

## 7 QUESTIONS TO ASK TO IDENTIFY POSSIBLE REVERSE DOMAIN NAME HIJACKING

Don't let your brand become a victim



1

**WAS THE DISPUTED DOMAIN NAME REGISTERED BEFORE COMPLAINANT FILED THEIR TRADEMARK?**

[Mess Enterprises v. Scott Enterprises, Ltd.](#)

"The Complainant filed its trademark application on August 20, 2000. This date was 2 1/2 years after the Respondent registered the domain name on March 14, 1998, and with clear knowledge of the Respondent's prior registration (evidence of e-mail from Complainant to Respondent)."

2

**WAS THE COMPLAINT FILED AFTER FAILED NEGOTIATIONS TO OBTAIN THE DISPUTED DOMAIN NAME?**

[News Group Newspapers Ltd. v. Blue Nova Inc.](#)

"Against the factual background set forth, the Panel found the complaint to have been filed abusively, in an attempt to wrest the disputed domain name from the Respondent's control after failed negotiations with the Respondent to acquire the disputed domain name for a reasonable market price."

3

**DOES THE COMPLAINT LACK EVIDENCE TO PROVE THE REGISTRATION AND USE OF THE DOMAIN IS TARGETING THE COMPLAINANT?**

[TV Sundram Iyengar & Sons Ltd. v. P.A. Gordon](#)

"The Complainant's case has significant weaknesses and makes numerous unsupported assertions of fraud and illegal behavior. There is very little evidence presented that suggests the domain name was ever targeted at the Complainant. For the foregoing reasons, the complaint is denied."

4

**DOES THE COMPLAINANT TRY TO DECEIVE THE PANELIST(S) BY USING FALSE STATEMENTS OR LEAVING OUT MATERIAL FACTS OF THE MATTER?**

[Timbermate Products Pty Ltd v. Domains by Proxy, LLC / Barry Gork](#)

"The Panel found it astonishing that the Complainant, a law firm, could produce such a fundamentally flawed complaint. The Complainant should have been aware that the false allegations in the complaint put the Respondent through unnecessary and irrecoverable expense and distress."

5

**DOES THE COMPLAINANT LACK EVIDENCE THAT THE DOMAIN WAS REGISTERED AND IS BEING USED IN BAD FAITH?**

[Cyberbit Ltd. v. Mr. Kieran Ambrose, Cyberbit A/S](#)

"The complaint omitted the section dealing with bad faith registration and use. None of the evidence relating to the Respondent's use of the Domain Name supports any contention that the Respondent was at any time targeting the Complainant or its trademark."

6

**DOES THE COMPLAINANT LACK EVIDENCE OR FAIL TO MEET ANY OF THE THREE CONDITIONS?**

[The American Association of the Order of St. Lazarus, Inc. v. Thierry Villejust](#)

"The Complainant did not prove that either of the marks that it owns are confusingly similar to the domain name. The allegations were largely unsupported by facts, evidence, and omitted pertinent facts that were, or should have been known to Complainant."

7

**WAS THE COMPLAINT FILED PRIMARILY TO HARASS THE DOMAIN NAME HOLDER?**

[Goldline International, Inc. v. Gold Line](#)

"Prior to filing its complaint, Complainant had to know that Complainant's mark was limited to a narrow field, and that Respondent's registration and use of the domain name could not, under any fair interpretation of the facts, constitute bad faith. Any further attempt to prosecute this matter would be abusive and constitute reverse domain name hijack[ing]."

IF THE RESPONDENT ANSWERS "YES" TO ANY OF THE QUESTIONS ABOVE, THE UDRP COMPLAINT MAY BE DETERMINED TO BE A CASE OF REVERSE DOMAIN NAME HIJACKING.



Source: WIPO Arbitration and Mediation Center