

How Domain Dispute Policy Differs Across the Globe



Spain



Brazil



China

Domains registered

1,904,186

3,351,614

20,868,593

Who can register?

Any individual or legal entity may apply to register a domain name in Spain, regardless of place of residence.

Any entity legally established in Brazil (whether legal entity or private person) can register a domain in the country, as long as the person has a contact in Brazil. In the case of foreign companies, a trustee service may be added.

Any individual or legal entity may apply to register a domain name in China, regardless of place of residence.

Dispute policy

.es Dispute Resoltuion Policy (esDRP)

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.br Dispute Resolution Policy (brDRP).

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.cn Dispute Resolution Policy (cnDRP).

The cnDRP stipulates a two-year deadline from the date of the domain's registration to initiate the domain name dispute procedure. After this two-year window has passed, the complainant must file a civil lawsuit to resolve the dispute.

Litigation

To resolve the claim, the expert takes into account the statements and documents submitted by the parties.

If the claim is accepted the domain name will either be transferred to the plaintiff or cancelled and available for reassignment.

Cases are taken to the Judiciary and judged according to whether the domain consitutes an act of bad faith.

With a court order the domain will be canceled or transferred.

Through takedown action, brands can file a complaint with the National Copyright Administration of China (NCA) to remove unauthorized copyrighted material online.

In severe cases of infringement, rights holders can report the case to the Public Security Bureau for public prosecution to seek judicial remedies such as permanent injunctions and compensation through civil litigation.



Russia



Australia



United States

Domains registered

4,917,111

2,867,787

1,969,383

Who can register?

Any individual or legal entity may apply to register a domain name in Russia, regardless of place of residence. 101domain.com is one of few accredited registrars authorized to accept and consider domain name applications.

No one can currently register .au. A launch of .au is in the works, but no launch date has been set. Alternatives are .com.au and .net.au. Other extensions are available for specific entities such as non-profits.

Registrants must have either an Australian TM application or Australian business registration. No trustee is available for this domain extension.

There are stringent requirements to own a .us domain. The registrant must have information ready to prove that they do business in the US (receipts, invoices, etc) and they must specify their nexus to the US (citizen, corporation, foreign business, etc).

Dispute policy

Russia does not offer a domain dispute policy.

Civil action is the only feasible enforcement option for a brand owner to recover an infringing domain name, unless they can stop the infringement and acquire the conflicting domain name in a non-judicial manner (ex. under a cease-and-desist letter).

.au Dispute Resolution Policy (auDRP).

Unlike UDRP, it is sufficient for the complainant to prove that either registration or use of the domain name is in bad faith.

Uniform Domain Dispute Policy (UDRP).

Cases must prove that the domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and the domain owner has no rights or legitimate interest; and the domain name has been registered and is being used in bad faith.

Litigation

The Russian courts recognizes the UDRP three-factor test and will enforce the transfer of a domain name if proven in favor. Remedies include injunctive relief (preliminary and permanent) and monetary (regular or statutory).

Court judgment can result in tailored outcomes such as transfer, cancellation, injunction or award of damages. The dispute may require a comprehensive hearing and analysis of evidence.

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