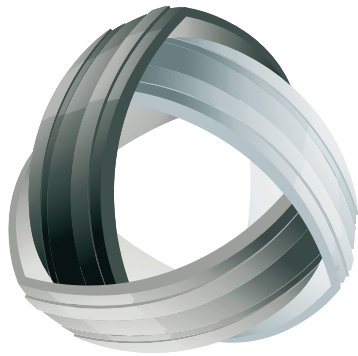


Asian Domain Name Dispute Resolution Centre

- a charitable institution limited by guarantee registered in Hong Kong



ADNDRC

ANNUAL REPORT

For the period of

2019 - 2020



1. HISTORY & MILESTONE

With the aim of providing a prominent platform for efficient and renowned international domain name dispute resolution, the Asian Domain Name Dispute Resolution (ADNDRC) was jointly established in 2002 by the China International Economic and Trade Arbitration Commission (CIETAC) and the Hong Kong International Arbitration Centre (HKIAC).

In 2006, the Korean Internet Address Dispute Resolution Committee (KIDRC) joined the ADNDRC and subsequently began its operations in the Seoul Office. Following this, in 2009, the ADNDRC announced the opening of its Kuala Lumpur Office, operated by the Asian International Arbitration Centre (AIAC).

As of March 2021, the Hong Kong office (HKIAC) operates the Secretariat of the ADNDRC. The Kuala Lumpur Office (AIAC) was the Secretariat of the ADNDRC from 2018 – February 2021.

Accredited by the Internet Corporation for Assigned Names and Numbers (ICANN), the ADNDRC has been at the forefront of administering international domain dispute resolution services in the Asian region.

2. HISTORY & MILESTONE

The ADNDRC's mission is to be a preeminent and cost-effective provider of domain name dispute resolution services in the Asia-Pacific region.

3. SECRETARY-GENERAL'S MESSAGE

It is with great pleasure that we present the Annual Report of the Asian Domain Name Dispute Resolution Centre (ADNDRC) for the years of 2019 and 2020.

Undoubtedly, 2020 has been a challenging year to us all. With the outbreak Covid-19 pandemic, we have collectively witnessed a surge of changes in our everyday life. The pandemic has evolved into a global health crisis and the conduct of dispute resolution was also not spared from the way it has significantly impacted our way of lives. However, our dedicated member organisations have been adaptive to such changes. This can be seen in the effective utilisation of webinars as a platform that has been used to promote and carry out domain name dispute resolution.

Despite such adversity, we have seen the registration of 206 cases in the year 2020. This number is an increase from the 188 cases registered in the year 2019. This goes to show not only that the field of dispute resolution is one that can stand the test of a global pandemic but also displays our capabilities and abilities to adapt towards change and tackle problems effectively.

In these tumultuous times, we would like to offer our deepest gratitude to the member organisations: The China International Economic and Trade Arbitration Commission (CIETAC), Hong Kong International Arbitration Centre (HKIAC) the Korean Internet Address Dispute Resolution Committee (KIDRC). The efforts and dedication of these organisations have been paramount in ensuring that the ADNDRC remains at the forefront of international domain dispute resolution administration in Asia. We would not be what and where we are today without the commitment and hard work of our member organisations. We call upon our member organisations to continue joining us in our journey to place and spearhead the ADNDRC in the global arena of international domain name dispute resolution administration.

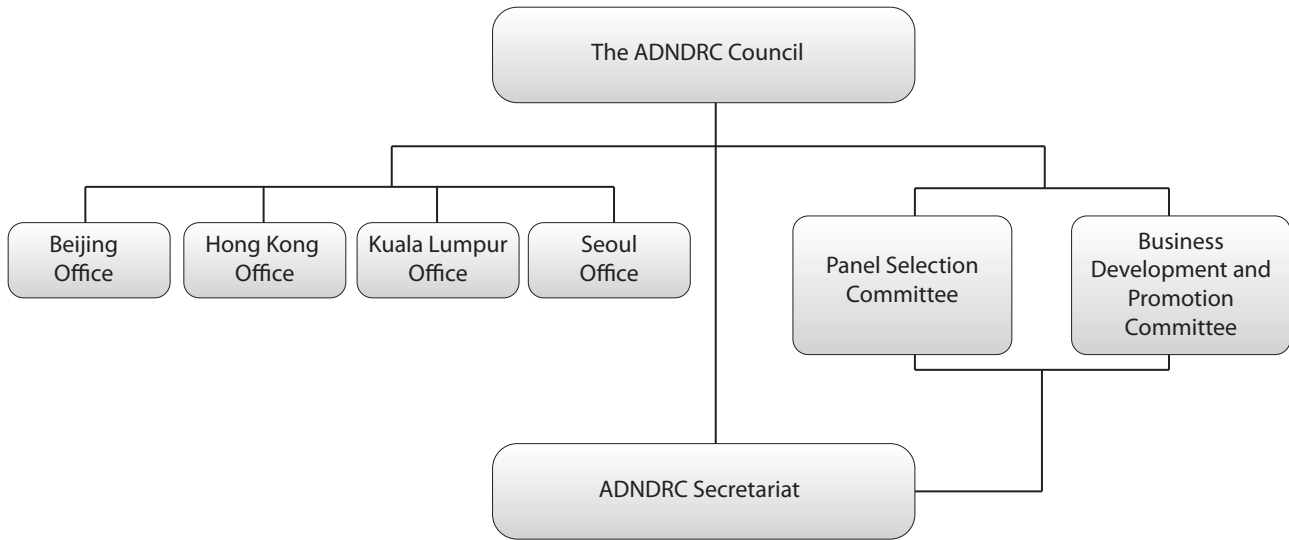
With respect to the future governance of the ADNDRC, we are pleased to inform that effective 1st January 2021, the Chairmanship of the ADNDRC will be rotated to the KIDRC with Prof. Dr. Jeongil Suh assuming the Chairman position until December 2023. Effective March 2021, the ADNDRC Secretariat has also been transferred to the HKIAC with Ms. Kiran Sanghera assuming the role of the Secretary-General of the ADNDRC.

On behalf of the AIAC as the outgoing Secretariat of the ADNDRC, I would like to express our gratitude to the ADNDRC for giving us the opportunity to lead the centre over the past three years. We wish the HKIAC and Dr. Suh all the best in leading the ADNDRC to greater heights in the near future.

DIANA RAHMAN

Secretary-General of the ADNDRC
2019 - 2020

4. ORGANISATION CHART OF THE ADNDRC



The ADNDRC Secretariat is responsible for the administration of ADNDRC, which includes providing support to the Council and its sub-committees and liaising with the relevant organisations and other stakeholders. The Secretariat is headed by the Secretary-General who will report to the Chairman and the Council. Below is a summary of the office holders at the ADNDRC between 2019 and 2020.

Chairman

Dr. Christopher To (Interim Chairman, replacing late Mr. Vinayak Pradhan of the AIAC)

Secretariat

AIAC

Secretary-General

Ms. Diana Rahman, Senior Case Counsel of the AIAC

Beijing Office	Mr Wang Chengjie Mr. Zhao Jian Mr. Li Hu Dr. Yang Fan
Hong Kong Office	Dr. Christopher To Mr. Cai Wei Ping, Dennis Ms. Sarah Grimmer Ms. Karen Tan
Kuala Lumpur Office	Ms. Nivedita Venkatraman Mr. Albertus Aldio Primadi
Seoul Office	Prof. Dr. Jeongil Suh Mr. Do Doohyung Mr. Lee Kuy Sung Mr. Daehee Lee

5. COMMITTEES OF ADNDRC

Between 2019 and 2020, there were two active committees in the ADNDRC – the Panel Selection Committee and the Business Development Committee. Each committee comprises of a representative from each of the ADNDRC offices as indicated below.

Panel Selection Committee

Dr. Christopher To
Ms. Sarah Grimmer
Prof. Dr. Jeongil Suh
Dr. Yang Fan
Ms. Nivedita Venkatraman

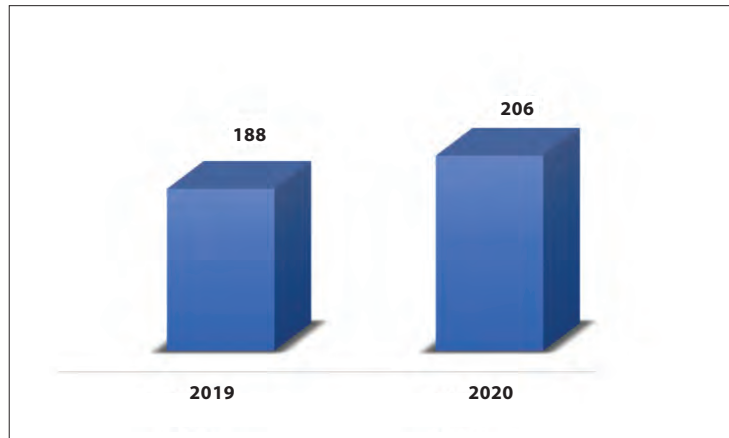
Business Development and Promotion Committee

Dr. Christopher To
Ms. Karen Tan
Mr. Do Doohyung
Dr. Yang Fan
Mr. Albertus Aldio Primadi

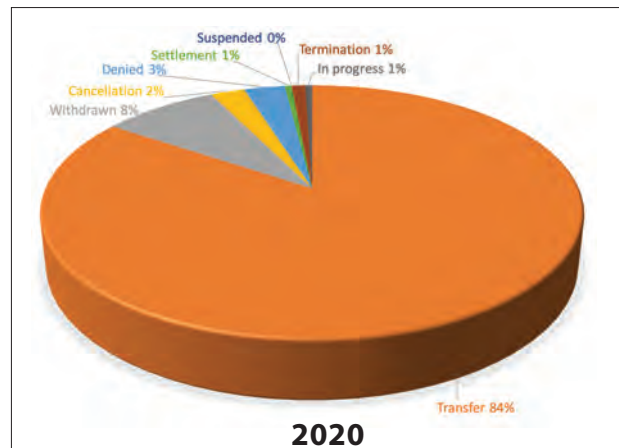
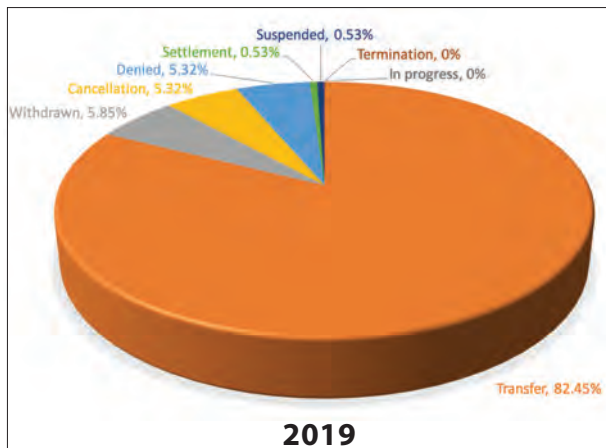
In 2021, the ADNDRC intends to establish a third committee to be known as the Standard and Practices Committee. This aim of this committee is to consider and maintain the quality of the panellist decisions issued via the ADNDRC and, if necessary, to come up with practice guidelines to improve case administration and decisions. Further information on the work of the Standard and Practices Committee will be communicated in due course.

6. SECRETARIAT’S REPORT (2019 – 2020)

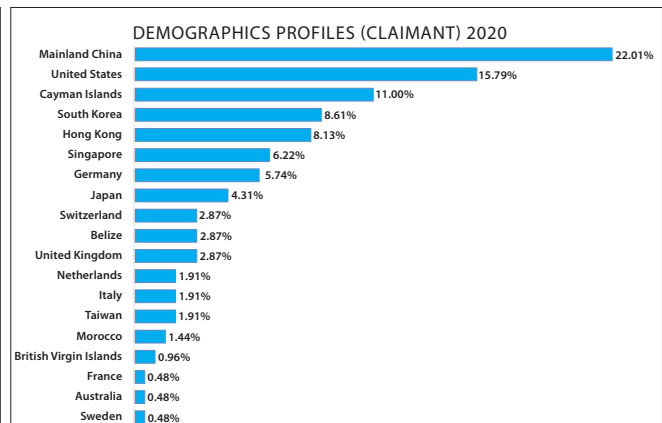
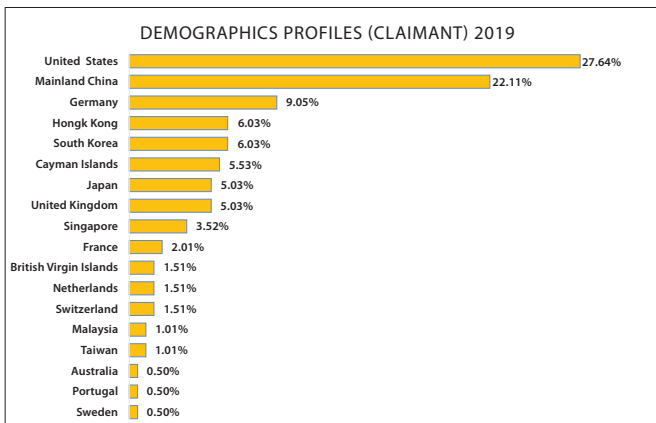
a. Case Registration



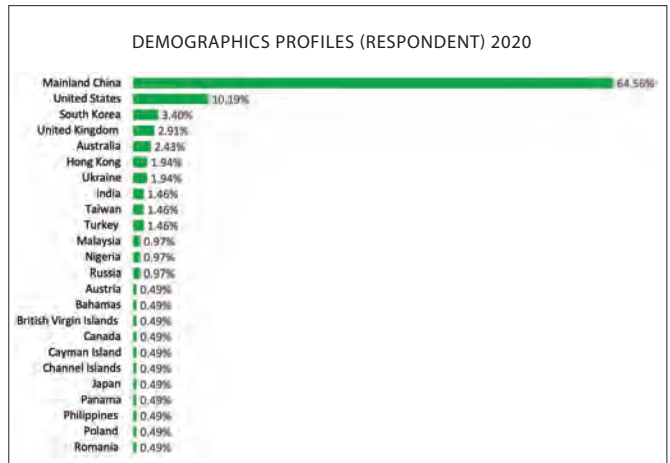
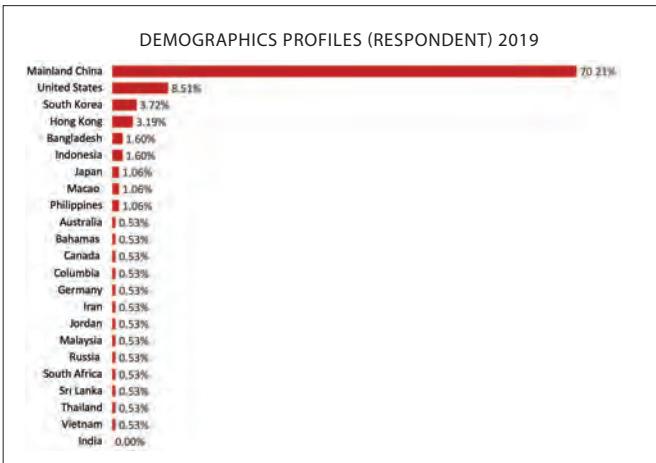
b. Summary of Outcome of Decisions



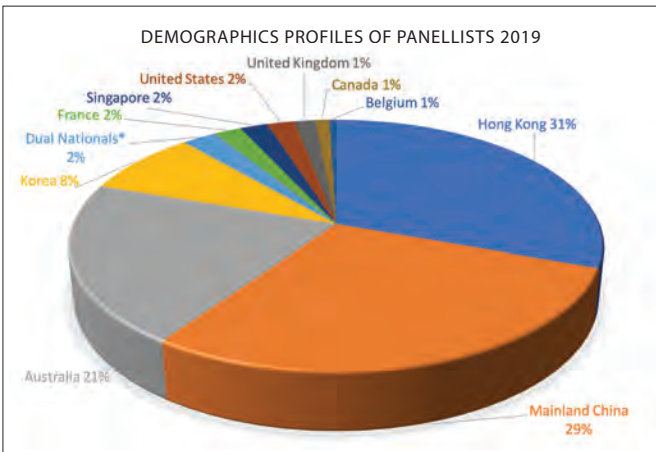
c. Demographics Profiles (Claimant)



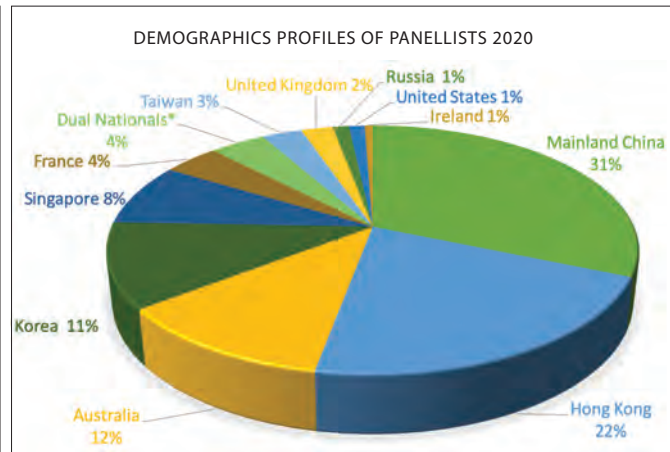
d. Demographics Profiles (Respondent)



e. Demographics Profiles of Panellists

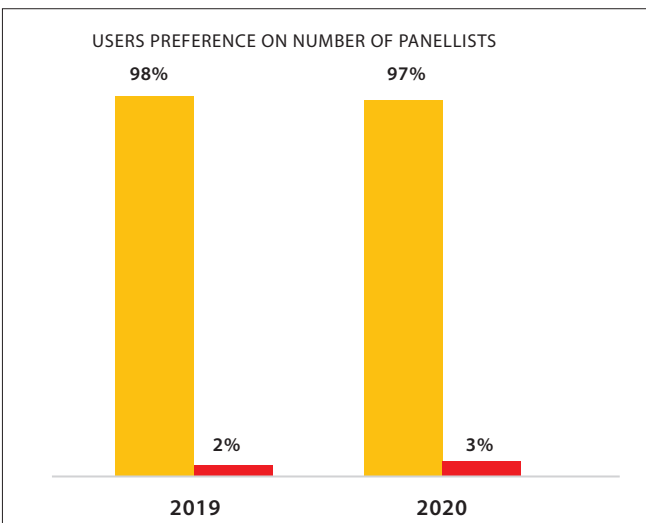


Dual Nationals*
 Australia / UK 2
 Hong Kong / UK 2
 Israel / UK 1

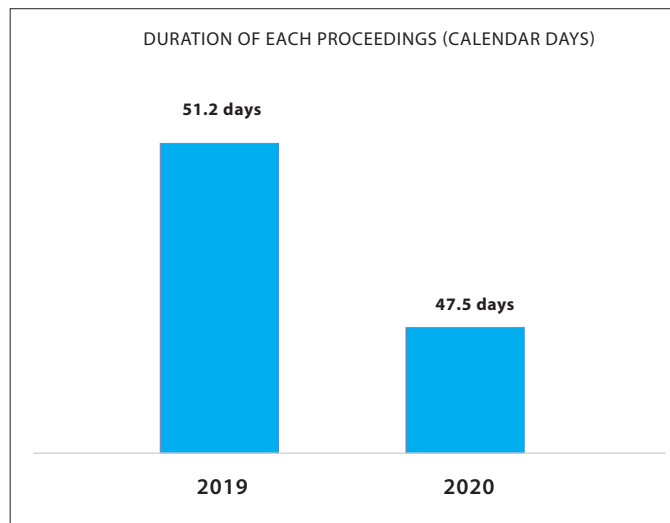


Dual Nationals*
 Hong Kong / United Kingdom 2
 Australia / United States 5

f. Users Preference on Number of Panellists



g. Duration of Each Proceedings (Calendar Days)



7. ADNDRC ACTIVITIES

a. Internal Meetings

Council Members of the ADNDRC regularly meet to discuss, plan, and decide any matters pertaining to the ADNDRC. Between 2019 and 2020, the Council Members of the ADNDRC conducted the following internal meetings:

- 1) 10th September 2019
- 2) 3rd December 2019
- 3) 30th March 2020
- 4) 22nd June 2020
- 5) 28th October 2020
- 6) 30th December 2020

b. Capacity Building Programme

Between 2019 and 2020, the ADNDRC had one flagship event – the 2019 ADNDRC Conference. Due to the COVID-19 pandemic, the 2020 ADNDRC Conference was postponed until 2021. Nonetheless, throughout 2020, a number of the ADNDRC offices organised webinars, in their individual capacity, relating to domain name dispute resolution. A summary of each of these initiatives is provided below.

1. 2019 ADNDRC Conference: Manage Domain Name and Trademarks in the E-business World

The AIAC has co-organised the 2019 ADNDRC CONFERENCE on 11th September 2019 at the Marco Polo Hotel in Shenzhen, China, jointly hosted by the Hong Kong International Arbitration Centre (HKIAC), the China International Economic And Trade Arbitration Commission (CIETAC), and the Korean Internet Address Dispute Resolution Committee (KIDRC) to address emerging issues in domain name dispute resolution. The theme for this Conference was centred on managing domain names and trademarks in the e-business world. The event was well-attended by domain name and trade mark practitioners, in-house legal counsels, academics and INTA and ICANN representatives. The Conference attracted nearly 100 participants including relevant industry representatives from dispute resolution institutions and domain name registrars, domain name dispute resolution experts, corporate counsels and intellectual property lawyers. Ms. Sarah Grimmer, Secretary-General of the HKIAC, first delivered a welcome speech. Mr. Vinayak Pradhan, President of the ADNDRC, addressed the opening ceremony by video. Mr. Seth Hays, the Chief Representative of Asia-Pacific Office of the International Trademark Association (INTA), delivered a keynote speech.

Since its inaugural conference in 2005, the ADNDRC Conference has provided a unique forum for participants to exchange views on hot topics on domain name dispute resolution, bringing together in-house counsel, barristers, solicitors, arbitrators, domain name experts, and senior executives of major local and international corporations. The Asian Domain Name Dispute Resolution Centre (ADNDRC) is at the forefront in providing comprehensive services for domain name dispute resolution in Asia. Our services seek to provide both time and cost-efficient mechanisms to resolve internet domain name disputes, and almost eliminate the need for court litigation.

2019 ADNDRC Conference
11 September | Shenzhen

SAVE THE DATE: 11 September 2019
2019 ADNDRC Conference
Marco Polo Shenzhen hotel

Organiser: HKIAC ADNDRC

Manage Domain Names and trademarks in the E-business World

Key topics include:

- Trademark views on procedural issues (e.g. related issues in cyberspace, etc.)
- How to protect and resolve your domains (before Chinese courts)
- Top-level domain names and intellectual property, registration, use and practice
- ICANN new gTLD programme (past/present/future) - what's behind the scenes
- Domain Name Resolution (IDN) for marketing of E-business

Confirmed Speakers:

- Dennis Chai (Internet Infrastructure Organization Ltd)
- Julian Chikara (Chinese University of Hong Kong)
- Sarah Chen (HKIAC)
- Douglas Clark (ICM Chambers)
- Tony Chan (Shing Lee Law Firm)
- Sarah Gimmer (HKIAC)
- Sebastian Hughes (PricewaterhouseCoopers)
- Alex Hays (INTA)
- Daniel Lam (BSI - IP & R&AM Centre Ltd)
- Chen Lee (Chen Lee & Co)
- Eugene Low (Hogan Lovells)
- Wenling Fong (HKIAC)
- Vinayak Pradhan (ADNDRC)
- Daniel Robinson (HKIAC)
- Jia Shumei (IPIS)
- Prabhu Singh (Singapore Chamber of Commerce)
- Christopher Yu (CSA Chambers)
- Kai Hong (CIETAC Online Dispute Resolution Centre)
- Rui Yang (EBA Law Offices)
- Yiguo Zhou (E-commerce)
- Wen Jiao (EBA Law Firm)

Registration Details

Venue: Marco Polo Shenzhen hotel
28 Futua 1st Rd, Futian, Shenzhen

Language: English and Mandarin (Simultaneous interpretation available)

Conference fee: RMB 450 (networking lunch included)

Time: 09:00 - 17:00 (registration from 08:30 am)

Gold Sponsor: ROUSE

Silver Sponsor: SIPS

Co-organisers: CIETAC AIAC HKIAC ADNDRC

Supporting Partners: LEGAL EXECUTIVE FIRM, LINS, Huan, ANJIE

2. ADR Online: An AIAC Webinar Series - Protecting Your Domain Names: the UDRP Mechanism

The AIAC's "Protecting Your Domain Names: The UDRP Mechanism," webinar session was held on 3rd April 2020 with Ms. Diana Rahman, Senior Case Counsel of the AIAC, serving as moderator to an esteemed panel of speakers comprising of Dr. Christopher To of Gilt Chambers and Mr. Bahari Yeow of Lee Hishammuddin Allen & Gledhill. Since its introduction in 1999, the Uniform Domain Name Dispute Resolution Policy (UDRP) has seen extraordinary success with over 46,000 administrative panel decisions made across the globe. The UDRP mechanism provides a quick, cheap, and easy means to adjudicate domain name disputes between trademark holders and bad faith registrants of domain names. In our talk, our panel of speakers shared their thoughts on what makes the mechanism effective as well as share several tips in ensuring a successful complaint under the UDRP.

The outline of Dr. To's presentation included an explanation of what a domain name is, his thoughts on the Uniform Domain-Name Dispute-Resolution Policy ("UDRP") mechanism, the elements needed to establish a successful complaint, and technical best practices on procedural timelines. Mr. Yeow then provided useful tips and strategies to consider when lodging a complaint. This included knowing and understanding the business of your opponent, picking the right forum to file a complaint and aiming for the right remedy at the end of a case. He also shared his views on UDRP amidst the Movement Control Order. This lively session was participated by approximately 100 attendees via the AIAC's Zoom Live Webinar platform and generated more than 380 views on the AIAC's Facebook Live page.



3. HKIAC Domain Name Dispute Resolution Webinars

HKIAC held a series of English and Chinese language webinars on domain name dispute resolution from June to November 2020. The series of webinars included an introduction to domain name dispute resolution and covered the three elements that must be proven to successfully challenge the use of a domain name. The series involved 21 speakers, and attracted 660 attendees from 35 jurisdictions and supported by ICANN, HKIRC, the Intellectual Property Department of the HKSAR Government, INTA, the China Legal Executive Council, and the Legal Executive Board. Further information of each webinar can be found below;

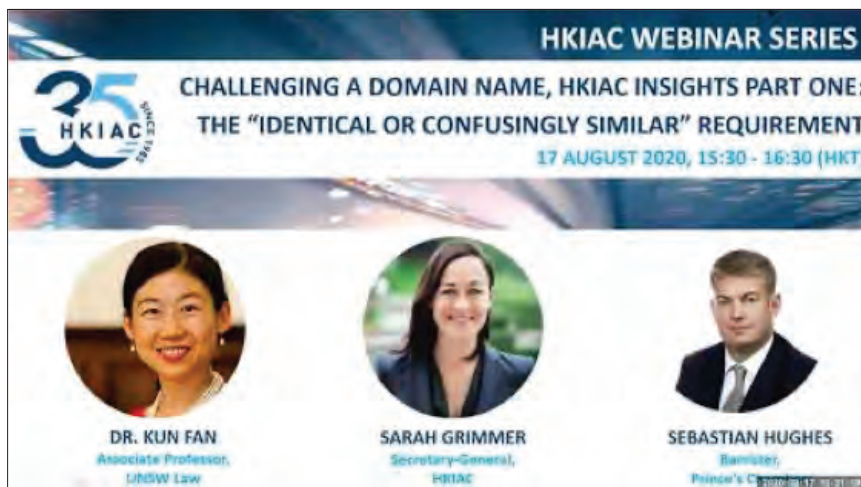
4. *HKIAC Webinar Series: Protecting your domain name: HKIAC insights*

On 8th June 2020, the HKIAC hosted a webinar entitled “Protecting your domain name: HKIAC insights” aimed at understanding how domain names can be protected through effective dispute resolution policies. The HKIAC drew on its experience of resolving domain names disputes over the past two decades, which in 2019, saw 95% of decisions result in the disputed domain name being transferred to the party that filed the complaint. This webinar was divided into 2 parts with the 1st part consisted of three short presentations by the esteemed speakers and followed by a discussion session at the end. The guest speakers for this webinar were Eugene Low, who is a partner at Hogan Lovells, Shahla Ali, a Professor and Associate Dean at the Faculty of Law of the University of Hong Kong and lastly, Sarah Grimmer, the Secretary-General of the HKIAC. The speakers addressed the pertinent questions in domain name protection such as why dispute the ownership of a domain name?, what dispute procedures are available?, how does the domain name dispute resolution process work?, etc.



5. *HKIAC Webinar Series: Challenging a domain name, HKIAC insights part one*

On 17th August 2020, the HKIAC organised a webinar titled “Challenging a domain name, HKIAC insights Part One”. This was the first of three webinars which addressed the three elements which must be proven to successfully challenge the use of a domain name. Proving that a domain name is identical or confusingly similar to a trademark in which a complainant holds rights is the first of three elements that must be proven to successfully challenge the use of a domain name. This webinar explored in detail factors that may be taken into account to establish whether a domain name is identical or confusingly similar to a trademark, service mark or name. The speakers outlined the tests and the rights covered, and provide examples of where the threshold has and has not been met. It has also addressed how a complainant can assert unregistered or common law trademark rights with main focus on UDRP, CNDRP, and HKDRP proceedings. The speakers included Kun Fan, Associate Professor at UNSW Law, Sarah Grimmer, Secretary-General of the HKIAC, and Sebastian Hughes, Barrister at Prince’s Chambers.



6. HKIAC Webinar Series: Challenging a domain name, HKIAC Insights part two

On 31st August 2020, the HKIAC organised its second episode on Webinar – Challenging a domain name, HKIAC Insights part two: a domain name holder’s “rights or legitimate interests”. Proving that a domain name holder has no rights or legitimate interests in respect of a domain name is the second of three elements that must be proven to successfully challenge the use of a domain name. This webinar explored in detail the factors that may be taken into account when assessing the fair use of a domain name, how prior use rights operate, and who holds the burden of proof and focused its discussion on UDRP, CNDRP, and HKDRP proceedings. The speakers included Sarah Grimmer, Secretary-General of the HKIAC, David L. Kreider (柯瑞德) Chartered Arbitrator, Independent Chartered Arbitrator, and Karen Lee, Counsel at Mayer Brown.



7. HKIAC Webinar Series: Challenging a domain name, HKIAC Insights part three

On 14th September 2020, the HKIAC organised the last part of its Webinar - Challenging a domain name, HKIAC Insights part three: Acting in “bad faith”. Proving that a domain name has been registered and is being used in bad faith is the third of three elements that must be proven to successfully challenge the use of a domain name. The last session explored in detail the factors that may be taken into account when assessing whether the Respondent is acting in bad faith, the steps the complainant can take to prove bad faith, and the grounds for reverse domain name hijacking with focus on UDRP, CNDRP, and HKDRP proceedings. The speakers included Karen Fong, Partner, Keystone Law, Sarah Grimmer, Secretary-General of the HKIAC, and Professor Yun Zhao, Professor, The University of Hong Kong.



c. Work Reports

On 11th December 2020, HKIAC released its quarterly update on its domain name dispute resolution work which can be accessed here <https://lnkd.in/gjfQ9fx>. This update covers HKIAC's 2020 case statistics at the time of the update, as well as providing insights from recent HKIAC cases and the HKIAC domain name dispute resolution webinars.



CIETAC has also published its 2020 Work Report and 2021 Work Plan which both of which are available on the CIETAC website <http://www.cietac.org/index.php?m=Article&a=show&id=17433&l=en>. The report highlights a steady growth in the number and the quality of cases in 2020 and the multiple measures that were taken to reduce the adverse impact of the epidemic.. A total of 143 cases of domain name disputes were accepted. Of those, 59 cases involved the .cn domain name disputes, 84 cases involved the gTLD disputes, and 116 cases were concluded.

8. CONTACT US

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Hong Kong Office – HKIAC	38/F Two Exchange Square, 8 Connaught Place, Central, Hong Kong Tel: (852) 2525 2381 Fax: (852) 2524 2171 Email: hkiac@adndrc.org
Kuala Lumpur Office – AIAC	Bangunan Sulaiman, Jalan Sultan Hishamuddin 50000 Kuala Lumpur, Malaysia Tel: (603) 2271 1000 Fax: (603) 2271 1010 Email: aiac@adndrc.org
Seoul Office - KIDRC	11/F KTF B/D, 1321-11 Seocho-2Dong Seocho-Gu, Seoul Korea Tel: 82 (02) 2186 4564 Fax: 82 (02) 2186 4494 Email: kidrc@adndrc.org