

# Conference on Domain Name Dispute Resolution and ODR: Asian Perspective

Friday, 26 October 2007

Kempinski Hotel

No. 50, Liangmaqiao Road, Chaoyang District, Beijing, P.R.C.

## Hosting Organisations:



中国国际经济贸易仲裁委员会

China International Economic and Trade Arbitration Commission



香港國際仲裁中心

Hong Kong International Arbitration Centre



亞洲域名爭議解決中心

ASIAN DOMAIN NAME DISPUTE RESOLUTION CENTRE

## Sponsors:

- CCPIT Patent and Trademark Law Office
- Hylands Law Firm
- Zhongzi Law Office
- Beijing Janlea Trademark Agency Co., Ltd.

## Supporting Organisations:

- China Internet Network Information Center
- LES (Licensing Executives Society) China
- Kuala Lumpur Regional Centre for Arbitration
- Korea Internet Address Dispute Resolution Committee
- Policy and Law Committee of China Electronic Commerce Association
- China Maritime Law Association

Language: Chinese/English(Simultaneous Interpretation provided)

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## Conference Programme

Conference Moderator: Mr. Yu Jianlong, *Vice Chairman and Secretary General, CIETAC*

|             |   |   |
|-------------|---|---|
| 08:30-09:00 | Registration  |   |
| 09:00-09:10 | Welcome Remarks   | Mr. Dong Songgen,<br><i>Vice Chairman, CCPIT and CIETAC</i>   |
| 09:10-09:20 | Opening Remarks   | Ministry of Information Industry of the<br>P.R.C.   |
| 09:20-09:50 | Keynote Remarks   | Mr. Christopher TO,<br><i>Secretary General, HKIAC</i><br>Ms. Noorashikin Binti A. Rahim,<br><i>Director, KLRCA</i><br>Mr. Liu Zhijiang,<br><i>Assistant Director General, CNNIC</i>  |
| 09:50-10:10 | Introduction on Domain Name Dispute Resolution System   | Mr. Chen Min,<br><i>Deputy Secretary General, CIETAC</i>  |
| 10:10-10:25 | Coffee Break  |   |
| 10:25-11:15 | Procedural Issues of Domain Name Dispute Resolution<br>1. Registrar Issues<br>2. Who should be Listed as the Parties?<br>3. Language of Proceeding<br>4. Appointment of the Panel<br>5. Powers of the Panel<br>6. Burden of Proof<br>7. Respondent Default<br>8. Remedies<br>9. Other Related Procedural Issues | Ms. Xie Changqing [Moderator]<br><i>Deputy Secretary General, Online Dispute<br/>Resolution Center, CIETAC</i><br>Mr. Dennis Cai,<br><i>Case Administrator, HKIAC</i><br>Mr. Michael Soo,<br><i>Panelist, Mynic Domain Name Dispute<br/>Resolution, KLRCA</i><br>Mr. Young Hwan Oh,<br><i>Case Administrator, Korea Internet Address<br/>Dispute Resolution Committee</i> |
| 11:15-11:30 | Questions and Answers   |   |
| 11:30-12:00 | The People's Courts' Basic Principles and Practice on<br>Hearing of Domain Name Disputes  | Mr. Luo Dongchuan,<br><i>Deputy Director, Research Office, the<br/>Supreme People's Court of the P.R.C.</i>   |

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|-------------|--|---|
| 12:00-12:15 | Questions and Answers  |   |
| 12:15-13:30 | Luncheon   |   |
| 13:30-14:00 | <p><b>Substantial Conditions for a Successful Complaint (incl. Comparison between CNDRP and UDRP)</b></p> <p><b>1. Identical or Confusingly Similar to a Trademark or a Service Mark in Which the Complainant Has Rights(UDRP, Para. 4(a)(i))</b></p> <p><b>Part A: Rights in a Trademark</b></p> <ol style="list-style-type: none"> <li>1) Geographical Scope of Trademark</li> <li>2) Timing of Trademark</li> <li>3) Unregistered Trademark Rights</li> <li>4) Rights of a Licensee</li> <li>5) Other Concerns</li> </ol> | <p>Mr. Li Yong [Moderator],<br/><i>Director, CCPIT Patent and Trademark Law Office</i></p> <p>Mr. Wang Fanwu,<br/><i>Presiding Judge, Beijing Second Intermediate People's Court</i></p> <p>Prof. Chen Naiwei,<br/><i>Shanghai Jiao Tong University</i></p>   |
| 14:00-14:10 | Questions and Answers  |   |
| 14:10-14:40 | Part B: Identical or Confusingly Similar   | <p>Mr. Lin Bonan [Moderator],<br/><i>Partner, Zhongzi Law Office</i></p> <p>Prof. Tang Guangliang,<br/><i>IP Center, Chinese Academy of Social Sciences</i></p> <p>Prof. Jacques de Werra<br/><i>University of Geneva / WIPO Domain Name Dispute Panelist</i></p> <p>Mr. Zhao Yun,<br/><i>Assistant Prof., City University of Hong Kong</i></p> |
| 14:40-14:50 | Questions and Answers  |   |
| 14:50-15:20 | <p><b>2. Rights or Legitimate Interests (UDRP, Para. 4(a)(ii))</b></p> <ol style="list-style-type: none"> <li>1) Agency and Distributorship</li> <li>2) Free Speech</li> <li>3) Generic Words</li> <li>4) Other Concerns</li> </ol>  | <p>Mr. Chi Shaojie [Moderator],<br/><i>Senior Adviser, CCPIT Patent and Trademark Law Office</i></p> <p>Mr. Ma Laike,<br/><i>Chief Justice, Beijing Yanqing People's Court</i></p> <p>Ms. Gabriela Kennedy,<br/><i>Partner, Lovells</i></p> <p>Mr. Lian Yunze<br/><i>Partner, Hylands Law Firm</i></p>  |
| 15:20-15:30 | Questions and Answers  |   |
| 15:30-15:45 | Coffee Break   |   |
| 15:45-16:15 | <p><b>3. Registration and Use in Bad Faith (UDRP, Para. 4(a)(iii))</b></p> <ol style="list-style-type: none"> <li>1) Timing of Trademark and Domain Name Registration</li> <li>2) Prior Knowledge of Mark</li> <li>3) Passive Holding of Domain Name</li> </ol>  | <p>Mr. Gao Lulin [Moderator],<br/><i>Chairman, East IP</i></p> <p>Prof. Xue Hong,<br/><i>China University of Political Science and</i></p>  |

|                    |  |   |
|--------------------|--|---|
|                    | 4) Relevance of Disclaimer, Settlement Negotiations<br>5) Other Elements | <b>Law</b><br><b>Mr. Darren FitzGerald,</b><br><b>Partner, Bird and Bird, Hong Kong</b>   |
| <b>16:15-16:25</b> | <b>Questions and Answers</b>   |   |
| <b>16:25-16:45</b> | <b>ODR in E-Commerce</b>   | <b>Prof. Ethan Katsh,</b><br><b>Director, Center for Information Technology</b><br><b>and Dispute resolution, University of</b><br><b>Massachusetts Amherst</b> |
| <b>16:45-17:15</b> | <b>Dispute Resolution in E-Commerce and Online Arbitration</b>           | <b>Mr. Li Hu,</b><br><b>Secretary General, Online Dispute</b><br><b>Resolution Center, CIETAC</b>   |
| <b>17:15-17:30</b> | <b>Setting up Online Arbitration System in China</b>                     | <b>Prof. Shen Sibao,</b><br><b>Dean, School of Law, University of</b><br><b>International Business and Economics</b>  |
| <b>17:30-17:45</b> | <b>Questions and Answers</b>   |   |
| <b>17:45-17:50</b> | <b>Closing Remarks</b>   | <b>Mr. Yu Jianlong,</b><br><b>Vice Chairman and Secretary General,</b><br><b>CIETAC</b>   |

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## Asian Perspective

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## Registration Form

Please complete the registration form and return it with the remittance advice to China International Economic and Trade Arbitration Commission before 20, Sep. 2007 by E-mail or fax or you may also go to <http://www.odr.org.cn>, the website of Online Dispute Resolution Center of CIETAC to register your attendance online.

Email: [domain@cietac.org](mailto:domain@cietac.org)

Fax: (0086-10) 64643500 or (0086-10) 64643520

For further enquiries please contact CIETAC on Tel: (0086-10) 64646688-6255/6273

### Registrant Information:

|   |  |       |  |
|---|--|-------|--|
| <input type="checkbox"/> Prof. <input type="checkbox"/> Dr. <input type="checkbox"/> Mr. <input type="checkbox"/> Ms. <input type="checkbox"/> Mrs. |  |       |  |
| First Name  |  |       |  |
| Surname   |  |       |  |
| Position  |  |       |  |
| Company/Institution   |  |       |  |
| Mailing Address   |  |       |  |
| Postcode  |  | Email |  |
| Tel   |  | Fax   |  |

### Recommended Hotel Booking:

If you wish to live in Kempinski Hotel where the Conference is held, please mark your preference above so that we can book a room for you in advance (Superior single room rate: RMB1160 per night including one breakfast and the rate is subject to 15% surcharge).

### Registration Fees:

(The Fees include conference materials, coffee and lunch)

RMB800    HKD800    USD110

### Method of Payment:

Please transfer the registration fee to the following account and ensure your name will appear on the bank's remittance advice to avoid any possible confusion.

#### For RMB Payment:

Beneficiary: China Maritime Law Association  
Bank Name: Changan Sub-Branch, Beijing Municipal Branch,  
Industrial and Commercial Bank of China  
Account Number: 0200003309014436465

#### For HKD or USD Payment:

Beneficiary: China International Economic and  
Trade Arbitration Commission  
Bank Name: Beijing Head Office of Bank of China  
Account Number: 01384108094014