

Typosquatting The Danish Rules

Lise Fuhr, CEO of Dansk Internet Forum

8. December 2010

DIFO

An association of representatives of the Internet community (the three P's) founded in 1999

- Private users
- Professional users
- Providers

- Owns DK Hostmaster the registry of .dk

- From 2009 the administration of .dk is build upon the framework of the Danish Domain Name Act.

- DIFO works according to the permission from the Danish Ministry of Science, Technology and Innovation

DK Hostmaster

- Private company founded in 1999
- Is a cost-neutral enterprise
- Sole registry – we have the contact with the registrants
- More than 515,000 unique customers
- .dk has more than 1.000.000 registered domain names
- Everyone can buy a .dk domain name

The Danish Typosquatting rule

A fast track to solve disputes about typosquatting

Three conditions have to be identified:

- a. There must be an obvious risk of Internet users by typing wrong letters is directed to a website under the notified domain name,
- b. The Registrant of the notified domain name has no trademark rights, rights to names or other distinctive marks in respect of the notified domain name, and
- c. The Registrant of the notified domain name has undertaken registration of other domain names with an evident risk of confusion, as mentioned above.

As a result of the above the notifier has to have a domain name that is almost similar with the notified domain name.

Typosquatting rule

Sanctions - typosquatted domain names:

1. Suspension/deletion
2. Transfer (is not a real sanction but can be a consequence if the case is settled)
3. As a new sanction blocking has been introduced

The procedure

- DK Hostmaster contact the registrant by e-mail in order to give the registrant a possibility to explain their reason for registration of the notified domain name
- The registrant has a 72 hours deadline to respond
- The chairman of DIFO and the CEO of DK Hostmasters then decide if a domain name is to be suspended.
- After a 4 weeks notice the domain name is deleted or blocked if the registrant has not appealed the decision to the Complaints Board for Domain names.
- If a case is settled by the involved parties before a decision has been made the domain name can either be transferred to the complainant or deleted.
- It is free to make a notification

New rules to prevent typosquatting

Confirmation of order sent by mail

The intention is to eliminate typosquatting before the domain name is registered.

Registrants known to have three or more typosquatting cases is marked in DK Hostmaster's registrant-system

These registrants will receive confirmation of an order sent by "normal" mail – not by e-mail.

Automatized processes are complicated by only sending the confirmation by mail and the validity of the address of the registrant are controlled

New rules

New sanction - blocking

- Earlier it was only possible to either delete or transfer a domain name. (Transfer is only possible if a case is settled by the parties.)
- DK Hostmaster has experienced that companies buy domain names that are likely to be typosquatting of the "original" domain name in order to protect the "original" name.
- The complainant can now demand a blocking of the domain name after the suspension periode. The blocking is free.
- The blocked domain name is to be placed in a special database.
- The complainant can release the blocked domain name if a third party asks for a release.
- If the inquiry is rejected the decision can be appealed to the Complaints Board for Domain names.

Statistics - cases regarding typosquatting

1. July 2007 – 3. December 2010

- 2337 notifications
- 133 has been rejected by the secretariat because the scope of the case were not within the rules of suspension. Complainant has been referred to settle the case by the Complaints Board for Domain names or Court of law.
- 158 has been rejected (by CEO and/or chairman) after judgment.
- 78 has been settled by the parties by transfer of the domain name to the complainant.
- 969 has been deleted after enquiry to the registrant.
- 57 has been blocked
- 901 has been suspended and/or deleted after judgment by the CEO of DK Hostmaster and the chairman of DIFO.
- 41 pending notifications

New rules

Domain names including brands

- The typosquatting procedure is also used for domain names that include brands
- For example the domain name lego-shop.dk
- If the domain name is not registered by Lego – the brand owner - the domain name can be notified to DK Hostmaster.
- If the registrant has been found (by the Complaint Board) to violate the code of conduct, as specified in the Danish Domain Act ,two times or more, the same procedure as in case of typosquatting can be applied.

Questions ?

Written questions can be sent to difo@difo.dk

Thank you for your attention