

## **Procedure for dispute resolution regarding the domain name ccTLD.it**

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In order to settle disputes about domain names *ccTLD.it*, it is possible to choose the alternative way via ADR filing an administrative opposition against an *.it* domain name, because it is generally faster and more convenient than a regular court proceeding or an action before the Arbitration Chamber.

The Resolution Policy in Italy follows the Uniform Domain-Name Dispute-Resolution Policy (often referred to as the "UDRP") of ICANN, although with some significant differences.

First of all, in Italy, the outcome of the procedure can only be the so-called reassignment of the domain name.

The ICANN procedure concerns only trademark rights, while the procedure in Italy for domain names *.it* also protects the right to the name.

Moreover, in Italy it is the applicant who must prove that the other party has registered the domain name in bad faith, whereas in the ICANN procedure it is up to the respondent to prove his right to the domain name.

Article 16.6 of the Naming Authority Rules provides that the following pre-conditions apply to the reassignment of a challenged domain name from the alleged infringer to the legal owner:

- a) The challenged domain name must be identical or confusingly similar to a trademark or other distinctive sign over which the petitioner may claim rights (as well as the petitioner's name, surname or company name);
- b) The alleged infringer must not legitimately claim rights or title over the domain name at issue; and
- c) The alleged infringer must have shown bad faith in using or registering the domain name at issue.

If conditions a) and c) are proven, the contested domain name will be transferred to the rightful owner.

If the specific case does not meet all the conditions of the reassignment procedure because, for example, there is no bad faith, before commencing any action before a Court, THINX can assist client through other forms of ADR to solve the matter. In this way, in addition to the transfer of the domain name, it is also possible to discuss economic aspects that are not considered in the reassignment procedure.

At THINX our consultants are experienced in negotiation, arbitration and mediation techniques and a Panelist in charge of deciding disputes on domains registered under *ccTLD.it*. is part of the team.