

JUNE 2010 Vietnam: Guidelines on .vn domain name disputes welcomed

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According to the Vietnam National Internet Centre (VNNIC), there have been hundreds of complaints requesting the withdrawal of registered .vn domain names. The most popular ground for such complaints is that the registered domain names are identical to complainants' registered trademarks or trade names. Many complainants are owners of famous trade marks. As a result of this situation, on March 17 2010, the VNNIC issued Guidelines on Handling of Disputed ".vn" Domain Names.

According to the Guidelines, the domain name registrar shall freeze the existing status of a disputed domain name within 60 consecutive days from the date of the complaint. No return, withdrawal or transfer of the domain name to another registrar or organization/individual is allowed during this period. This period counts from the date the complainant sends a complaint to the respondent and the domain name registrar.

Within this 60-day period, if the complainant submits written minutes of successful mediation or a decision of an arbitration or court to accept the complaint, the registrar will continue to freeze the status of the domain name. If the dispute is settled in favor of the complainant, the complainant is entitled to register the domain name in their own name within ten consecutive days from the date of such minutes or decision. If the complainant fails to register the domain name, any third party has the right to register the domain name for themselves.

If within the aforementioned 60 consecutive days, the complainant fails to submit aforementioned minutes of successful mediation or a decision of an arbitration or court, the registrar shall unfreeze the domain name. This means the respondent can return the domain name to the registrar or transfer the domain to another registrar or organization/individual, etc. If during this period the domain name has been transferred to a new registrar or organization/individual, the complainant will have to commence a new domain name dispute against the new registrar or organisation/individual. The Guidelines also indicate that during the period a domain name is in dispute, if the respondent fails to renew the domain, the complainant is assigned a priority right to register the domain name within five days. If the complainant does not register the domain during this period, any third party can apply for its registration.

The Guidelines are a step forward in the settlement of the increasing number of disputes on domain names in Vietnam. It is expected that they will soon help to clear the existing procedural obstacles in the settlement of domain names disputes in Vietnam.



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