Making Sense of the Cybercrime Courts' Jurisdiction Over Cybersquatting Cases in Light of the Concurrent Jurisdiction of World Intellectual Property Organization Panels Pursuant to the Uniform Dispute Resolution Policy

Julianne S. Alberto
Jose Ryan S. Pelongco

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In 2017, when Instagram, LLC found out that <instagram.tv> had been registered by an individual who resided in China, the company sought a transfer of domain name before the World Intellectual Property Organization (WIPO) Arbitration and Mediation Center, on the basis that the registrant had no interest owning the domain. Meanwhile, the Educational Testing Services (ETS) of Princeton, which conducts the popular Test of English as a Foreign Language (TOEFL), discovered that an <ieltstoefl.com> existed online. IELTS or the International English Language Testing System turned out to be a competitor service, which led to the TOEFL provider asserting before the WIPO that The International English Literacy Training Services and Tutelage of English & Foreign Linguistics Centre in New Delhi, India had no legitimate interest in registering <ieltstoefl.com>.

This Article examines how, as in the case of Instagram and ETS, WIPO panelists, applying the provision of the Uniform Dispute Resolution Policy (UDRP), have justified the continuation, suspension, or termination of cybersquatting complaints. It seeks to anticipate and enlighten the readers on how a panel will decide, should it be confronted with a pending UDRP complaint. Applying analogously domestic doctrines in procedure and arbitration, this Article discusses how a cybercrime court might treat the pendency of a UDRP complaint. The Article concludes that there are still significant procedural matters that should be clarified in the prosecution of cybercrime cases, as well as in defending an assertion of a legitimate claim over domain name registration and use.