

## UDRP: One Tool To Address Online IP Infringement

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You run an ecommerce business, selling products through your own website—let's say it's [yourname.com]. One day, a customer emails you asking why their order never arrived. You check their confirmation number, but there's no record of it in your system.

You ask for the website they ordered from, and at first glance, it looks exactly like yours—same name, logo, photos, and product descriptions. But then you notice the domain: it's [yournameus.com], not your actual site. Someone is impersonating your business and using your brand and content to scam customers.

What can you do?

There are several ways to respond to this kind of intellectual property infringement, and your first step should be contacting an experienced IP attorney to explore your options. One particularly effective option your attorney might suggest is filing a UDRP complaint.

What Is a UDRP?

The Uniform Domain-Name Dispute-Resolution Policy (UDRP) was created by ICANN (the Internet Corporation for Assigned Names and Numbers), which oversees global domain name registrations. UDRP provides a legal mechanism for resolving disputes over domain names—especially cases involving bad-faith registrations that infringe trademarks.

When Can You Use a UDRP?

You can only win a UDRP case if all of the following are true:

- The domain name at issue is identical or confusingly similar to your trademark or service mark;
- The registrant has no rights or legitimate interests in the domain name; and
- The domain was registered and is being used in bad faith.

If your case checks all those boxes, you may have a strong claim.

How the UDRP Process Works

The UDRP process is designed to be streamlined and efficient:

1. File a complaint with an approved provider, such as WIPO (World Intellectual Property Organization) or the FORUM (formerly known as the National Arbitration Forum).
2. The provider reviews your complaint for administrative compliance and identifies the domain registrant, if necessary.
3. The registrant is notified and has 20 days to respond.

4. A panel of one or three experts is appointed to decide the case.
5. If you win, the provider orders the registrar to transfer the domain name to you.

### Important Considerations

UDRP proceedings are fast, and there isn't much time to develop a legal or factual record. There are no reply briefs, no hearings, and no appeals, so your initial complaint must include every relevant argument and piece of evidence. A poorly drafted complaint can lead to a loss, leaving you to pursue more expensive remedies.

Also remember: UDRP isn't your only option. Depending on the situation, you may have other legal tools at your disposal, such as trademark litigation, takedown notices, or enforcement through online platforms.

### Need Help?

If someone is hijacking your brand online, we can help. Contact us to assess your case and guide you through the best options to protect your intellectual property.

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