kisqali.ltd	GoDaddy.com, LLC	Domains By Proxy, LLC	PPC - matching design	2024-02-04	sedopark.net	localhost
kisqali.space	Go Daddy, LLC	Domains By Proxy, LLC	PPC - matching design	2024-02-04	sedopark.net	localhost
kisqali.today	GoDaddy.com, LLC	Domains By Proxy, LLC	PPC - matching design	2024-02-04	sedopark.net	localhost
kisqali.world	GoDaddy.com, LLC	Domains By Proxy, LLC	PPC - matching design	2024-02-04	sedopark.net	localhost
kisqali01.store	Go Daddy, LLC	Domains By Proxy, LLC	PPC - matching design	2024-02-04	sedopark.net	localhost
kisqali01.today	GoDaddy.com, LLC	Domains By Proxy, LLC	PPC - matching design	2024-02-04	sedopark.net	localhost
kisqali06.live	GoDaddy.com, LLC	Domains By Proxy, LLC	PPC - matching design	2024-02-04	sedopark.net	localhost

# UNMASKED DATA

ARBITRATION  
AND  
MEDIATION CENTER

**WIPO**  
WORLD  
INTELLECTUAL PROPERTY  
ORGANIZATION

## ADMINISTRATIVE PANEL DECISION

Novartis AG v. chang liu, Chen Fan Ren, Ren Chen Fan, g m, Shan Xi Xi Bu Chuan Mei Hai Wai Ying Xiao You Xian Gong Si, janis yan, july liu, ruitian liu, sima xingwei, Xiao Juan Jin, xingyun rao, 镭珂 (leo ke), Chen Chen Zang, tao lei

Case No. D2024-5218

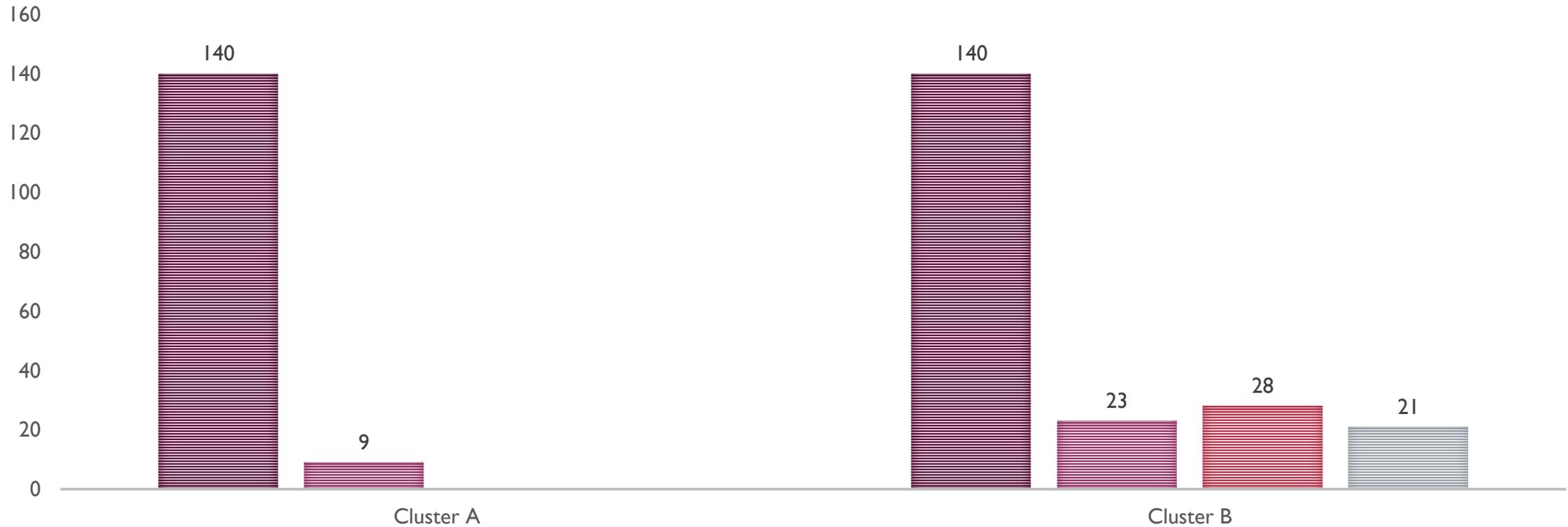
### 1. The Parties

The Complainant is Novartis AG, Switzerland, represented by MSA IP - Milojevic Sekulic & Associates, Serbia.

The Respondents are chang liu, Chen Fan Ren, Ren Chen Fan, g m, Shan Xi Xi Bu Chuan Mei Hai Wai Ying Xiao You Xian Gong Si, janis yan, july liu, ruitian liu, sima xingwei, Xiao Juan Jin, xingyun rao, 镭珂 (leo ke), Chen Chen Zang, tao lei, China.

- Even if unmasked data should point to **numerous nominally different registrants**, establishing a strong link between registrations allows the UDRP panel to consolidate the disputes in a single proceeding.
- Establishing such a **precedent of consolidation** allows an additional argument against the registrants in future proceedings – a presumption of connection between cybersquatters.
- Recent practice indicates that panels are likely to accept consolidation when given strong arguments linking multiple domain name registrations from different registrants.

# UNMASKED DATA – POTENTIAL FOR TARGETING BAD ACTORS



- **Unmasking registrant data allows efficiently identify serial infringers, and may assist in taking further actions in order to disrupt abuse, claim damages or compensation**

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# LARGE CASES – BENEFITS

- **Stronger impact against serial cybersquatters:**
  - Lost revenue from abusive domain name registrations – loss of PPC traffic, sale revenue, etc.
  - No return from registration costs; effects may approach costs of UDRP
  - Financial effects and data unmasking may deter further abuse
  - Identifying large cybersquatters allows targeted investigations and actions beyond domain name disputes

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# CAPTURING PUBLIC ATTENTION

- WIPO's Domain Name Report 2024:

*“The top 10 complainants included Carrefour, Meta Platforms, LEGO, Fenix International, Michelin, Sodexo, Philip Morris, Eli Lilly, Sanofi, and Equinor. These companies represent a mix of industries, from retail to pharmaceuticals, highlighting the importance of domain name protection for businesses of all types.”*

- Most active trademark owners are routinely listed in domain name news and publications:
  - Number of UDRP cases filed
  - Number of domain names included in UDRP complaints

# THE OBJECTIVE IS CLEAR

Improved brand protection in  
the online environment

Advancing Brand Reputation

Deterring Bad Actors

Consumer Protection

**Enhanced Public Health Safety**



**THANK YOU FOR YOUR ATTENTION!**

**Q & A ?**