**POSSIBLE AMENDED PARAGRAPH 4(a) OF THE UDRP (i.e. GROUNDS FOR COMPLAINT), with suggested additions in *blue*. Note that the following does not reproduce the full UDRP text, only the affected paragraph:**

**4. Applicable Disputes.** You are required to submit to a mandatory administrative proceeding in the event that a third party (a "complainant") asserts to the applicable Provider, in compliance with the Rules of Procedure, that

1. your domain name is either identical or confusingly similar to a trademark or service mark in which the complainant has rights, ***or is identical or confusingly similar to the name or abbreviation of the complainant, where the complainant is an international intergovernmental organization[[1]](#footnote-1) whose name or abbreviation has been duly communicated, as prescribed by Article 6ter of the Paris Convention for the Protection of Industrial Property, to the countries constituting the Union to which the Convention applies (including Members of the World Trade Organization to whom the Convention applies in accordance with Articles 1.3 and 2.1 of the Agreement on Trade-Related Aspects of Intellectual Property Rights)***; and
2. you have no rights or legitimate interests in respect of the domain name; and
3. your domain name has been registered and is being used in bad faith.

***[ADDITIONAL EXPLANATIONS] For purposes of application of Paragraph 4(a)(i) to international intergovernmental organizations, a domain name shall be regarded as “confusingly similar” to the name or abbreviation of an international intergovernmental organization where the registration and use of the domain name is of such a nature as to suggest to the public that a connection exists between the registrant and the name or abbreviation (as applicable) of the organization concerned, or if such use and registration is probably of such a nature as to mislead the public as to the existence of a connection between the registrant and the organization[[2]](#footnote-2).***

***For purposes of application of Paragraphs 4(a)(ii) and 4(a)(iii) to international intergovernmental organizations, references in the following Paragraphs 4(b) and 4(c) to “trademark”, “service mark” or “mark” of the complainant shall be taken to mean references to the name or abbreviation (as applicable) of the complainant organization.***

**POSSIBLE ADDITIONS TO THE WIPO 2.0 OVERVIEW DOCUMENT (RELATING TO THE SECTION CONTAINING SPECIFIC QUESTIONS AIMED TO FURTHER CLARIFY THE FIRST UDRP ELEMENT):**

* Where the complainant is an international intergovernmental organization whose complaint relates to its name or abbreviation, is such name or abbreviation protected under Article 6ter of the Paris Convention for the Protection of Industrial Property and has such name or abbreviation been duly communicated to the countries of the Union as well as Members of the World Trade Organization through the intermediary of the International Bureau?
* Where the complainant is an international intergovernmental organization whose complaint relates to its name or abbreviation, what is the test(s) for determining if the registration and use of a domain name is of such a nature as to suggest to the public that a connection exists between the registrant and the name or abbreviation (as applicable) of the organization concerned, or if such use and registration is probably of such a nature as to mislead the public as to the existence of a connection between the registrant and the organization?

1. Noting that the 1969 Vienna Convention on the Law of Treaties contains a definition of an international organization (meaning an intergovernmental organization), it may be helpful to indicate if the WG is also relying on this definition. The 1986 Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations also contains the same definition (although an earlier draft of this later treaty had proposed a more detailed definition: “an organization established by a treaty or other instrument governed by international law and possessing its own legal personality. International organizations may include as Members, in addition to States, other entities.” [↑](#footnote-ref-1)
2. This is taken from the language of Article 6ter itself. [↑](#footnote-ref-2)