

從法律面談新型態網域名稱 多元化爭議處理機制

益思科技法律事務所
賴文智律師

實體權利與網路世界的連結

- 商標的保護採取屬地主義，並限於註冊指定之商品或服務類別
- 網域名稱的地域（如.tw .jp）或屬性（如.com .org .net），某程度對於商標權人將其商標延伸至網路會產生一些限制，但這種劃分易使商標權人選擇適當地區行使權利，訴訟或訴訟以外的管道皆然
- 訴訟途徑處理的時間長、難以預測，故有訴訟以外爭議處理機制之需求



新型態域名對既有制度的衝擊

- 沒有地域性，既有法律途徑即產生管轄的爭議，將更依賴訴訟以外的爭議處理機制
- 新型態域名可預期會產生商標爭議，如何維持域名註冊的穩定性，須有一定的配套措施
 - Trademark Clearinghouse
 - Uniform Rapid Suspension system
 - Post Delegation Dispute Resolution Procedure
 - UDRP





Countdown to launch

03:00:50:22



Protect your trademark in the new gTLD era

The Trademark Clearinghouse: Protect your trademark online

The Internet Corporation for Assigned Names and Numbers (ICANN) is responsible for managing the domain name system and ICANN developed the new gTLD program in order to increase competition and choice in the domain name space. The [Trademark Clearinghouse \(TMCH\)](#) - launching March 26 - is the most important rights protection mechanism built into ICANN's new gTLD program. It allows brand owners to submit their trademark data into one centralized database, prior to and during the launch of new gTLDs. Simply put: The TMCH is a one-stop-solution for protecting your brand in the new gTLD era.

Search



New fee
structure
[Download](#)

CLEARINGHOUSE

OFFICIAL AGENT

Become
a Trademark Agent

HELP CENTER

FAQ

THE END

益思科技法律事務所

<http://www.is-law.com>

台北市忠孝東路四段290號8樓 02-27723152

高雄所

高雄市四維三路6號17樓A2 07-335-7331

