



■ Quick Guide to WIPO Domain Name Dispute Resolution Services for the .CH ccTLD

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Geneva
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In this webinar

- .CH Registry and recent updates on the .CH Rules of procedure
- The main characteristics of the .CH Rules of Procedure as compared to the UDRP
- Basics points on how to file a .CH domain name Request against a “cybersquatter”
- The main benefits of filing a case with WIPO in comparison to court litigation

After this webinar, you can:

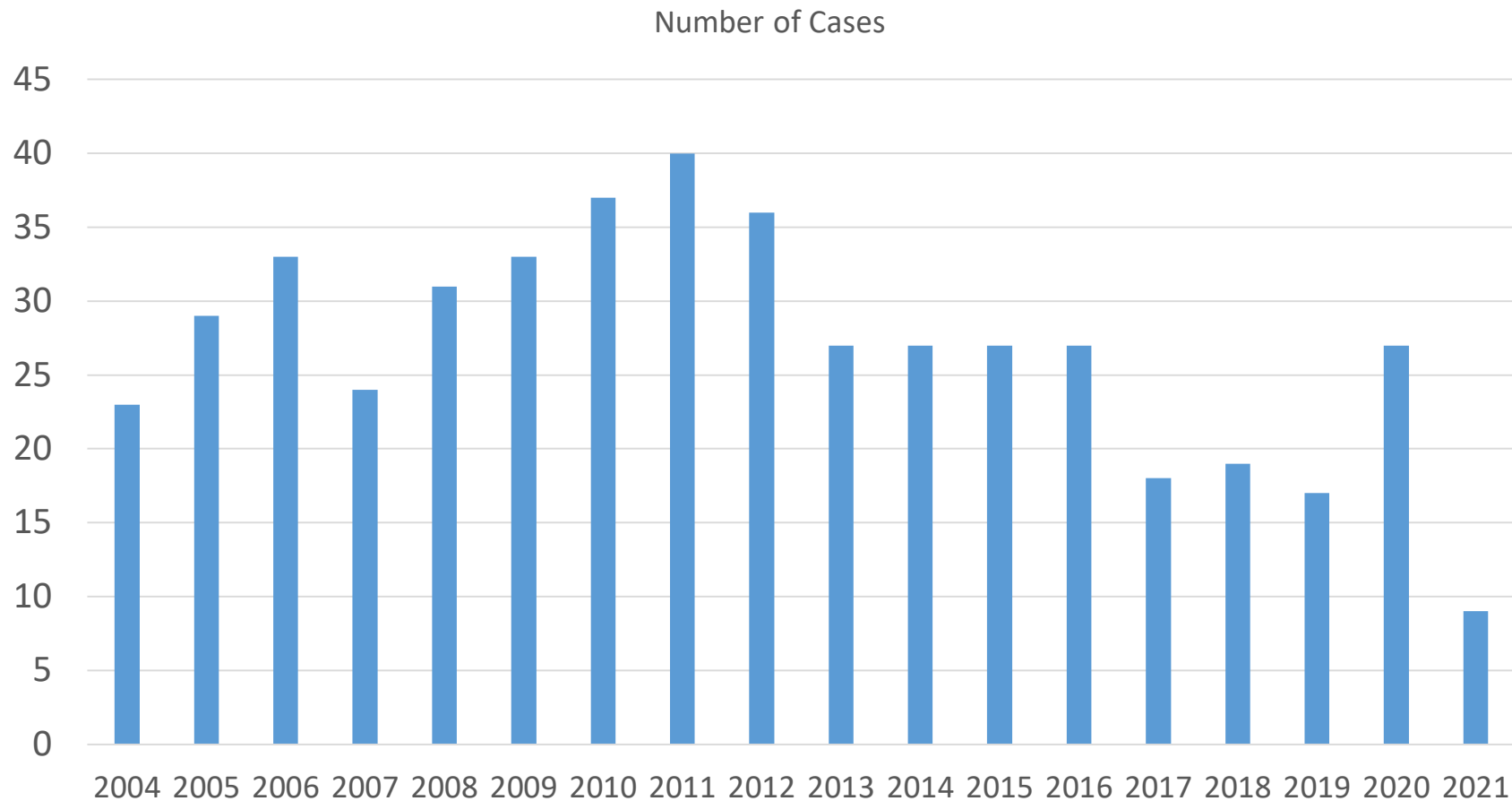
- Send us your follow-up questions
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Part 1

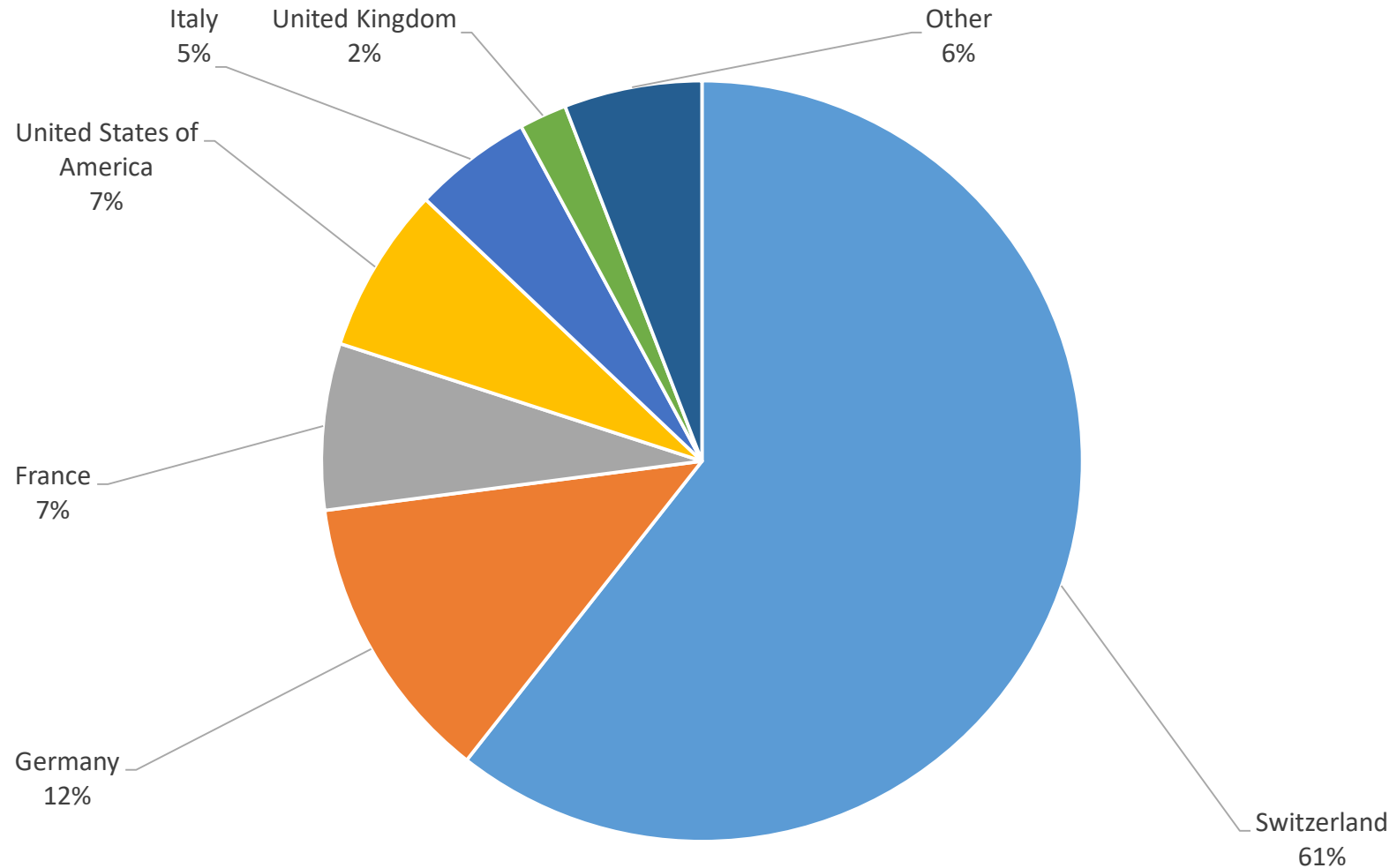
.CH Registry and recent updates on the .CH Rules of procedure

Distribution of cases per year in .CH

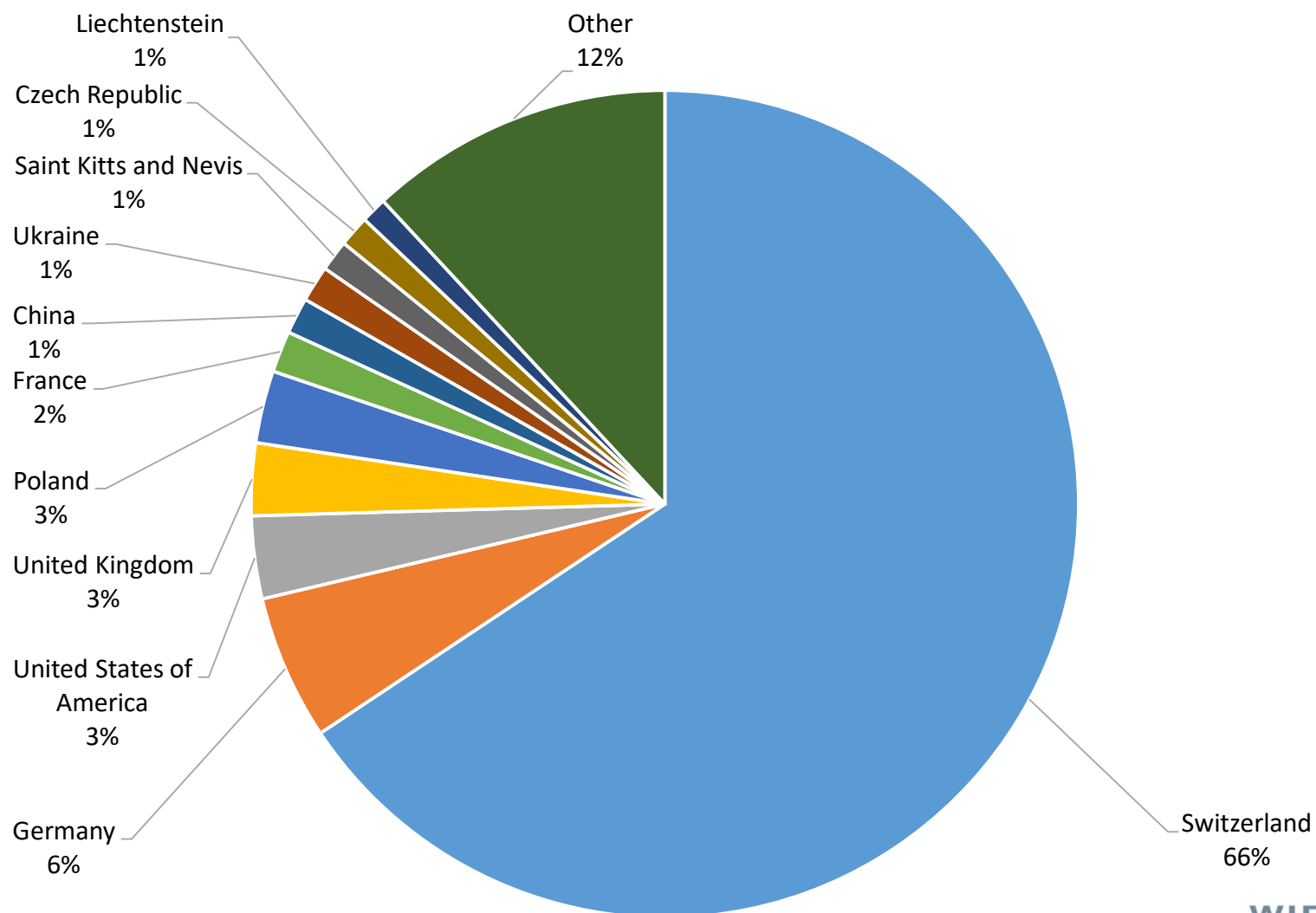
■ Since 2004, WIPO has administered **493 .CH cases**



Nationalities .CH Claimants 2004-2020

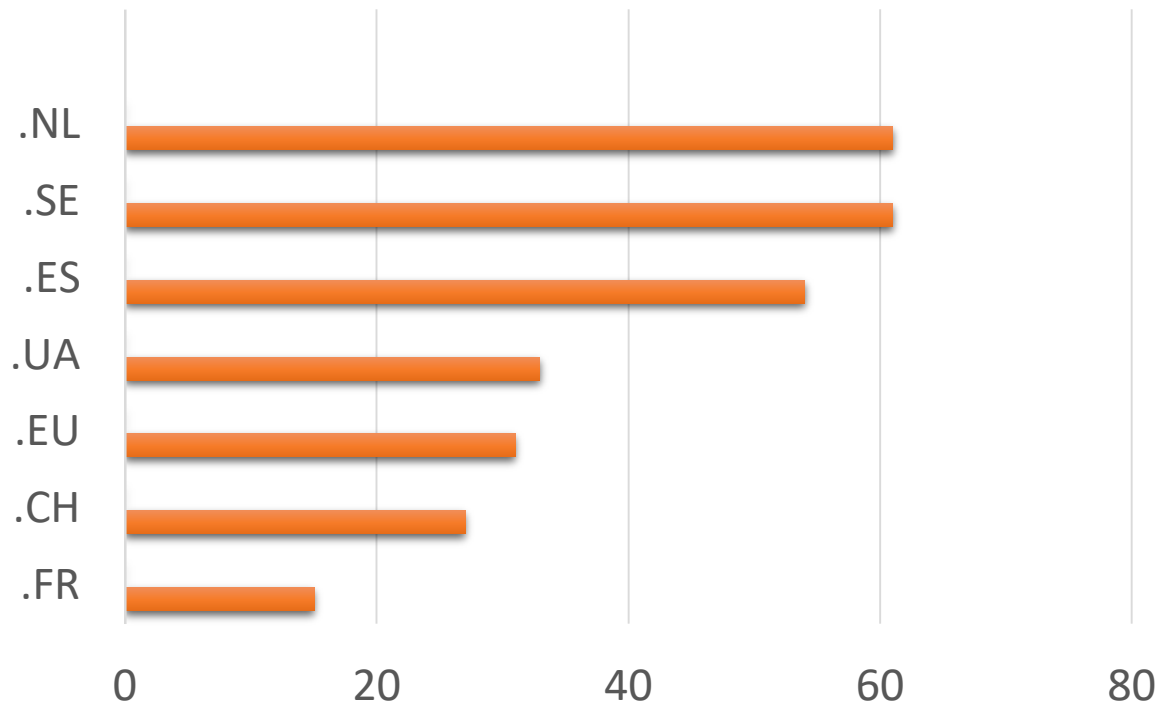


Nationalities .CH Respondents 2004-2020



.CH in comparison with other European ccTLD's in WIPO's dispute resolution (cases in 2020)

- .NL – 61 cases
- .SE – 61 cases
- .ES – 54 cases
- .UA – 33 cases
- .EU – 31 cases
- **.CH – 27 cases**
- .FR – 15 cases



SWITCH

- Partner for digitalization issues in education, research and innovation community in Switzerland
- Independent non-profit foundation
- Helping make effective and efficient use of the opportunities presented by digitalization
- Registry for .CH and .LI domain names since the early days of the Internet
- 130 employees at its headquarters in Zurich

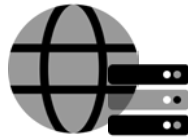


SWITCH



Education, Research & Innovation (ERI) Community

- Swiss universities on tertiary level (academic sector) and their research institutions
 - extended ERI community



Internet Community

- Internet Service Providers, Hosters, Domain Registrars



Critical infrastructure organisations (CIO)

- Banking, Industry & Logistics, Energy, Healthcare, Government

WIPO and SWITCH update of the .CH Rules of Procedure

- Rules of Procedure for Dispute Resolution Procedures for .ch and .li domain names
 - Available at SWITCH
 - https://www.nic.ch/terms/disputes/rules_of_procedure/
- Effective as of January 1, 2020 (Version 2.0)
- **100 % electronic procedure**
 - The parties do not have to send their pleadings in hard copies
 - Greater efficiency
 - Reduced costs

WIPO Domain Name Dispute Resolution Service for .CH

Country / Territory Code	.CH
Country / Territory Name	Switzerland
Whois Search	Whois Search
Dispute Resolution Policy	<p><i>Variation of UDRP</i></p> <p>Rules of Procedure for Dispute Resolution Procedure for .ch and .li Domain Names</p> <p><i>Relevant differences between the UDRP and the .CH Policy</i></p> <ul style="list-style-type: none"> ▶ Conciliation ▶ Rights covered ▶ Mutual Jurisdiction ▶ Representation
WIPO Model Pleadings	<p>WIPO Model Request</p> <p>WIPO Model Response</p>
Fees	Schedule of Fees
WIPO Experts	WIPO Conciliators and Experts

WIPO Toolkit

[Panel Decisions](#)

[WIPO Model Request](#)

[WIPO Model Response](#)

<https://www.wipo.int/amc/en/domains/cctld/ch/index.html>

Model Request

- Available in English, French, Italian and German
- Electronic filing
- May relate to more than one domain name provided that they are registered by the same Respondent

WIPO Model Pleadings	WIPO Model Request
	WIPO Model Response

Before the:

WORLD INTELLECTUAL PROPERTY ORGANIZATION
ARBITRATION AND MEDIATION CENTER

[NAME AND ADDRESS OF
CLAIMANT]

(Claimant)

-v-

[NAME AND ADDRESS OF
RESPONDENT]

(Respondent)

Disputed Domain Name(s):

[<the disputed domain name(s)>]

REQUEST

(Rules of Procedure, paragraph 12)

I. Introduction

- [1.] This Request is hereby submitted in accordance with the Rules of procedure for dispute resolution procedure for .ch and .li domain names (the Rules of Procedure) in effect as of January 1, 2020.

II. The Parties

A. The Claimant

(Rules of Procedure, paragraphs 12(b)(ii) and (iii))

- [2.] The Claimant in this Dispute resolution procedure is *[provide full name and, if relevant, legal status, place of incorporation and principal place of business]*.
- [3.] The Claimant's contact details are:

Address: *[Specify mailing address]*

Telephone: *[Specify telephone number]*

Fax: *[Specify fax number]*

E-mail: *[Specify e-mail address]*

[If there is more than one Claimant, provide the above information for each, describe the relationship between the Claimants and why each Claimant has a

Model Response

- Available in English, French, Italian and German
- 20 days after notification
- Electronic filing

Before the:

**WORLD INTELLECTUAL PROPERTY ORGANIZATION
ARBITRATION AND MEDIATION CENTER**

*[NAME AND ADDRESS OF
CLAIMANT AS STATED IN
REQUEST]*

(Claimant)

-v-

*[NAME AND ADDRESS OF
RESPONDENT]*

(Respondent)

Case No: *[Indicate assigned case number]*

Disputed Domain Name[s]:

[<the disputed domain name(s)>]

RESPONSE

(Rules of Procedure, paragraph 15)

I. Introduction

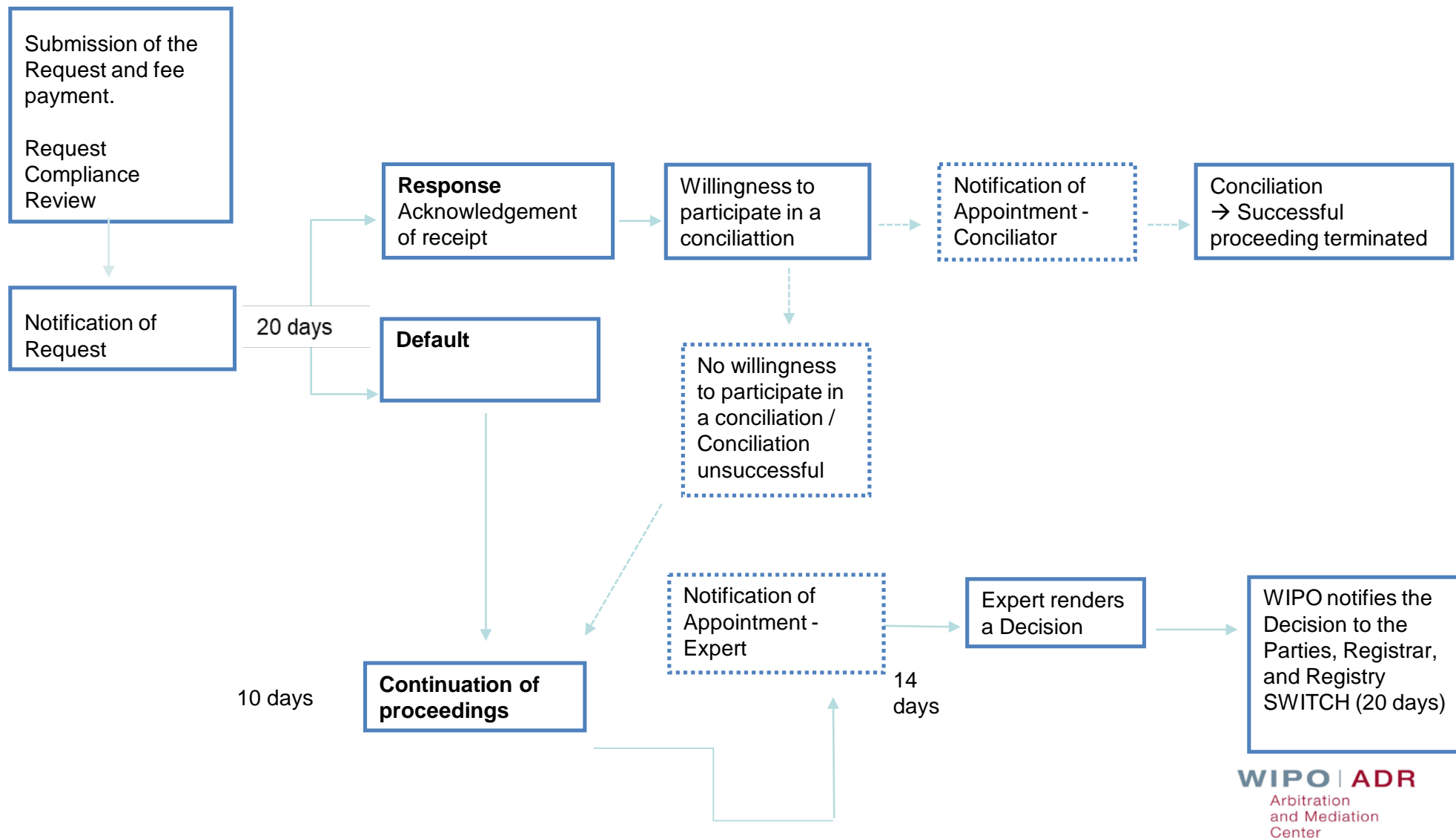
- [1.] On *[indicate date on which the Notification of Request and commencement of the dispute resolution procedure was received]*, the Respondent received a Notification of Request and commencement of the Dispute resolution procedure from the WIPO Arbitration and Mediation Center (the **Center**) by email informing the Respondent that a Dispute resolution procedure had been commenced by the Claimant in accordance with the Rules of procedure for dispute resolution procedure for .ch and .li domain names (the **Rules of Procedure**) in effect as of January 1, 2020. The Center set *[insert date]* as the last day for the submission of a Response by the Respondent.

**WIPO Model
Pleadings**

WIPO Model Request

WIPO Model Response

WIPO Flowchart for .CH Proceedings (simplified version)



Part 2

The main characteristics of the .CH Rules of Procedure (as compared to the UDRP)

Similarities with the UDRP

- Contract based and electronic procedure
- Quick and reasonable costs
- Model Complaint for UDRP and model Request for .CH
- Remedies
- .CH Decisions implemented by the Registry

Main differences compared to the UDRP

- Scope of protection
- The allocation or use of the domain name constitutes a **clear infringement of a Right in a distinctive sign** which the Claimant owns under the law of Switzerland
- Conciliation
- Language
- List of .CH Conciliators / Experts
- Mutual Jurisdiction (Zurich)

Conciliation

- Respondent should indicate its readiness to participate in a Conciliation procedure
- Mandatory for the Claimant
- Appointment of a Conciliator
- Telephone conference (one hour)
- Conducted by a WIPO appointed conciliator

First element: Rights covered

- Claimant has a Right in a distinctive sign under the law of Switzerland
 - Any right recognized by the legal system
 - registration or use of a sign
 - the right in a registered business name
 - a personal name
 - a trade mark
 - a geographical indication and
 - the defensive rights devolving from the law on unfair competition.

Second element

- The allocation and/or use of the Domain Name at issue constitutes **a clear infringement of a Right in a distinctive sign** which the Claimant owns under the law of Switzerland

- In particular, a clear infringement of an intellectual property right exists when:
 - both the existence and the infringement of the claimed Right in a distinctive sign clearly result from the wording of the law or from an acknowledged interpretation of the law and from the presented facts and are proven by the evidence submitted; and
 - the Respondent has not conclusively pleaded and proven any relevant grounds for defence

Remedies

- Similar to the UDRP, remedies available are:
 - **transfer**
 - **revocation** [cancellation]
 - **No monetary damages**

Filing Fees

- Depends on the procedure
 - 1 conciliator – 600 CHF
 - 1 conciliator and 1 Expert – 2,600 CHF

Conciliation	Fee (Swiss Francs)
Conciliation	600 [Conciliator: 300; Center: 300]
Expert's decision	Fee (Swiss Francs)
1 to 5 Domain Names	CHF 2000 (Expert: 1300; Center: 700)
6 to 10 Domain Names	CHF 2500 (Expert: 1600; Center: 900)
More than 10 Domain Names	To be determined by the Center

Part 3

The main benefits of filing a case with WIPO in comparison to court litigation

Main benefits of the .CH Rules of Procedure

- Time-effective procedure (2 months)
- Conciliation
- Cost-effective procedure
- Online procedure (WIPO model pleadings available for parties)
- Decision implemented by SWITCH directly

Some .CH cases with Swiss Claimants

■ WIPO Case No. DCH2017-0014
<nestleskinhealth.ch>



■ WIPO Case No. DCH2014-0013
<www-migros.ch>



■ WIPO Case No. DCH2012-0034
<tcsreisen.ch>



Some recent .CH conciliations

■ WIPO Case No. DCH2020-0003
<kressi.ch>



■ WIPO Case No. DCH2020-0008
<cller.ch>



■ WIPO Case No. DCH2020-0010
<sky-scanner.ch>



Some recent .CH cases with non-Swiss Claimants

- WIPO Case No. DCH2020-0013
<**skyskanner.ch**>
- WIPO Case No. DCH2018-0015
<**mydhl.ch**>
- WIPO Case No. DCH2018-0011
<**myaudi.ch**>
- WIPO Case No. DCH2016-0022
<**instagram.ch**>
- WIPO Case No. DCH2016-0024
<**wwwlidl.ch**>



Contact us

- Queries: arbiter.mail@wipo.int
- Further information: www.wipo.int/amc/en/domains

- **WIPO Center Domain Name Newsletter**
 - www3.wipo.int/newsletters/en/#adr_highlights
- **WIPO Center Webinars**
 - www.wipo.int/amc/en/events/webinar.html#upcoming

- **WIPO Center Offices**
 - Geneva, Switzerland
 - Singapore, Singapore