

Fahed WAHDANI

University of Debrecen Faculty of law and political science, Hungary

# DOMAIN NAMES' LEGAL DISPUTE IMPACT: VALUE & DISPUTE'S COST

**K**eywords  
Domain names;  
Financial impact;  
Legal dispute;  
Industry;  
Stakeholders;

---

## Abstract

*There is no doubt that domain names have founded new world of digital business equal to geographical traditional business world. And in such a borderless world (cyberspace), everyone has aimed to gain his own share. However, the features of the conflict over the contested rights have begun to appear publicly between the main stakeholders of cyberspace. Despite this, the conflict took legal shape, but in fact this legal conflict was hiding severe financial fighting. And when it is informed there is financial conflict between main stakeholders, it means there is a profit, loss, and costs come over this conflict. As a result, every legal conflict has its own financial equivalent if this legal conflict could be coded into financial values.*

---

## METHODOLOGY

This paper will depend on comparative approach and analytic description of domain names' phenomena to evaluate the financial effect of domain names. On the other hand, this paper will take into consideration a variety of statistical and analytical reports of domain names registration to explain the financial effect related to the stability of domain industry, the main stakeholders, as well as the conflict's parties. The state of the domain name industry through a variety of statistical and analytical research. In addition, analytical approach will be used to equivalent values of legal text to understand the financial effect of domain names phenomena.

The study's assumption, Theoretical frame & importance of this issue

The main assumption of this paper is incarnated in the following proposal: every legal conflict related to domain names' industry has financial effect over all stakeholders in cyberspace's industry, as well as stability of this industry would have positive financial effect. As for Theoretical frame, some issues need to be taken into consideration, such as:

- The stability of domain names industry will increase the investment level in digital space.
- The domain names have been considered as the main key in financial digital community.
- The legal conflict reflects the financial contested rights, and every legal conflict can be coded into financial value and cost.
- The value of domain names is connected to its importance and the trade revenue and vice versa.
- Cybersquatting was one of the reasons that raised the value of domain names exponentially
- The financial effects will be determined according to these main factors: first, stability of domain names industry according to the level of full given protection; second, instability of this field bushed by the result of conflict over contested profits and interests.

### Importance of this paper

More often than not, the domain names' conflict is viewed at legal point of view as just legal matter without addressing the financial effect over the main stakeholders of this industry. Building on this fact, this paper will try to find the possible relationship by coding the legal conflict into financial equivalent value and analyze the financial cost of it over the economy of domain names industries.

### Abbreviations

WIPO - World Intellectual Property Organization  
ICANN - The Internet Corporation for Assigned Names and Numbers  
UDRP - The Uniform Domain-Name Dispute-Resolution Policy

ACPA - The Anticybersquatting Consumer Protection Act

## DOMAIN NAMES BACKGROUND

Knowing the financial effect of domain's names entails understanding the essence of domain names per se. Some argue that as much as this question is simple, as much it is difficult to give a very clear answer in shadow of the mystery shrouding the domain names' nature. Hence, a necessary background is required to understand financial values related to domain names' industry, and to analyze the legal texts according to financial values, as the following:

### Definition

Normal people can know spontaneously simple terms related to domain names, as: internet and web site. But when it comes to understand domain names per se, one needs a bit more information. In this context, it was believed that such a simple question is explanatory enough though it was argued that the nature of domain names is still shrouded in mystery (Protection of Intellectual Property, 2003). However, technically there was a broad consensus on defining domain's name as the writing equivalent of raw IP address that can reach the person to specific site on spiderweb (Jeftovic, 2018; Lipton, 2005) due to the fact that this simple version can be used and remembered more than its long mother version (ip address) (Kruger, 2010; Lachtnain, 2011). But then again, and in more flexible and simple expression, domain name can be considered as a key to excess online website (www.com) (Smith & Salvendy, 2007). In other words, it's the main unit that all digital space is run by.

### Importance & mission

Beside the raw technical mission, some argue that domain names have a dual nature as address tools and brand identifiers (Murray, 2013). The importance of domain names among inter alia is to give unique label to every website or digital platform on spiderweb. And if it was taken into consideration that every trade website or digital platform provides its own goods, products or services, its importance would increase the momentum of domain names to be more than just road map on internet. But more accurately and rationally, it was believed that domain name presents the online version of trademark (Catty, 2010). In other words, domain names could be considered as a digital trademark due to their ability to defernite goods and products from each other's digital platform (Bouchoux, 2009). As a consequence, commercial importance of this trademark would likely contribute to the future development of the Internet as business environment

(Lipton, 2005). By considering the fact that domain name contains valuable trademarks, these trademarks will reflect the volatility of domain names through the interaction with main stakeholders. As seen in the Figure 1 that shows up the most valuable brands and Figure 2 that shows up most valuable domain names, the data suggest the strong connection between these trademarks related domain names and their financial value. In this context, the main question that arises here is how this interaction would affect the financial value of domain names? To answer this question, it entails to analyze how the stakeholders participate to volatility of domain as the following:

### **Domain names stakeholders**

Domain names accrue in interacted environment (cyberspace), and this interaction is conducted by stakeholders who would interact with the financial effect over domain names. Beside that, those stakeholders will affect and be affected by the financial value of domain names. As well, the level of stability and instability of domain names' industries would play important roles too. On the other hand, domain names per se have become financial business and multi-billion-dollar-a-year industry. Over time, this financial effect has started to expand out this industry and reach out to comprehend other vital sectors in this perspective, the main stakeholders are domain names owners and registration's authorities. But in events of conflicts, other stakeholders will be engaged to participate in the financial impact of this industry such as law enforcement powers, other claimers of contested rights and UDRP agency, as the following:

#### **1. Registrant**

Owning domain names entails the registration of these domains by a registration agency (Dra, 2014; Lindsay, 2007; Waller, 2000). Accordingly, it's concluded that the trademark's holder would register his trademark as domain name based on financial reasons (Bouchoux, 2009). For example, new trade companies often choose good domain for trade and financial reasons (Batman, 2007), and on another hand, the value of trademark would give the domain its financial value.

#### **2. Registration agency**

And to conduct registration that needed authorized agencies and parties to run domain names registration's processes, and this leaves question for discussion what is the financial effect over domain names' registration by authorized agencies? To answer this question, one needs to understand the chain of interaction between all parties during the fact that the accesses of the digital world (cyberspace) can't be done without domain names. And based on that, the domain names need to be obtained by authorized agencies per fee. According

to that, the domain register became the legitimate owner of this domain against the other. In other words, the domain name owner could have legal protection when it's needed and this means that a new vital trade's section related to domain names has been flourished financially. Some argue that increasing of Domain names' demand has resulted into flourishing of Registration's agencies led by some of the biggest companies and associations in this industry though the fee was rating from few dollars to some hundred dollars. By analyzing the increasing demand of domain names and number of registrations of domain names, it is concluded that registration agencies got the most financial incomes in this industry. Bearing in mind the limited number of those agencies, it wouldn't be exaggerating to claim that those companies have monopolized these processes and got high financial income. In general, registration agencies have played big rules in terms of domain names industries. These agencies could present the main infrastructures of this industry. Besides that, these companies have managed to control registrations industry all over the world, and make it able to gain huge profit. In this matter, the prime example of these companies is VeriSign which was a model for registration operator that has ability to control all the process including monopoly over the gTLDs, .com, .net and .org. reportedly, VeriSign was able to increase the fee prices up to 7% in most years (Asian Media Information, 2007). In 2000, VeriSign did purchase another registry's agency (Network Solutions) (Liu, Larson, & Allen, 2003; Siochrú, Girard, & Mahan, 2002; Gibbs, 2001). So, it could expand its role over entire domain names industry.

### **DOMAIN NAMES' ECONOMY**

Among inter alia, one of the domain names' mission is to be digital key to access any website (which is presenting virtual platform to run work, business, service and products' promoting). With developing and expanding the trade, it was needed this expand platform to promote, to increase the level of business run by individuals or companies alike. And to do so, it's needed to register domain name to be able to run your own business on this digital platform (website). The need to increase work and business in digital world will push to increase the demand on domain names' registration (Abdolmohammadi & Baker, 2008) and, as the result, the amount of fee will be increased as well. On the other hand, the demand over domain name will increase as well the value of domain names per se, and accordingly, some manufactures would determine activity of domain names' economy as domain names' value, Domain names' industry and Domain names' market as follows:

### **Domain names' value**

Based on the fact that domain names present the digital version of trademark, it's concluded that the trademark's value will reflect the value of the domain name, as seen in the Figure1. Accordingly, the financial value of domain names will present some percentage of their related trademark (Anson, Suchy, Donna, & Ahya, 2005). In addition, the financial evaluation of domain names might come from independent business that runs online (Parr & Smith, 2005). Accordingly, online business companies' domain names, as google, amazon and eBay, hadn't been connected to geographic trademark predominantly to practice their work online. These will undoubtedly expand in market value as do businesses with which they are linked (Parr & Smith, 2005). The primary question surge here is whether the value of the domain name is an inherent part of an original trademark. The domain having a trademark is therefore of excellent worth to a trademark holder (United Nations, 2007). As seen in Figure 4, domain names sold based on the highest prices have concluded that the inherent value of domain name is currently being acknowledged, and also domain names are currently thought about to be a type of intellectual property with trademark features. As a result, Domain names can be exceptionally useful (Goldscheider, 2002). Based on the fact that domain names play big role as financial industry, one of the reasons is presented in the fact that some domain names would be very attractive to businessmen due to their high values (Murray, 2019) with being said that the worth of domain wasn't always stable due to the fact that it has been fluctuated, risen and fallen (Catty, 2010). On the other hand, every domain name has its own value (Ng, 2013). Considering the collapse of dot-com shares in 2000 and also 2001, the value of domain names has actually come to a head dropped and also stabilized while they have increased somewhat in the last five years. Generally, at a financial point of view, good domain names can still be pricey. On the other hand, some domains are getting high due to the fact that they are once again purchased by domain financiers. Yet, the set apart pricing limits the opportunity of earning money via domain financial investments (Mahler, 2019). No doubt, the financial value of domain names stems from the level and importance of trademark's value per se. Based on that, this value will be reflected on the domain names value. According to this approach, there are two main standers that need to be taken into consideration: first, the financial value of a domain name comes from its financial geographical trademark's value. For example, financial value of Mercedes Benz's domain name will take its power from its geographical trademark. On the other side, the value of a domain name that is not related to traditional trademark directly will depend on the profit that can be gained online. As a consequence,

it can be concluded that the domain names' value of Alibaba, eBay, amazon and google, for example, will participate to increase the value of their geographical trademark, because these companies practiced their work online before registering their own trademark. By analyzing the given values of trademarks and domain names, it comes into consideration that there are two kinds of domain names with different financial shapes: First domain names have been registered based on online business. In other words, these companies' works are completely based on online business, such as Apple company's domain names value is worth 3Bn \$, youtube – 2Bn \$, while their trademarks are worth less around 142,755 M\$ at the third rank. This means that google trademark gets its value from its domain names value but not the opposite, because this company was depending on online business even though it has expanded its works and started new trade project away from digital world.

### **Domain names' market**

The domain names values play important role in the domains market as a way to profit and to gain revenue. In this term, trading domain names depends on evaluating the domain name per se and this can be conducted by the liquid value of domain and the market value as well. Accordingly, these two evaluating standers need to be understood as the following:

#### **1. Domain name liquid value**

The Europe's General Data Protection Regulation showed that domain sales, associated with liquid worth of domain names, have actually dropped dramatically. On the other hand, the record has indicated that United States' market took around 1% of domain' liquid value's market, while China gets the lion's share of liquid domain names' market with 165,000 domains (Goldstein, 2018). The record also indicated the relationship between the liquid values of domain names and also the length of domain names (Goldstein, 2018). In this context, it has actually wrapped up that one of the most expensive liquid of domain are the categories being consisted from three letters which made up \$4.8 million in 4Ls as well as sales (\$4.3 M). This worth remains in line with last quarter as well as signal a significant growth in the 3Ls classification. The biggest decline originated from (the 2Ls. com.) the report additionally noted that short names, which accumulates and also tracks brief domain public auctions and sales throughout a wide range of domain markets, recorded \$5.4 M in deals, with one of the most traded classifications being three Letters, four Letters, as well as five numbers, respectively at \$1.4 M, \$1.6 M and also \$1.3 M (Goldstein, 2018). The record has anticipated that investors and also end users to concentrate on the most exceptional liquid domain names when checking out buying

chances: specifically, acronyms with latin perfect letters as well as keyword domain names (Goldstein, 2018). In his book, *Mergers and Acquisitions for Dummies*, Bill Snow has shed the light on the fact that domain names as intangible assets can't easily be evaluated accurately (Snow, 2011). Despite he believes that domain names are still having financial value, he cast doubt that such those domains' value can be liquid (Snow, 2011).

## **2. Domain names' market value**

The market with the virtual value that might give us approximate rate of the expected value at the time of selling, but the real price of sell might be identical or a bit different from the value of the domain name. For instance, the market value of google domain names is 3B\$, but at the real time of selling it might be subjected to compromising of the seller and the buyer. In this context, the financial values of domain names could be evaluated based on liquid value or /and market value. The question rise here is how can this dilemma be solved and weather all domain names have liquid values. The author thinks that market value will be the indicator to virtual value of domain name but this virtual value would be turned into real value when the transaction is done.

## **Domain names industry**

The digital revolution made domain names very successful financial industry that can gain huge profit. Accordingly, the financial effect of domain names' industry will take into consideration the number of domain names, amount of registration fee, renewal fees and domain names selling. One of the most important appearances that rule domain names' industry is the registration and renewal fee. As for registration fee, it is needed to make domain name force in entry and be valid to be used. On the other hand, this fee gives domain name legal position and legitimates it. On the other hand, the importance of renewal fee appears due to that the domain name' validity is limited for short time (one year), so the fee will extend its validity to another limited time (almost one year). Knowing financial value of domain names industry, one needs to understand the role of registrar's companies based on number of domain names, and revenue's amount of collected registration or renewal fee. Besides that, it's important to understand the way that the registers agencies deal with its contenders' peers, as the following:

### **1. Domain names registries**

The financial effect of the domain names' industry depends on registration companies takes place predominantly due to the fact that it's the first chain of profits' gain. As it was aforementioned, all registration fees, as well as the renewal fees revenue, will go to these agencies. Along with these lines, GoDaddy is considered one of the biggest registration agencies in this industry and the fastest

growing (Steimle, 2016; Agutter, 2014). The financial classification of this agency is currently extremely high. It is valued at over \$11 billion. That's on anticipated 2019 revenue of about \$3 billion, as well as on unlevered totally free cash circulation of \$730 million to \$740 million (Allemann, 2019a).

### **2. Mergers & acquisition**

Mergers and a question of domain names registration agencies have clear financial effect over domain names industry due to being active market power (Gore, Lewis, & Lofaro, 2013). In that respect, Verisign has actually various other companies to deal with all consumer contact for domain enrollment's business (Newswatch, 2001). On the other hand, Verisign is valued on the stock exchange at \$22 billion. Another example, Internet Association has actually supposedly disclosed that Ethos Capital will pay \$1.135 billion to obtain the .org registry from it (Hiltzik, 2019; Allemann, 2019b). The present wholesale price for .org extension is \$9.93, generating around \$100 million in income annually. Expenses of around \$25 million, however, can be drastically minimized. If Values increase the price, they will shed extremely some registers and generate virtually \$200 million a year in profits. However, there's a whole lot of consternation concerning Ethos capital's acquisition of the .org. It will certainly move from a noncommercial body that's bent on assist companies to one that is profit-motivated (Allemann, 2019a). The fear of losing huge renewal and registration's profits under .org extension would put GoDaddy under jeopardy though it makes up virtually 40% of all registered .org domain names, so it has a lot to lose if .org extension was sold to that company (It likewise has a great deal to acquire by owning 100% of the sale!) if GoDaddy desire to buy .org extension.

### **3. Domain name registration fee**

When it comes to the registration fee, it's noted that there is not unified price fee due to that the cost fee varies (Page, 2012; Battersby, Grimes & Nuara, 2010). Based on the domain extension such as (.com, .org, .net) (Gunelius, 2010), domain registrar (Press, 2009; Rich, 2009; Rich, 2008), and domain names availability, beside few other factors as length of contractor (Page, 2012; Gunelius, 2010) and may be based on special pricing offers (Iyer et al., 2006). As for fee's cost of domain names extensions, there is no doubt that .com extensions will be the expensive all over time according to their availability in the market (Page, 2012). Based on some evaluations to this different fee, the cost would be typically between \$9 and \$14.99 per year according to the domain extension and US\$6.00 according to the rest of extensions (Asian Media Information, 2007). In this connection, Indrajit

Banerjee believes this cost is still estimated higher than the estimated costs (Asian Media Information, 2007). According to different registers, the prices would be fluctuated according to their different offers. For example, the company of Domain.com registers domain names under .com extension per \$7.45, while Bluehost's company offers domain names with hosting per \$2.75 / monthly. On the other hand, the HostGator company gives the same offer per \$2.64 / month. While it can be noticed that GoDaddy registers domain name per \$11.99. However, the cost of getting a domain enrollment is fairly cheap (Abbott, Cottier & Gurry, 2019; Torremans, 2014). In response to the question whether is there any guarantee that these fees will not be increased in future, based on the fact that ICANN would be straight in charge of authorizing registrars (Lindsay, 2007). The sole guarantee was presenting by the stableness comes from ICANN that is accountable for enforcing cost restrictions to maintain domain name fee in check (Bustillos, 2019). From this point of view, it was reported that ICANN's has recently proposed to eliminate all price restrictions on .org, .biz, and .info domain's extension (Bustillos, 2019). Accordingly, if the proposed adjustments are made, it will certainly not be good for site owners who require to renew their domain name names, or for local business owner who feel desire to register brand-new domain names (Bustillos, 2019). Getting back on topic, the question rises here is how these fees would affect the financial value of domain names' industry? To answer this question, there is a need to understand the role that fees play in stimulating the domain names' industry. In that light, growing of domain names industry means a sign of growing global economy, and vice versa, decreasing Growing of domain names industry will shrink the digital economy which would take a share of global growth of economy as a real fact. By analyzing the last reports and statistics pertaining the domain names industry, it indicated that: "The third quarter of 2019 gathered 359.8 million domain registrations across all high-level domain names a rise of 5.1 million domain name registrations (1.4%) contrasted to the second quarter of the same year. on the other hand, Domain name enrollments have actually expanded by 17.4 million, (5.1%), year over year. As for Total country-code TLD (ccTLD) the rate increased to 3.1 million at the end of the third quarter of 2019 to be in total 161.8 million domain names (2%)" (Verisign, 2019). The .com and .net TLDs had a combined total of 157.4 million domain name registrations in the domain name base3 at the end of the third quarter of 2019, an increase of 1.3 million domain name registrations, or 0.8 percent, compared to the second quarter of 2019. The .com and .net TLDs had a combined increase of 5.7 million domain name registrations, or 3.8 percent, year over year. As of Sept. 30, 2019, the .com domain name

base totaled 144.0 million domain name registrations, while the .net domain name base totaled 13.4 million domain name registrations (Verisign, 2019). As well as, it indicated that New .com and .net domain name's registrations totaled 9.9 million at the end of the third quarter of 2019, compared to 9.5 million domain name registrations at the end of the third quarter of 2018. Total new gTLD (ngTLD) domain name registrations were approximately 24.0 million at the end of the third quarter of 2019, an increase of 0.9 million domain name registrations, or 4.0 percent, compared to the second quarter of 2019. ngTLDs increased by 0.6 million domain name registrations, or 2.4 percent, year over year. As of Sept. 30, 2019, the largest TLDs by number of reported domain names were (.com, tk., .cn, .de, .net, .uk, .org, .tw, .nl and .ru.1, 2, 4) (Verisign, 2019). Total ccTLD domain name registrations were 161.8 million at the end of the third quarter of 2019, an increase of 3.1 million domain name registrations, or 2.0 percent, compared to the second quarter of 2019. ccTLDs increased by 12.5 million domain name registrations, or 8.4 percent, year over year (Verisign, 2019). Total ngTLD domain name registrations were 24.0 million at the end of the third quarter of 2019, an increase of 0.9 million domain name registrations, or 4.0 percent, compared to the second quarter of 2019 (Verisign, 2019). During these statistics, it turns out that domain names industry flowers steadily, and huge profits are gained by registries' agencies according to this equation based on minimum rate or maximum rate as the follow:

1. Minimum financial effects of Domain names registration's fee over domain names industry

: total domain names numbers \*minimum fee rate \*12 month = 359.8m\*2.75\$\*12m = 11

2. maximum financial effects of Domain names registration's fee over domain names industry will be measured according to the follow equation:

total domain names numbers \*maximum fee rate \*12 month

359.8m DN \*11\$\*12m =47,493.6 M\$

### Domain names' trade

Based on the fact that domain names have financial values as Figures 2, 3 and 4 showed, it became effective way to get profits (Baranowski, 2012). In this matter, the question was raised here how do people earn money from domain names? No doubt, Domain names' industry has opened the door before new ways to be profited business in this field. In this term, one of the simple ways is putting advertisements on domain name and also earning a portion of revenue from the sales (Baranowski, 2012). Some individuals also lease their domain, utilize it to generate leads for services and even more but one of the most effective way is to register

domain name to resell it for huge profit. Domain name selling' trade can be a very lucrative business in short time. By the very early 1990s, business firms were offering domain names to customers as well as the demand for domain name enrollments expanded (Ng, 2013). Accordingly, in 2016, web domain sales industry in the United States had a total revenue of \$2 billion. In this sense, the financial effect will certainly be measured according to the amount of revenue (Samet & Murray, 2002) and financial advantage the proprietor obtains from usage of the domain (Samet & Murray, 2001). Hence, it was reported that one of the priciest domain name ever offered was <http://Cars.com>. This domain was offered for a \$872 million (Keiles & Lieberman, 2019). The firm was later on cost \$2.5 billion. According to Finance Online, industry in the United States had total revenue of \$2 billion as well as a yearly development of 3.8% from 2011. For instance, [LasVegas.com](http://LasVegas.com) domain name has been sold for \$90 million, according to financial databases, as seen in Figure 4.

#### **Financial effect of Domain names market:**

While national economic situations as well as big business have actually enjoyed significant gain from this technical revolution, private customers and also little, upstart entrepreneurs have been a few of the biggest recipients from the Web's empowering impact. Together these components can take full advantage of the ongoing impact of the spider web on financial development and prosperity (Manyika & Roxburgh, 2011). As a result, and for the purpose of this study, the scope of Domain names' market will target essence of online business. Consequently, financial effect of domain names' market can be measured according to amount of earnings or financial advantage the owner stems from use of the domain name (Samet & Murray, 2002). In other words, the market of domain names is e-commerce (e-trade, media, entertainment, social media, advertisement all is presented in e-commerce. the question arises here is what is size of financial effect of domain names over e-commerce? As it was mentioned before that domain name is considered as an engine of digital world. On the other hand, e-commerce can work only through websites which it needs for domain names. In that regard, statistics indicted that Nearly 4.479 billion individuals were actively using world wide web since October 2019 (Statista, 2019). On the other hand, and based on the Ecommerce foundation report 2019, global e-commerce sales are anticipated to amount greater than 2\$ trillion (Botting, 2019). Furthermore, the US counts an amazing 90% web spread amongst its 329.44 million residents. Ecommerce incomes are anticipated to expand to \$547 billion in 2019, since more than 82% of Americans practice shopping online (Botting, 2019). Just one per every \$92 invested give rise to traffic most likely to convert

consumers, 95 percent of Americans shop online annually. Eighty-seven percent of Americans make their shopping decisions based on price. Eighty percent make the decision based on the price of shipping and the speed of delivery and 71 percent decide where to shop based on the availability of discount offers. Having the top spot in a Google results leads to a 34.36 percent click through rate on desktops and a 31.35 percent click through rate on mobile devices. If a business calculates its return on investment, there is a 72 percent chance that they're going to have a marketing strategy that is effective (Finch, 2020). In 2015 alone, business revenue was affected to the tune of \$22 billion as a result of ad blocking. Branded stores account for 55 percent of e-commerce sales. The remaining 45 percent happen via marketplaces. Eighty percent of online marketplace sales took place through Amazon. On average people spend \$488 every year shopping at online marketplaces. On the other hand, the US e-commerce market loses half \$1 trillion every year because of slow loading websites. In 2015, B2C worldwide e-commerce sales were approximately \$1.7 trillion. By 2018, it's expected to exceed \$2.35 trillion. The report indicates if the website delays in loading for just one second, about 7% of conversion will be loss. 40% of visitors will leave that site if took more than three second for to load. On the other hand, some would argue if all domain names could have financial market power? (Allemann, 2019c). It is an important question that deserves to be answered in light of discussion the financial effect of domain names. In doing so, and though that market of domain names under the (dot org) is supposed to be a not-for-profit organization (McGowan & Nel, 2004). Allemann argue that .org would have market power even though he believes that its market power would be less than .com market power (Allemann, 2019c). He added: "In order of power in the gTLD market, I'd argue that .com is highest and .org is second highest" (Allemann, 2019c). What support this point of view the reported speak about an acquisition of .org registry by a capital company per 1 billion dollar as aforementioned.

#### **FINANCIAL EFFECT OF DOMAIN NAMES' CONFLICT & ITS FINANCIAL COST.**

It was noted that the conflicts over domain names emerged throughout the 1990s as ecommerce increased on an around the world range (Miller, Clarkson, Jentz, & Cross, 2006). In this context, Melton believes that the registration of domain names will increase the level of conflict (Lipton, 2010). As a result, the conflict over domain names would threat the stability of domain names' industry. As a result, the conflict between main stakeholders would have negative financial effect

over domain names' industry. However, the instability would put investment in domain names' industry in jeopardy. So, as the fact, any investment needs financial staple environment. Although the result is the same, the types of this conflict may take many forms starting with holding domain names illegally, passing through its using domain names for trading of certain fake goods (Miller & Hollowell, 2011), without ending at a certain limit. However, it was believed that a borderless cyberspace might lead into more type of domain names' clashes (Wass, 2003). In this term, cybersquatting appears to be one of the features of instability of domain names industry (Droit, 2000). Cybersquatting lowers the return on such investments as well as systematically decreases the rewards for firms to establish (United States. Congress. House. Committee on the Judiciary. Subcommittee on Courts and Intellectual Property, 2000). Cybersquatting Stays growing with more Threat to trademarks from New Registration's Practices (Lindsay, 2007). The experience in this field indicates that this this conflict between main stakeholders will be exhausting and expensive (Lehman, 1998). Beside the main stakeholders (the original parties of the conflict) domain name's owner and trademark's holder, another stakeholder will engage in this conflict (UDRP). Understanding the potential financial effect can be through the main stakeholders, as the following:

### **Cybersquatting as prototype to evaluate the financial effect of domain names conflict over stakeholders.**

Within this framework, and based on the fact that the financial effect of conflict is hard to be counted accurately due to that the online business don't have stated level of the profit and loss's account as alike. As a result, it would be hard to evaluate financial effect of illegal profits or profit loss for all conflict's types in return. Accordingly, cybersquatting would be used as a prototype of conflict in trying to understand financial effect of domain names conflict over main stakeholders.

#### **1. Cybersquatting**

Basically, cybersquatting can be understood as obtaining of a domain names' registration – that is reloaded with someone trademark – in order to prevent the legal owner from using his legal rights to practice his work in cyberspace (Hurewitz, 1999), trying to intent profit by reselling this domain to him (Shimonski, 2015; Schwabach, 2014; Lipton, 2010; Batman, 2007). In other words, it's away to force him to pay ransom to get back his domain name (Singh, 2018; Curtin, 2010). On the other hand, the quickness at which domain names change hands as well as the difficulty in tracking mass automated registrations have created a setting in which cybersquatting can prosper (Cross & Miller, 2009).

At financial point of view, the economic effects of such this shape of the conflict are apparent clearly through losing profit, illicit profit by cybersquatters. Furthermore, forcing the legal right's owner to pay ransom (Thronson, Roth, & Grossman, 2020), which economically means additional loss beside it is considered effective way to put the contender outside the competitive circle, and shuts him out of the market (Rockman, 2020). In this regard, WIPO's reports indicated increasing number of cases related to cybersquatting comparing to 2018, as the Figure 5 concluded that the total caseload during Q1-Q3 of each of the past five years have increased during the first three quarters of 2019. The caseload of cybersquatting disputes at World Intellectual Property Organization (WIPO) is trending upward so far in 2019. 2,723 cases were filed during the first three quarters of 2019, according to data on WIPO's website. There were only 2,592 filed during this same period last year (Allemann, 2019).

#### **2. Main stakeholders**

To pinpoint the financial effect of this issue, legal conflict is needed to be coded into financial equivalent's value to understand such this effect. In that light, the financial effect of domain names' cybersquatting can be seen through illicit proceeds or profit gained by illegitimate contender at expense of the legitimate trademark's holder on one hand, and loss of profit on the other hand. It's difficult to know exactly the mount of illegal profit or the mount of loss of profit accurately due to the nature of business run online as well as the profits are changeable. Accordingly, this difficulty is considered one of obstacle to have fair compensation. In the light of this situation, the legal owner will be the big loser due to insufficient protection that would be given to him, and according to the fact that every second would cost him much of unjustified loss, the legitimate owner could pay more money to get back his domain name due to the fact the resolving such this conflict wouldn't give the legal party fair compensation. Within this framework, the question arises as to whether if the legitimate owner can get back his right in his domain name with fair compensation for his loss profits? Based on the nature of domain names, such this conflict can be handled under UDRP or under lanham act

#### **Financial effect of domain names' Resolving conflict' cost under UDRP**

According to WIPO regulations, such this dispute shall be handled under uniform dispute resolution policy (UDRP) (Lindsay, 2007). Along these lines, ICANN has established UDRP's mechanism to solve the conflicts of main stakeholder over domain names' contested rights (Halt, Stiles, & Fesnack, 2014). On the other hand, the overall variety of domains moot is extremely small compared to all

licensed domains. As an example, via the current upgrade 2019, 4287 .com domain names (World intellectual property organization, 2020) and in general, 5578 domain names have actually been the subject of UDRP 2019 (World intellectual property organization, 2020). There are 144 million registered .com domains, so only one in 42,000 .com domains have been the subject of a UDRP this year. With this in mind, one may wonder whether UDRP policy extends to damage claims. Back into UDRP policy, it was concluded that if a trademark-owning lawsuit is effective under the uniform policy, the domain owner loses the right to be the registrant of the contested domain name, as well as the domain is transferred to the legal holder of trademark that started the issue (or, conversely, the trademark holder can ask for that the domain enrollment be terminated instead (Schwabach, 2014; Garzaniti & O'Regan, 2010). By analyzing legal text deeply, it was believed that UDRP policy doesn't extend to compensation, or statutory damage. On the other hand, to solve the dispute under UDRP entails the payment of a specific fee for these purposes. The question arises as to what is the financial cost of resolving conflict under UDRP? Answering the question needs to mate between the legal text itself and the mount of the fee due to the fact that one of the parties might gain illicit profit and the other lose potential legitimated profits beside the potential legal owner might lose the lawsuit as well despite his legitimated right related to contested domain name. Consequently, the financial effect of domain names 'Resolving conflict' cost will be connected to the amount of loss and profit, as well it will be opened to these following possibilities: first, the legal owner of domain name can get the domain name back, here the financial effect of cost will be limited to amount of loss of profits which it may range between some hundreds of dollars and some millions of dollars. In addition, he will be exempted from paying the required fee. However, he will not be able to get fair compensation for illegitimated revenue gained by the other party that who will not pay more than the resolving's administrative fee. Another anticipated scenario of the financial effect of resolving dispute's cost is presenting in that the legal owner of contested domain name would fail to get that domain back. On another hand, the consequences will not be limited to his loss's profit, but also extend to anticipated profit, as well as he will be forced to pay the required fees. See Figure 6 that shows up the potential scenarios. In this context, the wipo reports for the year 2019 indicate that 28 cases have been canceled beside, 190 cases appear that the complaint denied, while the number of transferred domain names was 2426 domains. By applying these scenarios over the number of cases 2019, the first scenario was applied in 2454 (2426 transferred + 28 canceled), while the second scenario was applied to 190 cases.

In this term, and since it has been established, UDRP has dialed with roughly 36,283 cases until 2019. In this context, The Wipo reports indicated that around 31799 domains have been transferred beside 3912 cases that the complaint denied. By applying these scenarios over the number of cases until 2019, the first scenario would be applied in around 32,311 cases (31799 transferred + 572 canceled) while the second scenario would be applied over 3912 cases.

### **1. Financial cost of conflict resolving under UDRP**

Based on the fact that Domain names conflicts can emerge in a number of ways, UDRP policy has been developed by ICANN to solve such these conflicts related to domain names (Halt, Jr. et al., 2014). Accordingly, the wipo arbitration's center provide Adjudication as well as Mediation services that give time as well as inexpensive alternatives to court lawsuits of IP conflicts (World Intellectual Property Organization, 2019). According to UDRP Management, dispute's resolving is conducted by different numbers contains some 400 panelists from over 50 regions (Riis, 2016). On the other hand, the UDRP Regulations do enforce a responsibility on all panelists to be unbiased as well as independent (Radin, Rothchild, & Silverman, 2004; Kohler & Schultz, 2004). In this terms, and as the Figure 11 indicates, the UDRP policy has determined the cost of administrative fee based on number of domain names per case and number of penal numbers, as the following:

### **2. UDRP fee**

These charges applied in link with any kind of domain name case launched on or after December 1, 2002. That is to be carried out by (the WIPO Center) under (ICANN) management on September 28, 2013 (Rules for Uniform Domain Name Dispute Resolution Policy, 2013). For the cases including between one and five domains, the cost for that case that is to be made a decision by a single Panelist is USD1500 and USD4000. For the other cases that are to be made a decision by three Panelists (Wegner & Poplawski, 2000). For the cases that include between six as well as 10 domain names, the charge for the case that is to be determined by a single Panelist is USD2000 as well as USD5000 for a case that is to be determined by three Panelists as the Figure 11 suggests (WIPO, n.d.).

### **Financial cost of conflict resolving under ACPA**

If the either conflicts' parties or one of them didn't feel enough satisfied with UDRP' policy to resolve the dispute, they may appeal to the court to get their rights, particularly under the ACPA act. In this context, this act is an enhancement to the Lanham Act (the primary government trademark statute in the United States) as well as enables a civil cause of action against the bad-faith enrollment of domain

that are confusingly comparable or either the same to (or dilutive of) unique or well-known marks (Kurtzman, 2019). According to Lanham Act (ACPA), the Plaintiffs are qualified to legal damages between \$1,000 as well as \$100,000 from anybody that "signs up, merchandises, or utilizes a domain" that is the same or confusingly comparable to a distinct mark, or that is dilutive of a popular mark, in addition to those who make money from that mark in bad faith" under 15 U.S.C. (Stewart & Weiler, 2011; Anti-Cybersquatting Consumer Protection Act, 1999). At the financial point of view, analyzing the text code of the ACPA act reflects part of the financial cost of \$1,000 and \$100,000 per every single domain name contrary to the UDRP policy that deals with range one-five domains or six-ten domains names. The financial cost will be \$1,000 and \$100,000 per domain name, and if domain names cases were applied according to Lanham Act, the cost of dispute solving will be based on the numbers of domain names and amount of statutory damages per every domain name according to the equation (number of domain names \* (amount of statutory damages per every single domain names) (450000) \* 1000- 1000000 = 45m\$ – 4.5 billion \$ as the Figure 12 suggests.

## CONCLUSIONS

The WIPO Arbitration and Mediation Center provides time- and cost-efficient mechanisms to resolve internet domain name disputes, without the need for court litigation. This service includes the WIPO-initiated Uniform Domain Name Dispute Resolution Policy (UDRP), under which the WIPO Center has processed some 45,000 cases. In this context, the real financial cost would contain the minimum & maximum cost fee plus loss profit & anticipated profits. On the other hand, the study has indicated that UDRP policy is only limited to return or cancel the domain name without any statutory damage, as the Figures 7, 8, 9 and 10 showed on the options available, weather cancellation, transferring or denying the complaint.

This study has also revealed that The Conflict over domain names threatens domain names' industry more than ever before due to the fact that. Domain names' industry plays a crucial role in e-commerce. However, the study concluded that the financial effects of Domain names registration's fee over domain names industry will depend on total domain names numbers in addition to minimum or maximum fee's rate offered to registers. One of the most important features of financial effect of domain names is considered to be the tax income to local economy, where some amounts of these shares will be turned into taxes.

## REFERENCES

- [1] Anson, W., Suchy, Donna P., & Ahya, C. (2005). *Intellectual property valuation A Primer for Identifying and Determining Value* (p. 42). American Bar Association.
- [2] Abbott, F. M., Cottier, Thomas, & Gurry, F. (2019). *International Intellectual Property in an Integrated World Economy* (4th ed., p. 548). Wolters Kluwer Law & Business.
- [3] Abdolmohammadi, M. J., & Baker, C. Richard. (2008). *Determining the tax treatment of profits from domain names sales*. In the CPA Journal (Vol. 78, Issue v. 78, p. 62). New York State Society of Certified Public Accountants. <https://books.google.hu/books?id=hEFT1fagt5cC>
- [4] Agutter, A. R. (2014). *Getting Inside Google's Head Book: The 13 Key Elements to Successful Web Site Optimization* (p. 35). Alastair R Agutter.
- [5] Allemann, A. (2019). *Cybersquatting Cases at WIPO Trending Up In 2019 - Domain Name Wire | Domain Name News*. Domain Name Wire | Domain Name News. <https://domainnamewire.com/2019/10/24/cybersquatting-cases-at-wipo-trending-up-in-2019/>
- [6] ALLEMANN, A. (2019a, January 10). *Should GoDaddy acquire. Org? Domain Name Wire | Domain Name News*. <https://domainnamewire.com/tag/org/page/2/>
- [7] ALLEMANN, A. (2019b, January 17). *18,000 signs EFF letter asking ICANN to halt. Org sale. Domain Name Wire | Domain Name News*. <https://domainnamewire.com/tag/org/page/2/>
- [8] ALLEMANN, A. (2019c, April 29). *The Economics of Domain Name Prices. Domain Name Wire | Domain Name News*. <https://domainnamewire.com/2019/04/29/the-economics-of-domain-name-prices/>.
- [9] *Anti-Cybersquatting Consumer Protection Act, § 1125(d). (1999)*.
- [10] Asian Media Information. (2007). *The internet and governance in Asia: A Critical Reader* (I. Banerjee, Ed.; p. 314). AMIC.
- [11] Baranowski, J. (2012). *Domain Names for Profit (1st ed., p. 9)*. Bad Cat Publishing.
- [12] Batman, J. (2007). *Advising the Small Business: Forms and Advice for the Legal Practitioner* (p. 19). American Bar Association.
- [13] Battersby, G. J., Grimes, C. W., & Nuara, Leonard T. (2010). *Drafting Internet agreements (pp. 5–369)*. Aspen Publishers Online.
- [14] Botting, N. (2019, December 26). *Global E-commerce: +\$2 Trillion in Revenue In 2019*. Lengow Blog. <https://blog.lengow.com/global-e-commerce-2019-report/>

- [15] Bouchoux, D. E. (2009). *Intellectual property for paralegals* (p. 142). Cengage Learning.
- [16] Bustillos, M. (2019, April 29). *Speak Out Against Increase In Domain Prices*. HostPapa Blog. <https://www.hostpapa.com/blog/web-hosting/speak-out-against-increase-in-domain-prices/>
- [17] Catty, J. P. (2010). *Wiley Guide to Fair Value Under IFRS* (p. 346). John Wiley & Sons.
- [18] Cross, F., & Miller, R. (2009). *The Legal Environment of Business: Text and Cases - Ethical, Regulatory, Global, and E-Commerce Issues* (7th ed., p. 344). Cengage Learning.
- [19] Curtin, T. J. (2010). *The Name Game: Cybersquatting and Trademark Infringement on Social Media Websites*. *Journal of Law and Policy*, 19(1), 46. <https://brooklynworks.brooklaw.edu/jlp/vol19/iss1/13>
- [20] Dra, D. of. (2014). *Legal Issues in Information Security* (2nd ed., p. 296). Jones & Bartlett Publishers.
- [21] Droit, A. de. (2000). *Recueil Des Cours/Collected Courses* (2000) (p. 296). Hachette.
- [22] Finch, N. (2020, January 16). *50 Internet Statistics That Will Shock You (Infographic)*. Aussie Hosting. <https://web.archive.org/web/20200125232817/https://bestwebhostingaustralia.org/internet-statistics/>
- [23] Garzaniti, L. J. H. F., & O'Regan, M. (2010). *Telecommunications, Broadcasting and the Internet: EU Competition Law and Regulation* (3rd ed., p. 369). Sweet & Maxwell.
- [24] Gibbs, M. (2001, February 12). *what is in a name server?* *Network World Magazine*, 18, 40. [www.nwfusion.com](http://www.nwfusion.com)
- [25] Goldscheider, R. (2002). *Licensing Best Practices: The Lesi Guide to Strategic Issues and Contemporary Realities* (p. 152). John Wiley & Sons.
- [26] Goldstein, D. (2018, August 24). *Europe's GDPR Cools Liquid Domain Names Market*. *DomainPulse.Com - The Beat on The Domain Name Industry*. <https://www.domainpulse.com/2018/08/24/eu-gdpr-cools-liquid-domain-names-market/>
- [27] Gore, D., Lewis, S., Lofaro, A., & Dethmers, F. (2013). *The Economic Assessment of Mergers Under European Competition Law* (1st ed., p. 456). Cambridge University Press.
- [28] Gunelius, S. (2010). *Blogging All-in-One for Dummies* (p. 48). John Wiley & Sons.
- [29] Halt, G. B., Donch, J. C., Stiles, A. R., & Fesnak, R. (2014). *Intellectual Property in Consumer Electronics, Software and Technology Startups* (p. 63). Springer Science & Business Media.
- [30] Hiltzik, M. (2019, January 12). *The internet.org registry is snatched up by a private equity firm, provoking uproar BY*. LOS ANGELES TIMES. [latimes.com](https://www.latimes.com)
- [31] Hurewitz, B. J. (1999, January 7). *New Law Targets Cybersquatting*. *Www.Wilmerhale.Com*. <https://www.wilmerhale.com/en/insights/publications/new-law-targets-cybersquatting-december-7-1999>
- [32] Iyer, P. W., MSN, RN, LNCC, Aken, J., & Condon, Kathie W. (2006). *Business Principles for Legal Nurse Consultants* (p. 47). CRC Press.
- [33] Jeftovic, M. E. (2018). *Managing Mission - Critical Domains and DNS: Demystifying name servers, DNS, and domain names* (1st ed., p. 10). Packt Publishing Ltd.
- [34] Keiles, E., & Lieberman, M. (2019). *Smash the Funnel: The Cyclonic Buyer Journey-A New Map for Sustainable, Repeatable, Predictable Revenue Generation* (1st ed., pp. 144-146). Greenleaf Book Group.
- [35] Kohler, G. K., & Schultz, T. (2004). *Online Dispute Resolution: Challenges for Contemporary Justice* (p. 47). Kluwer Law International B.V.
- [36] Kruger, L. G. (2010). *Internet Domain Names: Vol. Volume 97* (Issue 868 of CRS, p. 1). DIANE Publishing.
- [37] Kurtzman, T. (2019, June 20). *The Continued Hijacking and Ransoming of The Domain Name System by Modern-Day Corporate Privateers*. *American Association Bar*. [https://www.americanbar.org/groups/business\\_law/publications/blt/2016/06/cyber\\_center\\_kurtzman/](https://www.americanbar.org/groups/business_law/publications/blt/2016/06/cyber_center_kurtzman/)
- [38] Lachtnain, A. O. (2011). *Making an Impact Online: Creating a Website That Really Works...Without Breaking the Bank* (2nd ed., p. 34). A&C Black.
- [39] Lehman, B. A. (1998). *Intellectual Property in the Global Marketplace*. *economic perspectives An Electronic Journal of the U.S. Information Agency*, 3(7).
- [40] Lindsay, D. (2007). *International Domain Name Law: ICANN and the UDRP* (p. viii,50,402,451). Bloomsbury Publishing.
- [41] Lipton, J. D. (2005). *Beyond cybersquatting: Taking domain name disputes past trademark policy*. In *Wake Forest Law Review* (Vol. 40, Issue 4, pp. 1361-1440).
- [42] Lipton, J. D. (2010). *Internet Domain Names, Trademarks and Free Speech* (p. 3,72). Edward Elgar Publishing.
- [43] Liu, C., Larson, M., & Allen, R. (2003). *DNS on Windows Server 2003: Mastering the Domain Name System* (M. Loukides & D. Cameron, Eds.; 3rd ed., p. 418). O'Reilly Media, Inc.

- [44] Mahler, T. (2019). *Generic Top-Level Domains: A Study of Transnational Private Regulation* (p. 157). Edward Elgar Publishing.
- [45] Manyika, J., & Roxburgh, C. (2011). *The great transformer: The impact of the Internet on economic growth and prosperity*. McKinsey Global Institute. <https://www.mckinsey.com/industries/technology-media-and-telecommunications/our-insights/the-great-transformer#0>
- [46] McGowan, P., & Nel, P. (2004). *Power, Wealth and Global Equity: An International Relations Textbook for Africa* (2nd ed., p. 341). Juta Academic.
- [47] Miller, R. L., Clarkson, K., Jentz, G., & Cross, F. (2006). *West's Business Law* (10th ed., p. 158). Cengage Learning.
- [48] Miller, R. L., & Hollowell, W. E. (2011). *Cengage Advantage Books: Business Law: Text and Exercises* (6th ed., p. 79). Cengage Learning.
- [49] Murray, A. (2013). *Information Technology Law: The Law and Society* (p. 416). Oxford University Press.
- [50] Murray, A. (2019). *Information Technology Law: The Law and Society* (4th ed., p. 365). Oxford University Press, USA.
- [51] Ng, J. (2013). *The Domain Name Registration System Liberalisation, Consumer Protection and Growth* (1st ed., pp. 57-126). Routledge.
- [52] Page, S. (2012). *The Secrets to Successfully Marketing Your Book* (p. 11). Susan Page Books.
- [53] Parr, R. L., & Smith, G. V. (2005). *Intellectual Property: Valuation, Exploitation, and Infringement Damages* (pp. 58–60). John Wiley & Sons.
- [54] Press, E. (2009). *55 Surefire Internet Businesses You Can Start for Under \$5000* (p. 17). Entrepreneur Press.
- [55] Protection of Intellectual Property, I. A. (2003). Yearbook (p. 293). AIPPI. <https://books.google.hu/books?id=Co9QAQA AIAAJ>
- [56] Radin, M. J., Rothchild, J. A., & Silverman, G. M. (2004). *Intellectual Property and the Internet: Cases and Materials* (p. 161). foundation press.
- [57] Rich, J. R. (2008). *Design and Launch an E-Commerce Business in a Week* (p. 43). Entrepreneur Press.
- [58] Rich, J. R. (2009). *Design and Launch an Online Web Design Business in a Week* Click start Magazine (p. 107). Entrepreneur Press.
- [59] Riis, T. (2016). *User Generated Law: Re-Constructing Intellectual Property Law in a Knowledge Society* (p. 210). Edward Elgar Publishing.
- [60] Rockman, H. B. (2020). *Intellectual Property Law for Engineers, Scientists, and Entrepreneurs* (2nd ed., p. 681). John Wiley & Sons.
- [61] *Rules for Uniform Domain Name Dispute Resolution Policy* (2013). <https://www.icann.org/resources/pages/udrp-rules-2015-03-11-en>
- [62] Samet, J., & Murray, J. W. (2001). *Workouts and Bankruptcies in the Ecommerce Economy* (p. 205). Practising Law Institute. <https://books.google.hu/books?id=FhbPnVvBz8EC>.
- [63] Samet, Josheph, & Murray, J. W. (2002). *Emerging Issues in Workouts & Bankruptcies: what you need to know now!* (p. 335). <https://books.google.hu/books?id=HfFAAQA AIAAJ>.
- [64] Schwabach, A. (2014). *Internet and the Law: Technology, Society, and Compromises* (2nd ed., p. 58). ABC-CLIO.
- [65] Shimonski, R. (2015). *Cyber Reconnaissance, Surveillance and Defense* (John Zenir esq, Ed.; p. 105). Syngress.
- [66] Singh, H. (2018). *Cybersquatting and the Role of Indian Courts: A Review*. 2, 18–23.
- [67] Siochrú, S. Ó., Girard, Bruce, & Mahan, Amy. (2002). *Global Media Governance: A Beginner's Guide* (p. 107). Rowman & Littlefield.
- [68] Smith, M. J., & Salvendy, Gavriel. (2007). *Human Interface and the Management of Information. Interacting in Information Environments* (p. 538). Springer.
- [69] Snow, B. (2011). *Mergers and Acquisitions for Dummies* (p. 152). John Wiley & Sons.
- [70] Statista. (2019, January). *Global Digital Population 2019*. Statista. <https://www.statista.com/statistics/617136/digital-population-worldwide/>
- [71] Steimle, J. (2016). *phill pienerert. In Chief Marketing Officers at Work* (p. 135). Apress.
- [72] Stewart, G. S., & Weiler, M. S. (2011, January). *Emerging Issues in Statutory Damages*. Jonesday/Www.Jonesday.Com. <https://www.jonesday.com/en/insights/2011/07/emerging-issues-in-statutory-damages>
- [73] Thronson, M. J., Roth, G. S., & Grossman, J. D. (2020). *Intellectual Property Legal Opinions* (2nd ed., pp. 9–52). Aspen Publishers Online.
- [74] Torremans, P. (2014). *Research Handbook on Cross-border Enforcement of Intellectual Property* (p. 643). Edward Elgar Publishing.
- [75] United Nations (2007). *Information and communication technology policy and legal issues for Central Asia* (p. 40). United Nations Publications.
- [76] United States. Congress. House. Committee on the Judiciary. Subcommittee on Courts and Intellectual Property. (2000). *Internet Domain Names and Intellectual Property Rights:*

- Hearing Before the Subcommittee on Courts and Intellectual Property of the Committee on the Judiciary, House of Representatives, One Hundred Sixth Congress, First Session, July 28, 1999* (p. 87). U.S. Government Printing Office.
- [77] Verisign (2019). *The Domain name industry brief* (Vol. 16, Issue 4, pp. 2–6). <https://www.verisign.com/assets/domain-name-report-Q32019.pdf> 3rd quarter.
- [78] Waller, G. (2000). *Internet Companion* (1st ed., p. 49). UNSW Press.
- [79] Wass, E. S. (2003). *Addressing the World: National Identity and Internet Country Code Domains* (p. 34). Rowman & Littlefield.
- [80] Wegner, H. C., & Poplawski, E. G. (2000). *Understanding the new patent law: how the changes affect your patent practice and portfolio* (p. 71). Practising Law Institute.
- [81] WIPO (n.d.). *WIPO Guide to The Uniform Domain Name Dispute Resolution Policy (UDRP)*. World Intellectual Property Organization. <https://www.wipo.int/amc/en/domains/guide/#i>
- [82] World Intellectual Property Organization (2019). *Report of the Director General to the 2019 WIPO Assemblies* (Vol. 1050, p. 16). WIPO.
- [83] World intellectual property organization (2020). *All gTLDs (Ranking): 2019*. WIPO/<https://www.Wipo.Int>. [https://www.wipo.int/amc/en/domains/statistics/gtlds\\_yr.jsp?year=2019In-TextCopyNoteEditDelete](https://www.wipo.int/amc/en/domains/statistics/gtlds_yr.jsp?year=2019In-TextCopyNoteEditDelete)

**FIGURES & TABLES**

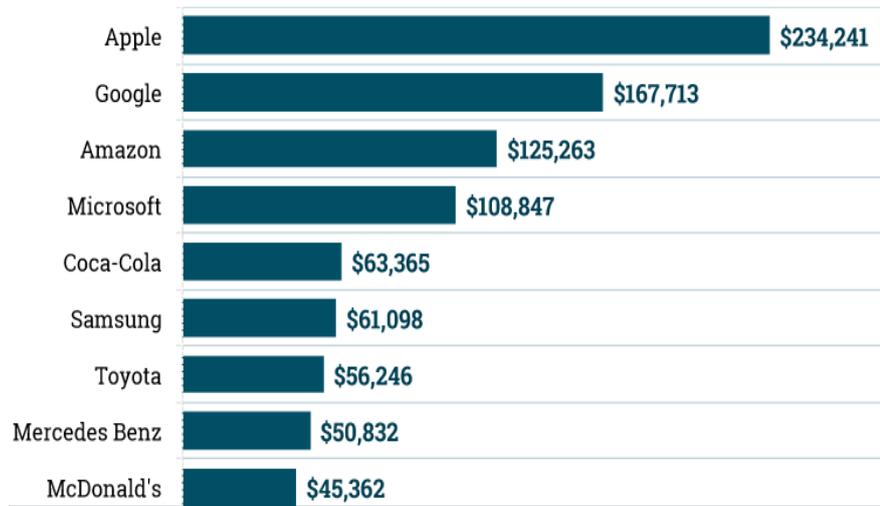


Figure 1

**The most valuable brands 2019 in Millions of dollars**

Source: <https://www.marketingcharts.com/charts/the-10-most-valuable-global-brands-in-2019/attachment/interbrand-top-10-most-valuable-global-brands-in-2018-nov2019>

Domain name	Value	Domain name	Value
google.com	\$ 3 Bn	amazon.com	224.1M
youtube.com	\$ 2 Bn	wikipedia.org	213.3M
baidu.com	639M	apple.com	106.5M
tmall.com	351.4M	microsoft.com	56.6M
qq.com	323.4M	ebay.com	60.3M
taobao.com	264.2M	apple.com	48.1M
jd.com	235.5M	amazon.in	45.2M
google.de	39.9M	office.com	36.1M
microsoftonline.com	33.8M	paypal.com	28.6M
amazon.de	26.9M	bbc.com	22.3M
google.it	22.2M	alibaba.com	20.1M

Figure 2

**Most valuable domain names**

Source: <https://www.siteprice.org/similar-websites/google.com>

<b>Domain</b>	<b>Price</b>	<b>Sale date</b>	<b>domain</b>	<b>Price</b>	<b>Sale date</b>
Voice.com	\$30 million	2019	Toys.com	\$5.1 million	2009
360.com	\$17 million	2015	Clothes.com	\$4.9 million	2008
Sex.com	\$13 million	2010	Medicare.com	\$4.8 million	2014
Fund.com	\$12 million	2008	IG.com	\$4.6 million	2013
Hotels.com	\$11 million	2001	GiftCard.com	\$4 million	2012
Tesla.com	\$11 million	2014	Yp.com	\$3.8 million	2008
Porn.com	\$9.5 million	2007	HG.com	\$3.77 million	2016
Porno.com	\$8.8 million	2015	Mi.com	\$3.6 million	2014
Fb.com	\$8.5 million	2010	Ice.com	\$3.5 million	2018
We.com	\$8 million	2015	AltaVista.com	\$3.3 million	1998
Diamond.com	\$7.5 million	2006	Whisky.com	\$3.1 million	2014
Beer.com	\$7 million	2004	California.com	\$3.0 million	2019
Z.com	\$6.8 million	2014	Candy.com	\$3.0 million	2009
iCloud.com	\$6 million	2011	Loans.com	\$3.0 million	2000
Casino.com	\$5.5 million	2003	Vodka.com	\$3.0 million	2006
Slots.com	\$5.5 million	2010	Toys.com	\$5.1 million	2009
AsSeenOnTv.com	\$5.1 million	2000	Clothes.com	\$4.9 million	2008
HG.com	\$3.77 million	2016	Medicare.com	\$4.8 million	2014
Mi.com	\$3.6 million	2014	IG.com	\$4.6 million	2013
Ice.com	\$3.5 million	2018	GiftCard.com	\$4 million	2012
			Yp.com	\$3.8 million	2008

Figure 3

**Most valuable domain names sold**

Source: [https://en.wikipedia.org/wiki/List\\_of\\_most\\_expensive\\_domain\\_names](https://en.wikipedia.org/wiki/List_of_most_expensive_domain_names)

Domain	value	year
LasVegas.com	90\$ million	(2005-2040)
CarInsurance.com	\$49.7 million	(2010)
Insurance.com)	\$35.6 million	(2010)
Vacationrentals.com	\$35 million	4. (2007)
Privatejet.com	30.1 million	(2012)
Internet.com	\$18 million	(2009)
Insure.com	16 million	(2009)
Sex.com	13 million	(2010)
Hotels.com	11million	(2001)
Fund.com	\$9.9 million	(2008)
Porn.com	9.5 million	(2007)

Figure 4

**Domain names sold based on the highest prices**

Source: *Top 10 Most Expensive Domain Names In The World: Insurance, Rentals & Private Jets*  
<https://financesonline.com/top-10-most-expensive-domain-names-in-the-world-insurance-rentals-private-jets/>

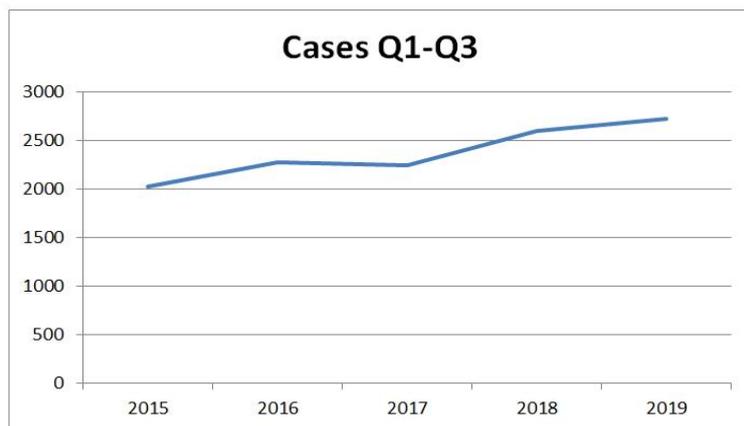


Figure 5

**The total caseload during Q1-Q3 of each of the past five years. cases have increased during the first three quarters 2019**

Source: WIPO 2019

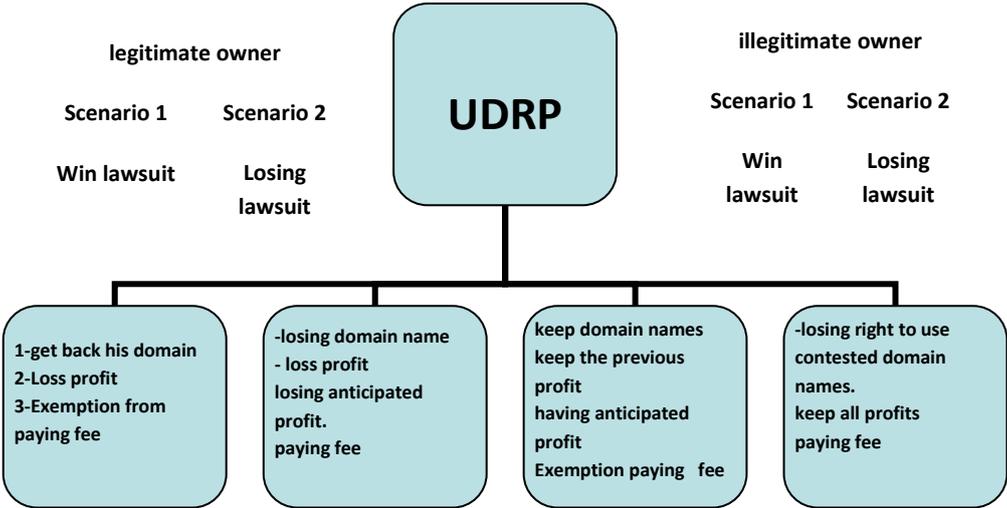


Figure 6  
The potential scenarios expected to be applied during UDRP and reflect the financial value of the cost conflict

Outcome	Number of Cases	Percentage
Cancellation	28	1.06%
Transfer	2426	91.82%
Complaint denied	190	7.19%

Figure 7  
**Case Outcome (Consolidated): 2019 source wipo**  
Source: [https://www.wipo.int/amc/en/domains/statistics/decision\\_rate.jsp?year=2019](https://www.wipo.int/amc/en/domains/statistics/decision_rate.jsp?year=2019)

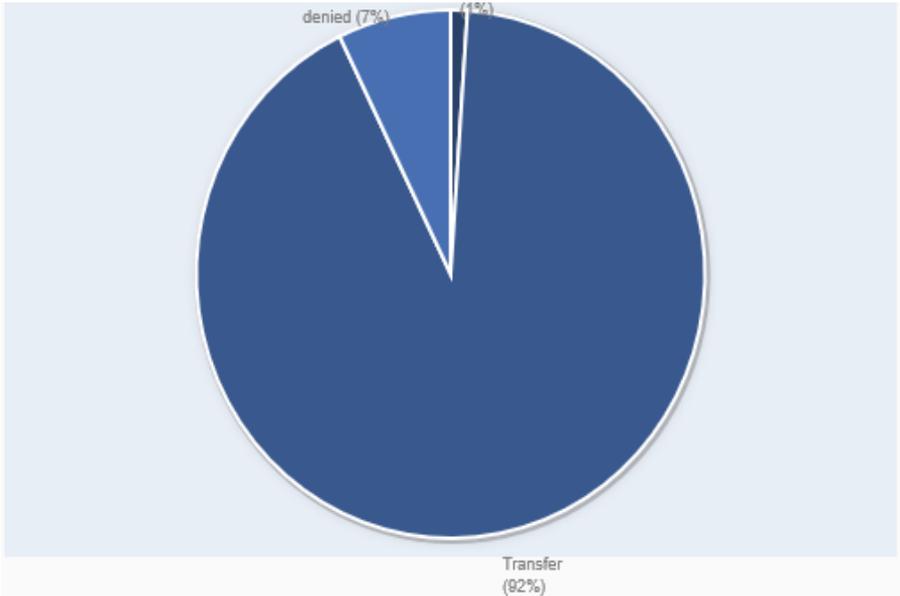


Figure 8  
**Case Outcome (Consolidated) 2019**  
Source wipo [https://www.wipo.int/amc/en/domains/statistics/decision\\_rate.jsp?year=2019](https://www.wipo.int/amc/en/domains/statistics/decision_rate.jsp?year=2019)

Outcome	Number of Cases	Percentage
Cancellation	572	1.58%
Transfer	31799	87.64%
Complaint denied	3912	10.78%

Figure 9

**Case Outcome (Consolidated): All Years source wipo**

Source wipo [https://www.wipo.int/amc/en/domains/statistics/decision\\_rate.jsp?year=2019](https://www.wipo.int/amc/en/domains/statistics/decision_rate.jsp?year=2019)

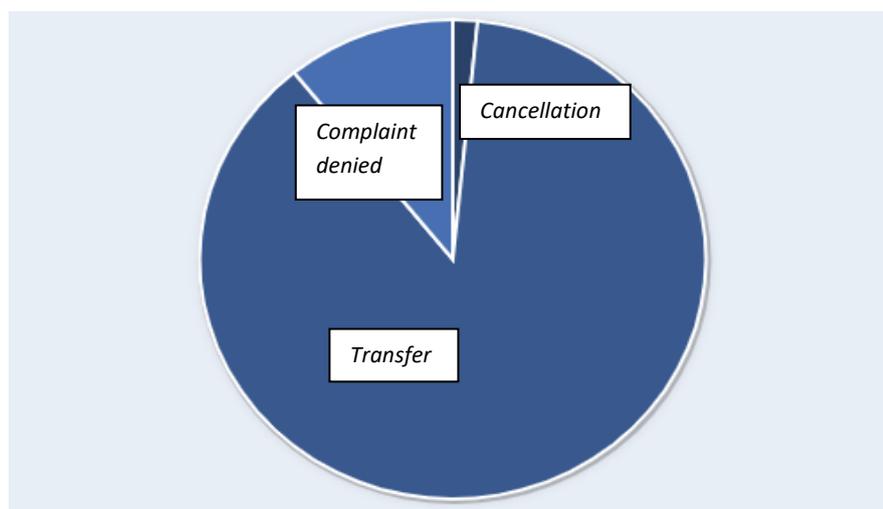


Figure 10

**Case Outcome (Consolidated): All Years source wipo**

Source wipo [https://www.wipo.int/amc/en/domains/statistics/decision\\_rate.jsp?year=2019](https://www.wipo.int/amc/en/domains/statistics/decision_rate.jsp?year=2019)

No	No of domain names	No of Panelist	Fee
1	1-5	1	1500 [Panelist: 1000; WIPO Center: 500]
2	6 to 10	1	2000 [Panelist: 1300; WIPO Center: 700]
3	More than 10	To be decided in consultation with the WIPO Center	
4	1 to 5	3	4000 [Presiding Panelist: 1500; Co-Panelist: 750; WIPO Center: 1000]
5	6 to 10	3	5000 [Presiding Panelist: 1750; Co-Panelist: 1000; WIPO Center: 1250]
6	More than 10	To be decided in consultation with the WIPO Center	

Figure 11

**Schedule of Fees under the UDRP**

Source: WIPO, 2019

<b>Year</b>	<b>2019</b>	<b>Financial cost 3d Q 2019</b>	
<b>No of domain names</b>	<b>5578</b>	1-2,732 *minimum domain number * m 1benaltis *1500\$=4,098,000	2-2,732 *minimum domain number * maximum 3benaltis 10,928,000 \$
<b>No of domain names .com</b>	<b>4287</b>		
<b>No of cases</b>	<b>2,723</b>		

Figure 12  
**Minimum financial cost over domain names conflict**  
*Source: WIPO, 2019*