

2019 panelists meeting

PROGRAMME

Sunday 22nd September 2019

An informal dinner the evening of the 22nd September, the place will be settled later this summer.

Please feel free to email Lenka if you would like to attend: nahlovska@adr.eu

Monday 23rd September 2019

Venue: Kaiserstein Palace, Malostranske Square 23, Prague

9:30 – 10:00 **Registration / coffees / networking**

10:00 – 10:10 **Opening speech - Petr Hostaš** – Czech Arbitration Court

10.10 – 10:15 **Updates from CAC – Lenka Náhlovská** – Czech Arbitration Court

10:15 – 10:40 **Marta Jusztiin – Julie Michel**, EURid Legal Department

Introduction to the .eu eligibility criteria for EU citizens residing in non EU countries (Regulation (EU) 2019/517), overview of EURid's WHOIS and efforts aiming to prevent and fight against intellectual property rights infringements and abuses.

[When will this new eligibility criteria be applicable? What is the relevant provision of the new Regulation? What are the amendments made to the .eu ADR Rules reflecting the entry into force of this new Regulation? Why is a subsequent amended version of the .eu ADR Rules necessary as of 13 October 2022? How should panelists handle cases involving a change in an individual's eligibility over the course of the proceedings?

What is the current legal framework of EURid's WHOIS? What are the changes to EURid's WHOIS post-GDPR? What are the future perspectives following the applicability of Regulation (EU) 2019/517 from 13 October 2022?

What tools developed by EURid contribute to the creation of a trusted .eu online space?]

10:40 -11:00 **Flip Petillion**, UDRP and EU panelist

The external effects of the EU Privacy law (GDPR) on TM investigation and enforcement online.

[Status update on Whois and the Expedited Policy Development Process (EPDP) on new gTLD registration data. Consequences for TM holders to investigate and tackle infringements online. Alternative strategies for obtaining relevant registrant information. Dealing with registrar non-compliance.

Outlook on ICANN's EPDP Phase II work to establish a System for Accredited Access to Non-Public Registration Data, including access by UDRP/URS service providers.]

11:00 – 11:20 Coffee break

11:20 – 11:40 **Ivett Paulovics**, UDRP panelist and URS case manager

The impact of the GDPR on Internet disputes. Experience of the parties, providers and the IP community after 1 year and a half. The current state of art.

[Appendix D (URS) and Appendix E (UDRP) of ICANN's Temporary Specification for generic top-level domain (gTLD) Registration Data and the modifications thereto after EPDP's Final Report and ICANN Board's approval, the Interim Registration Data Policy and the current status of the work; How national and regional rules and regulation handle the matter? Example of .it, .uk and .eu.]

11:40 – 12:10 **Gregor Kleinknecht**, UDRP and EU panelist

The implications of Brexit for brand protection and IP more widely and specifically for .eu domain name holders.

[While it remains unclear at present when Brexit will take place, and whether this will be pursuant to a formal agreement with the EU, or a 'no deal' Brexit, both scenarios will give rise to implications for which brand owners can and need to prepare now. This presentation will focus on the registration, use and protection of trade marks and domain names and discusses the options for avoiding gaps in brand protection.]

12:10 – 12:40 **Daithí Mac Síthigh**, UDRP and EU panelist

Complaining about complaints: a Panelist's perspective on submissions and evidence.

[What makes for a clear Complaint? Complainants even in a simplified procedure can and do provide significant amounts of information in the form of Annexes. How useful is this material to a Panel making a decision? In this presentation, I reflect upon the relevance of annexed material to Panel

decisions, attempting to prompt discussion around good practices and the promotion of clarity and relevance.]

12:40 – 14:00 Lunch

14:00 – 14:30 **Rodolfo Rivas Rea**, UDRP panelist

Good practices in 3-Member Panels.

[3-Member UDRP panels are few and far between (around 5% of cases), but there seems to be an increase in the last few years. The purpose of the presentation is to put forward some good practices that may facilitate and streamline the process when dealing with 3-Member Panels.]

14:30 – 15:00 **Karel Šindelka**, CZ panelist

NATIONAL DOMAIN NAME ADRs.

[The presentation will focus on different national ADR Systems for solving conflicts between trademarks/other protected rights and domain names in Europe and selected non-European countries, particularly on their common grounds and differences and on impact of GDPR on providing information from WHOIS national registries.]

15:00 – 15:30 **Igor Motsnyi**, UDRP panelist

UDRP relevance in ccTLDs disputes in Russia.

[This presentation will discuss the application of UDRP principles to domain disputes in Russia and analyze what circumstances normally taken into account by UDRP panels are relevant in domain name disputes in Russia. It will also look at the possible future of UDRP in Russia.]

15:30 – 16:00 Discussion

16.00 – 18.30 Afternoon reception & wine tasting provided by Bonaguil Winery (Barbora Donathová, CZ and UDRP panelist)