

EVALUATION OF ICANN'S UNIFORM DOMAIN-NAME DISPUTE-RESOLUTION POLICY

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ABSTRACT

The subject of (ICANN's), The Internet Corporation for Assigned Names and Numbers Uniform Domain-Name Dispute-Resolution Policy is of great importance, because (ICANN) has made extensive and important efforts in resolving web address disputes, via the means of the Uniform Policy for settling such disputes, in which, it relied on a set of principles and rules to resolve such disputes, to organize the network. Through which, bypassing the problem of regional laws, and specifying the roles, and this Policy was characterized by its specificity in dealing with certain types of disputes, in addition to its special nature that cannot be described as arbitration or mediation. Although, the problem revolves around that when the Policy was put into practice, and its principles and rules were initially implemented, many observations appeared in its work due to the lack of some of its texts, so it was necessary to address the deviation of the Policy via a comprehensive review of all its texts, in a way that guarantees neutrality, and eliminates faulty application, which requires appropriate adjustments that would guarantee its ultimate results.

Keywords: Websites' Addresses, Resolving Disputes, Mediation, Uniform Policy

INTRODUCTION

The uniform domain-name dispute-resolution policy aims at resolving a special type of dispute, which is related to website addresses through the application of a set of legal rules that are not related to national legislation. This policy is a pioneering experience towards unifying trademark legislation at the international level, especially that national trademark laws are unable to address these types of disputes, and it is no secret that the efforts made by ICANN in developing a Uniform Policy were clear, and played an important role in resolving many disputes related to website addresses, which gave it privacy that distinguished it from other electronic dispute resolving methods, such as arbitration and mediation. Thus, it has become a global Policy that has created a unified comprehensive policy that transcends the problem of conflict of specialization and national laws, and has ended all types of website addresses hacking and cyber-attacks, as well as the formation of new norms, in which, if they were resolved, it may become a global legislation, which aims at regulating website addresses.

It also aimed at providing flexible justice that is characterized by speed, and the effective use of Internet technology. However, the existence of these elements and advantages should not be achieved at the expense of legitimacy, because when the Policy was put into practice, many issues appeared in its work. Because there were flaws in its policy and in some of application of some of its rules, which puts the organization's neutrality in question, so it is necessary to reconsider the rules of the Policy to make it more effective in resolving web address disputes. Thus, we try, *via* this research, to evaluate the ICANN's policy, so it was inevitable to make fundamental adjustments to the rules of the Policy in a way which guarantees its neutrality, and supports its longevity.

The research deals with the problem of resolving website address disputes according to ICANN at the international level. We have seen that the plan that we will follow in the matter of evaluating the Uniform Domain-Name Dispute-Resolution Policy of (ICANN) is imposed by dividing it into three requirements. The first deals with a comparison between the Uniform Policy and the means of resolving disputes, such as electronic arbitration and mediation. The second requirement, a review of the advantages of the uniform domain-name dispute-resolution policy. As for the third requirement, we identify the disadvantages of the Uniform Domain-Name Dispute-Resolution Policy, reaching the end of the research with conclusions and suggestions.

The First Requirement

Comparing the Uniform Domain-Name Dispute-Resolution Policy with Other Methods

Uniform Domain-Name Dispute-Resolution Policy (UDRP),¹ it is one of the ways of resolving disputes that are the Internet. This Policy is characterized by the fact that the decision issued by it is either to move or cancel the domain-name, but the parties to the dispute can resort to the competent courts at any time. So there is an important effect of the legal description of this Policy. It cannot be described as arbitration or mediation, for example, whether in terms of the procedures that take place through it or in terms of its purpose, the procedures of the Policy are carried out according to specific principles and rules known as (Uniform Domain-Name Dispute-Resolution Policy) and the rules for implementing this procedure are called (Rules of Uniform Domain-Name Dispute-Resolution Policy) (Abdel, 2003). These rules put the Policy into practice because they define the origins of the complaint and its formal conditions. Also, the type of disputes that are considered by the Policy lies in the resolution of private disputes (Domain-Name Dispute).²

Comparing the Uniform Domain-Name Dispute-Resolution Policy with other means of is a very important issue due to the similarity with arbitration and mediation, in which it works over the network, but the nature of the resolution is completely different, as well as with regard to the freedom of the parties and its result, so we try in this requirement to do a legal analysis Uniform Policy which aims at determining its legal nature, and this can only be done by making a special comparison with arbitration and mediation (Khairy et al., 2012). We will try to show the similarities and differences between the Uniform Policy and arbitration in the first section, and then we will also compare between the Uniform Policy and mediation in the second section, as follows:

First Branch

Comparison of the Uniform Policy and Internet Arbitration

The uniform policy is a policy created by the ICANN organization that works on the Internet within specific rules and principles. As for arbitration, it is one of the alternative means for settling disputes, and it is characterized by the intervention of a neutral third person who has the power to make a decision, who settles the dispute. Therefore, arbitration is subject to strict legal and formal conditions. Respecting it may lead to the invalidity of all arbitration procedures, for this reason the arbitration agreement must be concluded with full and free consent,³ and thus in both means the outcome of the settlement will be a decision in the interest of one party against another, as well as the use of technology in settling disputes, and the dispute is considered by administrative committees and not by a judicial authority. The members of the committees should

have impartiality and integrity (Khairy et al., 2012). Despite this convergence, there are many basic differences between the two methods, which can be identified as follows:

1. The Uniform Policy is a Policy that aims at resolving disputes related to website addresses in accordance with the principles of the Policy and the applicable rules issued by (ICANN), and it is resorted to through the assignment clause that is included in the website address registration contract by the registry office by agreeing to submit to the Policy in the event dispute, while arbitration arises from an agreement to subject the dispute that has arisen or will arise in the future from an electronic or ordinary commercial relationship to arbitration by electronic procedures.⁴ When a person applies to register a person's address, he finds himself before a contract of submission and the person's freedom is limited only in the choice of the registry office, and therefore its freedom is restricted, unlike arbitration, which is a consensual contract.⁵
2. In the Uniform Policy, there are no additional conditions when resorting to it, except for what is required by the principles of the Policy and its application rules, but when resorting to electronic arbitration, there are many conditions that must be met (substantive conditions and formal conditions) that any lack of conditions may lead to the invalidity of the entire arbitration.⁶
3. The parties are free to review the judiciary before, during or after the Uniform Policy. According to the Uniform Policy, the final decision issued by it does not prevent the parties from resorting to the judiciary because it is a non-binding administrative decision - a condition before the implementation of the decision. It considers the dispute and decides to suspend or terminate the procedures.⁷ But in the electronic arbitration of the contract, an obligation arises on the parties to refrain from reviewing the judiciary to decide the arbitrated dispute, and if a lawsuit is filed, the court must refrain from accepting the case when one of the parties argues for the existence of the arbitration clause because arbitration blocks the way for the parties to review the judiciary, because the decision He possesses the authority of the res judicata similar to the judiciary, and therefore the dispute cannot be submitted again to the ordinary judiciary.⁸
4. The Uniform Policy considers a specific type of disputes, which is (website address disputes), which is characterized by its international character and relates only to owners of trademarks, while the disputes considered by arbitration are not specific.⁹

From the above, we find that the Uniform Policy for resolving site address disputes does not seek to establish an arbitration center on the Internet as in other arbitration centers that exist today, but its goal is to find an alternative and effective electronic means to resolve site address disputes, and therefore the Uniform Policy is not arbitration.

Section Two

Comparison of the Uniform Policy and Internet Mediation

Mediation is one of the alternative means of dispute settlement that includes a non-binding procedure by a person (mediator) whose task is to assist the parties to the conflict in reaching a settlement The final decision issued to settle the dispute¹⁰ is not binding, but in fact there are several basic differences between the two methods, which are as follows:

1. The Uniform Policy for settling disputes - and as we mentioned in the first section - the freedom of the parties is limited only to choosing the registry office, while electronic mediation is a Policy in which a third party (the mediator) intervenes between the two parties to the dispute to bring the views closer in a neutral and impartial manner and according to the nature of the relationship between them, in order to reach A satisfactory and amicable settlement for both parties through electronic procedures.¹¹
2. The result of the solution in the Uniform Policy ends with a winning party and the last losing party based on what the experts reached in their decision based on principles and applied rules, while the result of the solution in electronic mediation is always the result of a winning party and another party also winning, and this result is achieved based on the efforts of the mediator who plays an important role in bringing the Viewpoints between the conflicting parties that lead them to a mutually satisfactory agreement.¹²
3. The Uniform Policy is characterized by transparency, as all decisions issued by the bodies examining the conflict are announced on the Internet, in which the names of the experts and the parties to the dispute and the content of the decision are indicated in full, which enhances the trust of Internet users.¹³ It is an important guarantee in the field of electronic commerce, because maintaining commercial or

technological secrets is a guarantee for the continuity of its work, so that some companies and merchants prefer losing their right to disclose the secrets of their commercial work. Confidentiality encourages the parties to freely dialogue, which facilitates reaching a solution that satisfies both parties.¹⁴

Thus, we find that the Uniform Policy cannot be considered mediation *via* the Internet, because mediation is characterized by its flexibility, as its procedures begin with the will of the parties working with the mediator on the possibility of resolving the conflict according to its type and circumstances and also end with the will of the parties by agreeing on the optimal solution to settle the dispute, but the matter is different in Uniform Policy (Charbel Wajdi, 2011).

From the foregoing, it is clear that the Uniform Policy is not arbitration or mediation, and therefore it is a special means of settling disputes in the scope of electronic commerce, as the unified principles and applicable rules impose the same on experts and parties to the dispute and on the dispute itself until the dispute becomes homogeneous with those principles and rules. The Uniform Policy for resolving disputes of domain-names is a Policy of a special nature that is not similar to any of the known means of dispute settlement, as the Uniform Policy has its specific objectives of creating a unified comprehensive policy for the purpose of resolving the problem of conflict of jurisdiction and conflict of laws on the Internet and limiting its application framework to a specific type of disputes and suppression of all types of domain-names' piracy. Thus, it was formed as an independent means of dispute settlement, and it is an alternative means, of an administrative nature that is binding on the holder of the site address, and does not deprive the other party from resorting to the competent courts at any time. We have seen how the Uniform Policy differs from arbitration and mediation when we made the comparison and therefore the Uniform Policy It has its own characteristics that distinguish it from the rest of the methods of resolving disputes over the network, which gives it a special legal nature that combines special advantages stemming from its administrative and technical nature that is unique to the Policy so that it does not resemble any other means of dispute resolution (Moneim, 2009).

The Second Requirement

Features of the Uniform Domain-Name Dispute-Resolution Policy

ICANN has set principles and application rules for the Policy's work. The principles are usually mentioned in the URL registration contracts, and they include the materials and conditions applicable to the dispute with the aim of providing effective and speedy justice, as is the case in other means of settling disputes in the scope of electronic commerce, but resorting to procedures The Uniform Policy is a departure from the general procedural rules, because the composition of its rules is specialized and appropriate to the issues arising from disputes about URLs, so resorting to these procedures is a necessity that suits its international nature away from the national legal rules in various countries. What distinguishes it from other means, which is what we devote to its study? In the first section, in order to pay attention in the second section to the specificity of the dispute presented, which is of a specific type, as the role of the institution is concerned with looking only at the disputes of the addresses of sites and not others.

First Branch

Privacy of Uniform Policy

Although the Uniform Domain-Name Dispute-Resolution Policy is not subject to the legal concepts related to other means of dispute resolution such as arbitration and mediation, this is not

a deficiency, but rather gives the Policy a privacy that distinguishes it from other alternative means represented in:

1. The Uniform Domain-Name Dispute-Resolution Policy is characterized as a relatively recent Policy that does not involve any kind of alternative methods of dispute settlement, because the alternative methods always seek to guarantee the rights of consumers, while the Uniform Policy guarantees the rights of trademark owners and helps them find an alternative to The judicial system is difficult at the international level and therefore the Uniform Policy constitutes an alternative way to resolve disputes of a special nature that mixes contractual, administrative and technical nature and does not resemble any of the known methods of dispute settlement.¹⁵
2. The Uniform Policy for the settlement of site address disputes is of an international character because it has bypassed the problem of regional laws and defining jurisdiction, as the global nature of site addresses contradicts the internal national nature of trademarks and therefore it did not specialize in its procedures with the law of a particular country and believes in resolving the dispute by resorting to it also regardless of where it is located The parties to the dispute or their nationalities, as any person or company in any part of the world can file a complaint in accordance with the Uniform Policy.¹⁶
3. Resorting to the Uniform Policy does not require large costs. ICANN has set specific fees according to two criteria: (the number of website addresses) and (the number of members of the committee looking into the dispute), and according to the original, the plaintiff is the one who bears the payment of the fees, but it is an exception Equally with the defendant in the event that the committee consists of three members.¹⁷
4. The Uniform Policy faced the phenomenon of attacking the URLs and protected them, and thus greatly reduced the electronic piracy and succeeded in settling many disputes and proved its effectiveness.¹⁸
5. The Uniform Policy relies on a set of procedures represented in two legal chapters that includes the first (the policy of resolving unified URL disputes) and related to general principles of the procedure, while the second chapter includes the rules for implementing this procedure and is called (the rules of the policy of settling disputes of unified appointments addresses) and these last rules The Policy is put into practice because it defines the principles for submitting the complaint, its formal conditions, the Policy for settling the dispute, and by continuing its work, it can contribute to the growth of a special law or international rules with URLs in the network space.
6. The ICANN organization organizes and manages the registration of website addresses and controls the database of website addresses, which made it central in managing those addresses and has achieved remarkable success in this field.¹⁹

Section Two

Privacy of Proposed Disputes O Uniform Policy

There are many centers that operate *via* the Internet and receive complaints about electronic commerce disputes from both parties (seller and buyer) alike and are resolved by arbitration, negotiation or mediation, but what distinguishes the unified Policy is that it considers only a specific dispute, which is (site address disputes), which gives the Policy a privacy that is manifested in:

1. The unified mechanism is characterized by its special international character, as it applies to a specific type of dispute, which is (website address disputes), and thus it is an institution specialized in a specific dispute that gives it the advantage in specialization due to the accumulation of experience in the field of URLs. At the type level, we find that the principles and rules that the mechanism imposes it on the dispute as if it charts a way to fit the dispute with the requirements of the principles and rules of the mechanism. On the quantitative level, the unified mechanism has almost collected a large number of cases in the field of URL disputes because it is concerned with a specific type of disputes that appear in the field of using the Internet.
2. The nature of the decision issued by the mechanism is a non-binding administrative decision, it is an administrative decision due to the nature of the administrative mechanism, as the dispute ends with an administrative decision that exclusively includes the transfer, invalidation or modification of the website address, which is a non-legally binding decision because the parties have the right to review the judiciary, whether during the consideration of the dispute Or later, but it is implemented by the devices that technically control the database of URLs, so it is automatically and directly enforced.

This technology allows the Internet organization to give addresses and numbers the possibility of automatic execution, its reference to the authority owned by the ICANN organization over the database of URLs, so that it is allowed to convert the addresses of sites to (Internet Protocols) (IPs), and the applicant has no choice but to register a site address Accepting the terms of contractual registration with the URLs registration office, including being subject to decisions that may be issued by the expert panel of the approved solution institutions (Naim, 2009).

3. In light of the set of decisions issued by the mechanism and published on the Internet in its full text, in addition to the names of the conflict parties and the experts who examined the dispute by the solution centers and institutions that follow the Internet organization and apply its rules, in addition to publishing statistics on the issues that have been resolved, this contributed to giving transparency to the unified mechanism.²⁰
4. When a final decision is issued, including the transfer, revocation, or modification of a site name, the ICANN centers carry out the task of implementing the administrative decision in an automatic technical manner immediately without the need for any judicial intervention, and this contributed to making it a flexible and effective method.²¹

The Third Requirement

Disadvantages of the Uniform Domain-Name Dispute-Resolution Policy

In this requirement, we will mention the disadvantages of the Policy by studying the issues of the deficiency in the texts of the mechanism, including favoring the plaintiff at the expense of the defendant in certain resources, the language used in the mechanism, the legal periods in the first section, let us focus on the possibility of the wrong application of some texts of the mechanism, including favoritism to the owners trade brands, unfair distribution of lawsuits, in addition to the lack of neutrality of experts, as follows:

Section One

Flaws in the Texts of Uniform Domain-Name Dispute-Resolution Policy

We find that there is a lack of its texts, and among the most obvious deficiency in the principles and rules of application of the mechanism, we chose to address some issues, namely (favoring the plaintiff at the expense of the defendant in certain resources, the language used in the mechanism, legal durations) (Ibrahim, 2010).²²

Next, we present it with the following points:

Favoring the Plaintiff at the Expense of the Defendant

The general rules require that the parties to the dispute (the plaintiff, the defendant) be treated on an equal footing, but when referring to the rules of the Uniform Mechanism Procedures Regulations, to resolve URL disputes, we find that it allowed the plaintiff to amend the complaint after it was duly submitted within (5) days from the date of its submission,²³ and the plaintiff's complaint may be accepted even in the absence of mentioning the elements of proof required by the principles of the mechanism.²⁴ More seriously, in the event that the defendant does not appear or present the defense, the dispute mechanism will be resolved in absence.²⁵

In addition, the plaintiff has the right to choose the institution that will hear the dispute, which limits the defendant's options in choosing the institution.²⁶

Thus, the plaintiff is in a better legal position than the defendant, which is contrary to what is required by the general rules (Michel, 2001).

Language Used in the Policy

Determining the language of the procedures in the mechanism is critical to the success of the settlement, as it is the reason why the parties interact with the institution considering the dispute through the exchange of regulations. And if the adoption of the English language as the only language in most e-commerce transactions, the work was also done on using the English language when registering the site address by filling out the form prepared for this purpose on the Internet (Hamdi, 2009). This does not constitute conclusive evidence that the person has understood his rights and duties. When referring to Article (11) of the rules of the mechanism,²⁷ Thus, we find that the text contains multiple options regarding language determination, but the reality was that the English language was adopted in the unified mechanism as the only language, which negatively affects the rights of the parties.

Legal Periods

Article (4/c) of the Implementing Rules of the Unified Mechanism indicated that the launch date of the mechanism is the date when the institution looking into the dispute sent the duly submitted complaint to the defendant based on Article (2/a) and Article (5/a).²⁸ One of the rules of the mechanism is that the defendant has to deposit an answer to the complaint filed against him within a period of (20 days) starting from the date the mechanism was launched (Hassan, 2011).

When looking at the texts referred to above, it is understood that there is a deadline for the plaintiff, and another for the defendant. As for the time limit set for the plaintiff, it starts from the day the complaint is sent, and it is considered a violation of the general rules that calculating the period starts from the date on which the defendant was notified of the complaint (Muhammad, 2005).

As for the legal period given to the defendant to answer and respond to the complaint, it has been set at (20) days starting from the date of sending the complaint.²⁹ This period is not sufficient, especially in cases where the dispute is ambiguous, and the defendant cannot, during this short period, take the procedures that enables him to defend his rights (Hassan, 2011). It is worth noting that Article (5) Paragraph E of the Implementing Rules has given the institutions every right to determine the legal time limit for the defendant, but with conditions, which are:

- Submitting an application by the defendant.
- A written agreement between the two parties.
- The approval of the institution that is examining the dispute on the determination.³⁰ These are not easy conditions that the defendant must fulfill in order to enable him to defend his rights.

Section Two

The Possibility of Faulty Implementation of Uniform Policy Rules

There are many indicators that contribute to the deviation of administrative decisions, as a result of the wrong application of the texts of the mechanism, including (favoring the owners of trademarks, unfairly distributing lawsuits, lack of impartiality of experts), which we will explain in succession (Hussain & Hassan, 2020).

Favoring Trademark Holders

The panel of experts generally tends to settle the dispute in favor of the plaintiff, who are trademark owners, which led to the emergence of what is known as the (shopping forum).³¹ It is

assumed that experts working in solution organizations interpret the rules in an accurate, and therefore fair way (Hussain, 2021). But the reality shows that these experts often interpret texts for the benefit of brand owners.³² For example, most of the resolution institutions do not explain - often - the concepts of using the site's foundations in bad faith according to the rules adopted in the mechanism, as well as resolving the dispute in favor of the plaintiff, just because of the lack of an answer from the defendant. This favoritism puts the mechanism at risk, and may lead to a loss of confidence in it if this very sensitive and important issue is not addressed.³³

Distribution of Claims Unfairly

It is assumed that there is a fair distribution of claims between the solution centers to ensure the vitality of the mechanism, but the reality shows the acquisition of some centers at the expense of other centers, as the institutions that prefer the plaintiffs are (World Intellectual Property Organization), (OMPI), and (the National Forum), (NAF). This preference is due to several reasons, perhaps the most prominent of which is that these centers have a great reputation because they interfere in the formulation of the unified mechanism, and therefore have tendencies towards securing the greatest possible protection for brand owners (Hussain, 2021). This is on the one hand, and on the other hand, most of the decisions issued by these centers It has suitable solutions for owners of trademarks, and perhaps the most important reason of all of the above is that most of the lawsuits are dismissed by a single expert mainly because of the low fee that led to a bad and unfair distribution of lawsuits (Raja & Bani, 2009).³⁴

Therefore, we find that the (eResolution) Center has withdrawn from the domain name dispute resolution mechanism, although this center was providing integrated and equitable solutions, compared to its competitors by making it easier for domain name owners to provide their answers to complaints, and to deal with thorny and difficult lawsuits, which harmed them and further About the plaintiffs from the owners of trademarks. This withdrawal explains the center's lack of conviction in the neutrality of the mechanism (Hussain, 2021).³⁵

The Lack of Neutrality of Experts

Article (7) of the applicable rules of the unified mechanism for dispute resolution stipulates that the expert must specify all the elements that may affect his impartiality, but there is no precise and clear definition in the principles of the mechanism for this topic, as the text is satisfied with the necessity of impartiality and independence in the expert, and that the institution knows about any circumstances that may create serious doubt or suspicion about its impartiality and independence, and the work has been done that the parties choose a panel of three experts to consider the complaint to ensure impartiality in issuing the decision, but the data indicates that most decisions are issued based on prior decisions-that is, it works according to The so-called judiciary by judicial precedent-this made the parties' answers and requests also based on previous decisions (Nasir & Hassan, 2009).

CONCLUSION

Uniform Domain-Name Dispute-Resolution Policy is a new legal system that differs from other stable concepts in the law that take place over the Internet, such as arbitration and mediation. The mechanism is an effective technical procedure that has greatly contributed to protecting website addresses from piracy and resolving many issues of those addresses' disputes. Therefore, we present the conclusions and suggestions of our research mechanism:

- As a result of the increase in the volume of disputes before the courts that arise due to the conflict of addresses system and its intertwining with the national legislation related to trademarks, the need to find global legislation that addresses this type of disputes, and this was an incentive to urge ICANN to

find a mechanism for resolving these disputes and it was called (the unified mechanism for resolving URL disputes).

- The unified mechanism is a mechanism that does not enter into any type of known alternative dispute settlement, as it is an administrative mechanism that is binding on the holder of the site address, and does not deprive the other party of judicial review. Thus, it is one of the alternative means of settling disputes.
- ICANN owns the database of URLs and is unique in setting up the unified mechanism and controlling its management, which is one of the aspects that directly affect the impartiality of the unified mechanism.
- ICANN has made extensive efforts in settling many site disputes, but it relies in registration on the principle of precedence, that is, whoever registers first is the owner of the right to the site address, and this happens without oversight in how to verify the legitimacy of the owner of the site address.

SUGGESTIONS

The most important suggestions are:

First

We notice that there are many advantages that the mechanism has enjoyed, and taking some suggestions to improve its performance, perhaps the most prominent of these are:

- 1- Resorting to the mechanism does not deprive the parties from reviewing the judiciary, at any stage in which the mechanism was, and when reviewing the judiciary, the latter does not wisely rely on referring to the decisions of the mechanism because it is not binding on it, and therefore the right to litigation is guaranteed to both parties, but as long as we are in the process of evaluating the unified mechanism of the two we see the necessity The presence of an authority in the state under which the management of URLs falls under.
- 2- The administrative decisions issued by the mechanism have contributed to the emergence of new legal rules in settling URL disputes, but the nature of these rules should be determined in relation to the internal laws, because the mechanism relies on information programs and technical protocols in the use of the Internet and it is no secret that it will be affected by the law of that country that was established This mechanism, therefore, it is necessary to refer to the internal laws to show their adaptation to the law of the unified mechanism.
- 3- Transparency, calculated for the unified mechanism, whereby all decisions issued by institutions that consider URL disputes are published on the Internet, which achieves several goals:
 - Increasing the confidence of dealers to resort to electronic means in settling disputes.
 - The presence of decisions on the Internet is a fertile field for legal jurisprudence in the analysis and study of those decisions.

We believe that transparency must be associated with the principle of legitimacy, that is, the decision must be correct and not unfair, which requires the presence of a supervisory body over the decisions issued by it.

- 4- The scope of the disputes considered by the unified mechanism must be expanded to include all cases of conflicting URLs and not only cases of clear piracy.
- 5- We suggest that the content of the mechanism's decision is not limited to the transfer, invalidation or modification of the website address, but also includes a ruling to compensate the affected party in a way that guarantees equality between the parties to the conflict on the one hand, and be a major reason for reducing website address disputes by ill-intentioned people on the other hand.

Second

We see that there are many disadvantages recorded on the mechanism, and taking some suggestions to improve its performance, perhaps the most prominent are:

- 1- Perhaps the most important thing in addressing the disadvantages is the necessity of having a prior and strict control over the registration of any website address according to specific conditions, because this inevitably reduces disputes, and one should not rely on the principle of precedence in registration, but on the principle of legitimacy in registration.

- 2- Fundamental amendments should be made to the rules it adopts in settling disputes, and we suggest addressing the observations that obstruct their work as follows:
 - a- The decision issued by the Committee of Experts in the Settlement of Disputes is final and cannot be appealed:

This matter is dangerous because it may issue wrong decisions, and it is relied upon in similar cases, which means repeated and wrong decisions. Therefore, we suggest the presence of an appellate body that guarantees the correctness of the decisions, and this matter will certainly guarantee the impartiality of the mechanism to a large extent.

- b- Article (4/b) of the rules of the mechanism must be amended, which states (if there is a deficiency in the complaint, the complainant must be notified immediately, and the complainant will have (5 calendar days) to correct the defects). It is known that the ordinary judiciary rejects the complaint if there is a deficiency or A defect. Perhaps the mechanism allowed the plaintiff to amend the speed and bypass the obstacles in the ordinary judiciary and this is an advantage for the plaintiff, but at the same time and according to the rules of justice, the plaintiff should have his guarantee in return as well, so we suggest adding the following phrase to the above text:

(The defendant shall have the same period of time when submitting a defective statement to respond to the complaint).

- c- The legal deadlines are not equal between the two parties to the dispute, as the date of the launch of the mechanism is the date of the complaint's arrival from the plaintiff, while the defendant has only (20 days) to complete the procedures of the mechanism, so we suggest extending the deadline to (30 days) to enable him to take the necessary measures to defend his rights.
- d- The panel of experts in general tends to settle the dispute in favor of the plaintiff, who are the owners of trademarks, which led to the emergence of what is known as the (shopping forum). The mechanism was widely criticized, and it was described as not being impartial. Therefore, there must be a supervisory body over the work of experts to avoid this serious issue, because if it continues, it may lead to the final corruption of the mechanism.
- e- The language used in the mechanism is almost English, so we suggest that a feature (translation options using the language of the parties) be added within the program of the mechanism because it combines the advantages of technology, so adding this option is not difficult.

ENDNOTES

1. ICANN (Internet Corporation for Assigned Name and Numbers). It is an American non-governmental and non-profit organization that was established in 1998 and based in the state of (California) with its primary mission to control the Organization and management of registration of domain-names on the Internet and between, ICANN issued the Uniform Domain-Name Dispute-Resolution Policy, and it was officially implemented on (1999), and it depends on three types of rules in dispute resolution of domain-names:
 - A. The uniform principles for resolving site addresses disputes are mentioned in the Domain-Names registration contracts and include the terms applicable to disputes about the registration or use of the site address and are known as Uniform Domain Name Dispute Resolution Policy (UDRP).
 - B. Implementation Rules of the Uniform Domain-Name Dispute-Resolution Policy.
 - C. Additional special rules for each settlement institution, and these rules are set by the institutions licensed to administer the dispute settlement mechanism, and these rules are required to be consistent with the unified rules and implementation rules and may not violate them. It was established for the purpose of:
 - 1- Ensure the smooth functioning of the websites to facilitate the matter for Internet users to find the correct address
 - 2- Organizing websites on the Internet
 - 3- Coordinating the work of the sites in terms of each of them performing its function
 - 4- Settlement of disputes arising from the illegal use of URLs. For more see: Dr. Khairy Abdel-Fattah Al-Sayyid Al-Batanoni, Dispute Resolution by Electronic Arbitration through Electronic Communications, 2nd Edition, Dar Al-Nahda Al-Arabiya - Egypt, 2012, p. 68.
2. The Domain-Name means: it is a unique and distinctive address consisting of a number of letters or numbers through which a specific website can be accessed on the Internet or is the key to accessing a specific website. Its disputes with trademarks), a comparative study, 1st edition, Zain Human Rights Publications, Lebanon, 2008, pg. 43. In the same sense: Dr. Tony Michel Issa, the legal regulation of the Internet (a comparative study in the light of positive laws and international agreements, 1st edition, issued by Publishers - Lebanon, 2001, p. 63.

3. Ahmed Abdel, K.S. (2013). *The general theory of amicable dispute resolution systems (1st Edition)*. Dar Al-Nahda Al-Arabiya, Cairo, 26.
4. Youssef, H.Y. (2011). *Arbitrators, (1st Edition)*. National Center for Legal Publications -Egypt, 15.
5. Wael Hamdi, A. (2009). *Electronic litigation in international contracts*. Dar Al-Nahda Al-Arabiya-Egypt, 118
6. Ibrahim Sabri, A. (2012). Writing and electronic arbitration condition. *Journal of Sharia and Law, United Arab Emirates University, 4*, 133.
7. Abdel Moneim, Z. (2009). *Electronic arbitration law (1st Edition)*. Arab Renaissance House-Egypt, 53.
8. Ahmed Abdel, K.S. (2013). *The general theory of amicable dispute resolution systems, previous source*, 24.
9. Charbel Wajdi, A.Q. (2011). *The Unified Mechanism for Resolving Domain Name Dispute*, Sader Human Rights Publications, Lebanon, 99.
10. Raja' Hafez, B.S. (2009). *The legal framework for electronic arbitration*. Master's thesis submitted to An-Najah National University, College of Graduate Studies, 65.
11. Khairy, A., Fattah, A.S., & Batanoni, A. (2012). *Mediation as an alternative means for resolving civil and commercial disputes, (2nd Edition)*. Dar Al-Nahda Al-Arabiya, Cairo, 53.
12. Muhammad Naim, A. (2009). *Encyclopedia of international law. International Arbitration, 12(1)*, 205.
13. Charbel Wagdy, A.Q. (2013). Internet Law, Unified Mechanism for Resolving Domain Name Disputes, 54.
14. Muhammad Ibrahim, A.Q. (2010). *Electronic means of dispute resolution, (1st Edition)*. House of Culture - Jordan, 26.
15. Charbel Wagdy, A.Q. (2013). Internet Law, 110.
16. Nasir al-Din, H.A. (2008). *Internet Website Addresses-A comparative study*. Zain Human Rights Publications, Lebanon, 182.
17. Charbel Wagdy, A.Q. (2013). Unified Mechanism for Resolving Domain Name Disputes, 110.
18. Rami Muhammad, A. (2005). Disputes over trademarks and Internet site names. *Sharia and Law Journal, 22*, 247.
19. Hussain, S., Quddus, A., Pham, P.T., Rafiq, M., & Pavelková, D. (2020). The moderating role of firm size and interest rate in capital structure of the firms: Selected sample from sugar sector of Pakistan. *Investment Management and Financial Innovations*.
20. Charbel Wagdy, A.Q. (2013). Internet Law, Unified Mechanism for Resolving Domain Name Disputes, 65.
21. Hussain, S., Nguyen, Q.M., Nguyen, H.T., & Nguyen, T.T. (2021). Macroeconomic factors, working capital management, and firm performance-A static and dynamic panel analysis. *Humanities and Social Sciences Communications, 8(1)*, 1-14.
22. Article (4/b) of the rule's states: "If there is a deficiency in the complaint, the complainant shall be notified immediately, and the complainant shall have 5 calendar days to correct the defects."
23. Article (4) of the Unified Principles of the Dispute Resolution Mechanism referred to the elements of evidence that the plaintiff must prove content when submitting the complaint, as it states: (During the administrative procedure, the complainant must prove the existence of each of these three elements: 1- Possession of an address A similar website 2-Possession of a website address in the absence of a legitimate interest 3- Possession of a website address in bad faith.
24. Article (5/e) of the rules stipulates: "If the defendant does not submit a response – in the absence of exceptional circumstances–the party shall decide the dispute based on the complaint).
25. ICANN's Uniform Dispute Resolution Policy in Action (2013). *A default victory for trademark owners*. John G. White.
26. Article (11) of the rule's states: (Unless the parties agree otherwise, the language of the administrative procedure shall be the language approved in the registration contract).
27. Article (5/A) of the rules of the mechanism stipulates: (Within twenty days from the date of commencing the procedures, the defendant must submit a response to the service provider).
28. Hussain, S., Ahmad, N., Quddus, A., Rafiq, M., Pham, T.P., & Popesko, B. (2021). Online education adopted by the students of business science. *Academy of Strategic Management Journal, 20*, 1-14.
29. Sourabh, G. (2004). Domain name disputes and evaluation of the ICANN's Uniform Domain Name Disputes Resolution policy. *Journal of Indian Intellectual property Rights, 9*.
30. Shopping Forum: It is a forum that brings together the original website address owners who lost lawsuits as a result of the decision being issued in favor of the trademark owners, so they established their own forum against the deviant final decisions issued in favor of the trademark owners.
31. Hussain, S., & Hassan, A.A.G. (2020). The reflection of exchange rate exposure and working capital management on manufacturing firms of Pakistan. *Journal of Talent Development and Excellence, 12(2s)*, 684-698
32. Charbel Wajdi, A.Q. Unified Mechanism for Resolving Domain Name Disputes, 136.

33. ICANN's uniform dispute resolution policy in action-A default victory for trademark owners. John G. White.
34. Charbel Wajdi, A.Q. Unified Mechanism for Resolving Domain Name Disputes, 133.
35. Article (7) of the Automated Rules of Implementation states: (The team members must be impartial and independent, and before accepting the appointment, they must disclose to the service provider any circumstances that give rise to justifiable doubt as to the team's neutrality or independence).

REFERENCES

- Ahmed, A.K.S. (2013). *The general theory of amicable dispute resolution systems, (1st Edition)*. Dar Al-Nahda Al-Arabiya, Cairo, 2013.
- Khairy, A., Fattah A., & Sayed, A.B. (2012). *Mediation as an alternative method for settling civil and commercial disputes, (2nd edition)*. Dar Al-Nahda Al-Arabiya, Cairo.
- Khairy, A., Fattah A., & Sayed, A.B. (2012). *Settlement of disputes by electronic arbitration through electronic communications, (2nd Edition)*. Dar Al-Nahda Al-Arabiya-Egypt.
- Charbel Wajdi, A.Q. (2011). *Internet Law (The Unified Mechanism for Resolving Domain Name Disputes), 2(1)*, Sader Human Rights Publications, Lebanon.
- Abdel Moneim, Z. (2009). *Electronic Arbitration Law, (1st Edition)*. Dar Al-Nahda Al-Arabiya-Egypt.
- Muhammad Naim, A. (2009). *Encyclopedia of international law, (1st edition)*. Middle East Cultural Center, Lebanon.
- Muhammad Ibrahim, A.H. (2010). *Electronic Means of Dispute Resolution (1st Edition)*. House of Culture – Jordan.
- Tony Michel, I. (2001). *The legal regulation of the Internet, (1st Edition)*. Publishers – Lebanon.
- Wael Hamdi, A. (2009). *Electronic litigation in international contracts*. Dar Al-Nahda Al-Arabiya-Egypt.
- Youssef Hassan, Y. (2011). *Electronic commerce and its legal dimensions, (1st Edition)*. National Center for Legal Publications, Egypt, 202.
- Youssef Hassan, Y. (2011). *The Arbitrators, (1st Edition)*. National Center for Legal Publications-Egypt.
- Hussain, S., & Hassan, A.A.G. (2020). The reflection of exchange rate exposure and working capital management on manufacturing firms of Pakistan. *Journal of Talent Development and Excellence, 12(2s)*, 684-698.
- Hussain, S., Ahmad, N., Quddus, A., Rafiq, M., Pham, T.P., & Popesko, B. (2021). Online education adopted by the students of business science. *Academy of Strategic Management Journal, 20*, 1-14.
- Hussain, S., Nguyen, Q.M., Nguyen, H.T., & Nguyen, T.T. (2021). Macroeconomic factors, working capital management, and firm performance-A static and dynamic panel analysis. *Humanities and Social Sciences Communications, 8(1)*, 1-14.
- Hussain, S., Quddus, A., Pham, P. T., Rafiq, M., & Pavelková, D. (2020). The moderating role of firm size and interest rate in capital structure of the firms: Selected sample from sugar sector of Pakistan. *Investment Management and Financial Innovations*.
- Nasir, A.D., & Hassan A. (2009). *Internet website addresses-A comparative study*. Zain Human Rights Publications, Lebanon.
- Raja, H., & Bani, S. (2009). *System, the legal framework for electronic arbitration*. A master's thesis submitted to An-Najah National University-College of Graduate Studies.
- Ibrahim, S., Arnaout, A. (2012). *The condition of writing and electronic arbitration. Journal of Sharia and Law, 49*.
- Rami Muhammad, A. (2005). Disputes about trademarks and website names. *Sharia and Law Journal, 22*.
- The new generic top-level Domains and the new trademark clearing house, by Neuberger Weller, Article Posted on the Site: <https://www.copyrighttrademarkmatters.com>, date of visit 17/8/2018.
- Domain name Disputed, by Tysver Beck Evans, Article Posted on the Site: <https://www.bitlaw.com/internet/domain.html>, date of visit: 16/8/2018.
- ICANN's Uniform Dispute Resolution Policy in Action-A Default Victory for Trademark Owners, by John G. White, Article Posted on: <https://www.law.berkeley.dut/files/AnnualReview.ICANN.Briefing-paper.pdf>, Date of visit: 10/7/2019.