

DWANGO Co., Ltd.

Procedure for Management of Trademark Infringement Claims for “.nico” TLD

Draft Version

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It is almost impossible to devise a standard response/process for all claims made of trademark infringement, as the seemingly small individual differences between each complaint and between each domain name registration make the course of action potentially different in each case. This draft procedure is a guide to the general approach required, but thought should be given to the appropriateness of any action in each case, with assistance from designated senior manager where appropriate.

1. Domain name itself is claimed to be an infringement of a party's trademark rights

Actions

- Determine if the name is being used for any "visible" fraudulent activity such as phishing. If so, follow the phishing process.
- If no fraudulent content, send "invalid whois" notice to the registrant of the domain name

Formulating a response to complainant

- It is outside of a registrar's scope to determine if a domain name infringes a party's rights
- Cannot transfer or delete a domain name based on complaint alone
- will need to be issued with copies of relevant court orders or other appropriate documentation
- Outline invalid whois process and inform complainant that a notice has already been sent to the registrant in respect of this
- If applicable, inform the complainant that the complaint has also been forwarded to the reseller who may be able to take action.
- Suggest Uniform Dispute Resolution Policy action

2. Website located at the domain name contains logos or text which are claimed to infringe another parties rights

Actions (where the Registrar is not the host)

- Determine if the name is being used for any "visible" fraudulent activity such as phishing. If so, follow the phishing process.
- If no fraudulent content, send "invalid whois" notice to the registrant of the domain name

Formulating a response to complainant (where Registrar is not the host)

- Inform complainant that the Registrar is not hosting the content, and therefore has no ability to access, modify or delete the content.
- Outline who the host is, and, if able to determine, steps to contact them.
- Outline invalid whois process and inform complainant that a notice has already been sent to the registrant in respect of this (use prepared template)
- If applicable, inform the complainant that the complaint has also been forwarded to the relevant third party Registrar

Where Registrar is the host

- Review, formulate a proposed course of action based on the circumstances and applicable policies,
- Discuss proposed course of action with designated senior manager and base response to complainant around this.