Leveling the playing field: Legal assistance for Domain Names users.CL

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Context

• .CL it’s the ccTLD assigned to Chile.
• NIC Chile – University of Chile, is ccTLD manager for .CL, since 1987.
• Dispute resolution policy: .CL have a LDRP (Local dispute resolution system).
• LDRP in .CL is an “arbitration system”, legal based, with legal force judgements.
Context (cont)

• Registration in .CL:Services contract, que obliga al titular a resolver los conflictos vía LDRP.

• On Line Arbitration System: the disputes are incited by a revocation action (complaint).

• Clínica Jurídica: Law Schools. They have a practical learning course, “doing learning”.

• Its an orpotunity of learning hands-on for law students, uder and post graduated students.
On Line Arbitration System in .CL

- Starts in 1st of December, 2013.
- System use: user and password in order to access to the electronic folder.
- The arbitrator judge have a “electronic desktop” where it’s possible to manage all the disputes that has been assigned.
- Arbitration fees are payed only by the complainant, flat fee USD 1,000.
Stadistics

• Disputes System:
  – The judgements are public.
  – Public statistics by arbitrator
  – Public info about the “tendence”: % final users vs. complainant
  – http://www.nic.cl/rcal/fallos.do

LDRP on line behavior:
  Complainant no deposit the fee.: 44%
  Complainant wins with judgement: 37,18%
  Final user wins with judgement: 18,83
Legal Clinic Pilot Project

• Diminish the feeling helplessness in the end users community of .CL domain names.
• End users in good faith
• Free payed counseling? How?
• Contact to Law Schools in Chile
• Generate academic interest (value) to got this knowledge with this clinical experience.
• Pilot plan: Invitation to 5 Chilean Law Schools, Legal Clinics.
Legal Clinic Pilot Project (cont)

- We start with 10 random invitations to end users, in a domain name dispute. First by hand, now automatized, by email, to all of domain name holders in conflict.
- System requirements needed to be done:
  - New role in the online arbitration system (lecturer).
  - Automatic invitation system.

State of art: 3 Chilean Law Schools, outside of Santiago, UCN, Finnis Terra and UCSC.
The experience until today

• Number of invitations to use this pilot: 2770 to the domain name holders.

• Number of cases per University:
  – UCN: 119 (sept 2016)
  – UFT: N/A
What we need to be done

• More Legal Clinics participating, to finish the Pilot and could offer the service in regular bases.
• The end user has to have more than 3 Law Schools to choose.
• To publish the info about this legal help to end users in the www.nic.cl
• To publish the agreement in order to have more Universities working with us.
Start with a first challenge…
Challenge: start with LAC Region

- LACTLD: Latin American and Caribbean ccTLDs Organization.
- 26 associates
- Dispute Resolution Systems:
  - UDRP: 17
  - LDRP: 3
- Providers: OMPI, Amcham (.sv), Dinapi (.py), Cam Nac Com (.uy), NIC .ar (adm) CRC (.cl)
Challenge: start with LAC Region

- How to converge with the interest and rights of end users of domain names in different communities and legal systems.
- OMPI=UDRP (modified)
- UDRP= Trademark rights
- Other interests in the game: Reverse Domain Name Hijacking
Challenge: start with LAC Region

- How to approach the end users to the Legal Clinics Law Schools (?)
- How to motivate Law Schools to learn this “different” litigation procedure.
- Training: OMPI Summer School, in different countries, in joint with the Trade Mark authority (?)
- Law schools, Pro Bono Legal offices
- Training with ICANN help (?)
Thank you!

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