

# Quick Guide to WIPO Domain Name Dispute Resolution Services for the .BR ccTLD

WIPO Arbitration and Mediation Center

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**Geneva**  
**April 8, 2024**

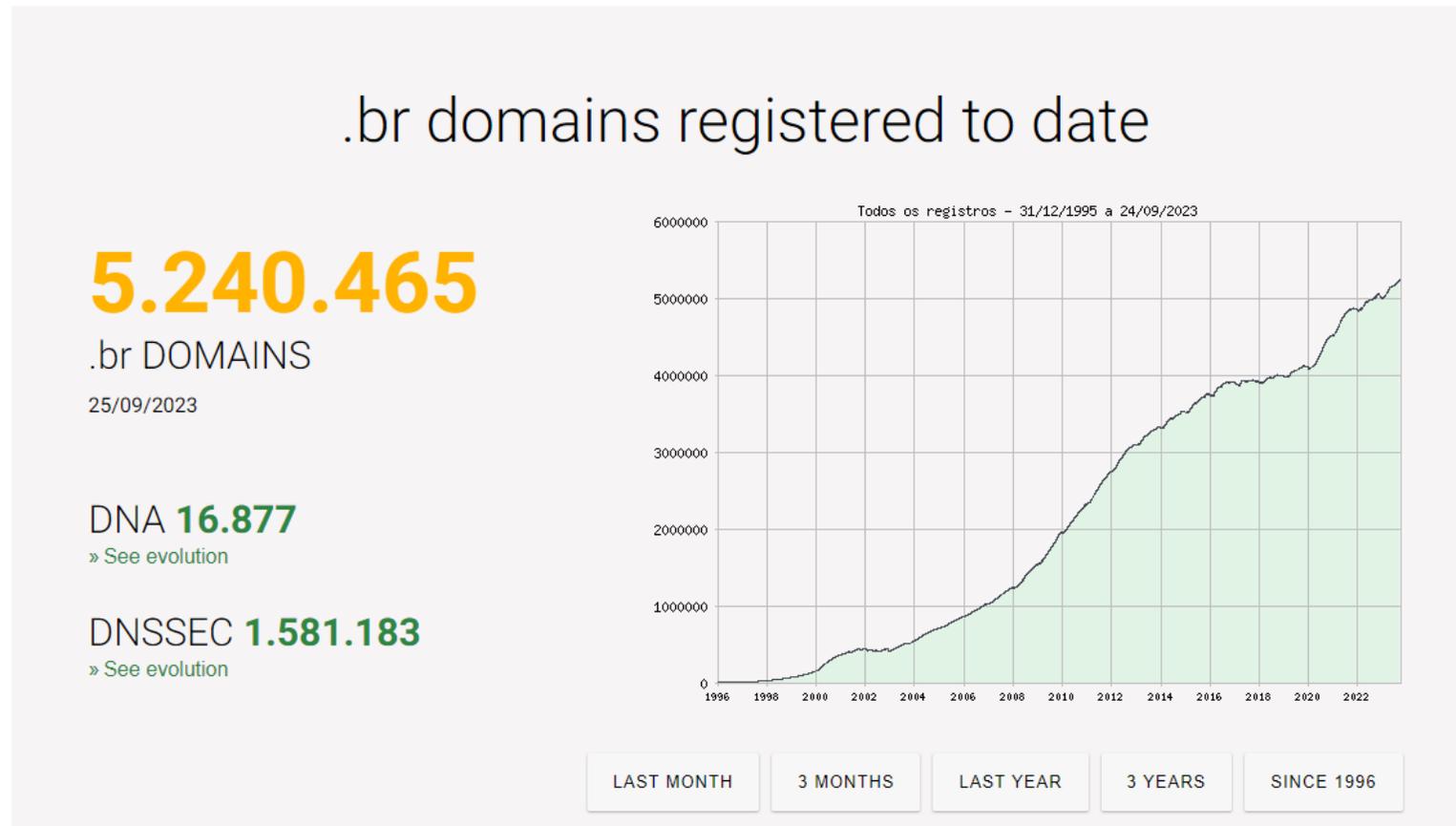
# In this webinar

- .BR Registry and recent updates on the .BR Regulation (named SACI-Adm)
- Characteristics of .BR proceedings as compared to the UDRP
- Basics points on how to file a .BR domain name Complaint against a “cybersquatter”
- Benefits of filing a case with WIPO in comparison to court litigation

# After this webinar, you can

- Send us your follow-up questions
- Download this presentation
- Download handouts
- Receive a recording of the webinar

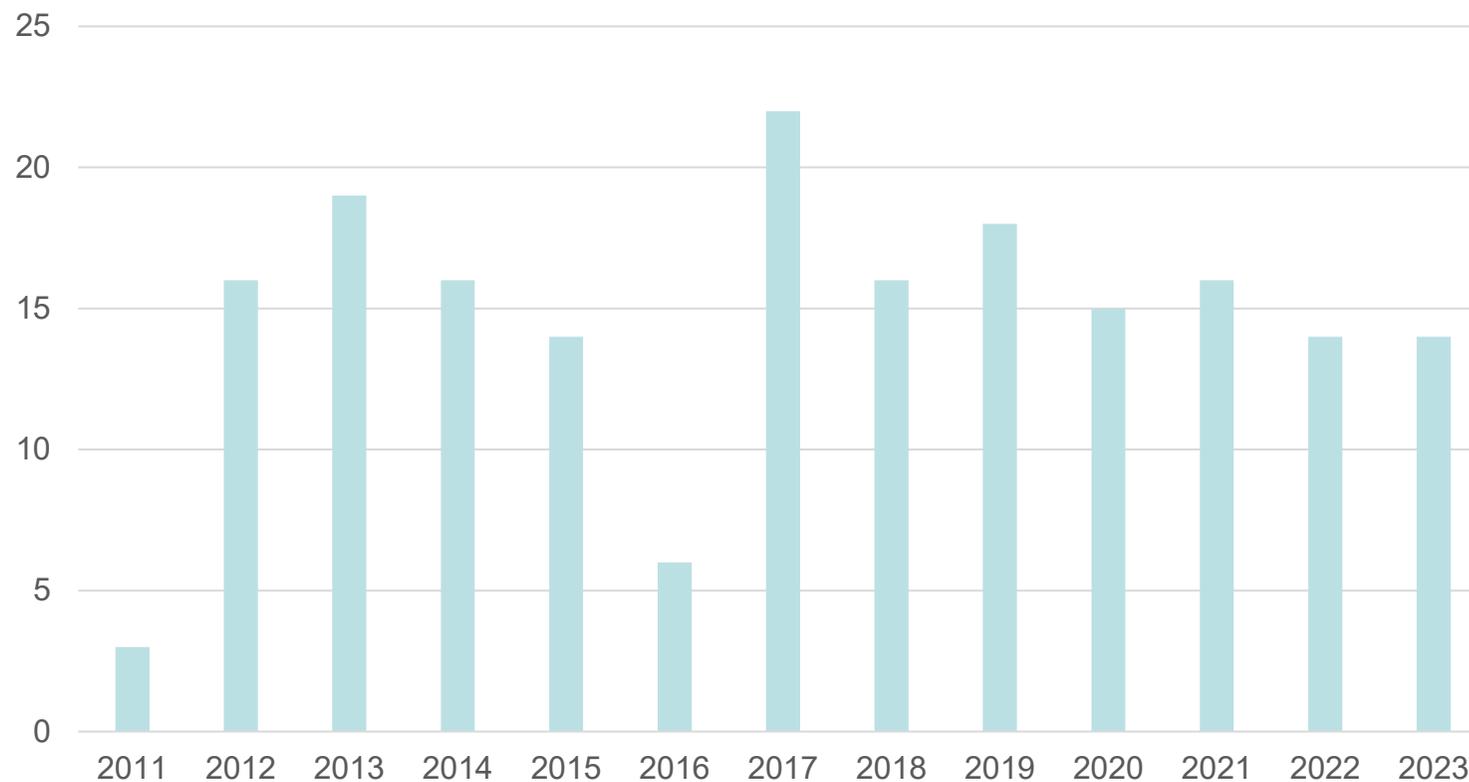
# Statistics of .BR domain name registration



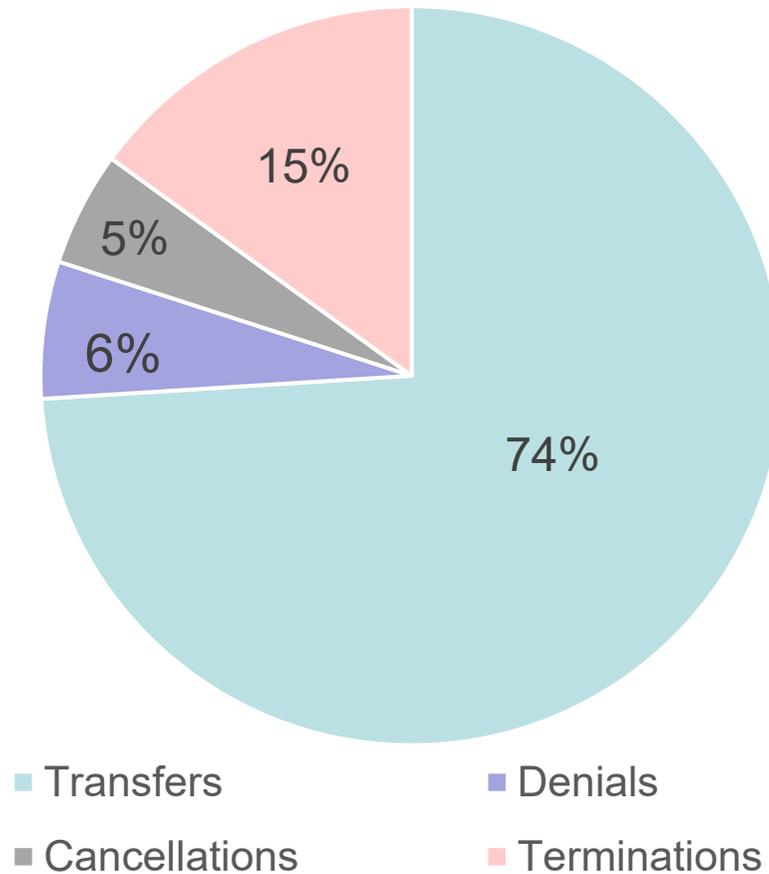
Available at <https://registro.br/dominio/estatisticas/>

# Distribution of cases per year in .BR

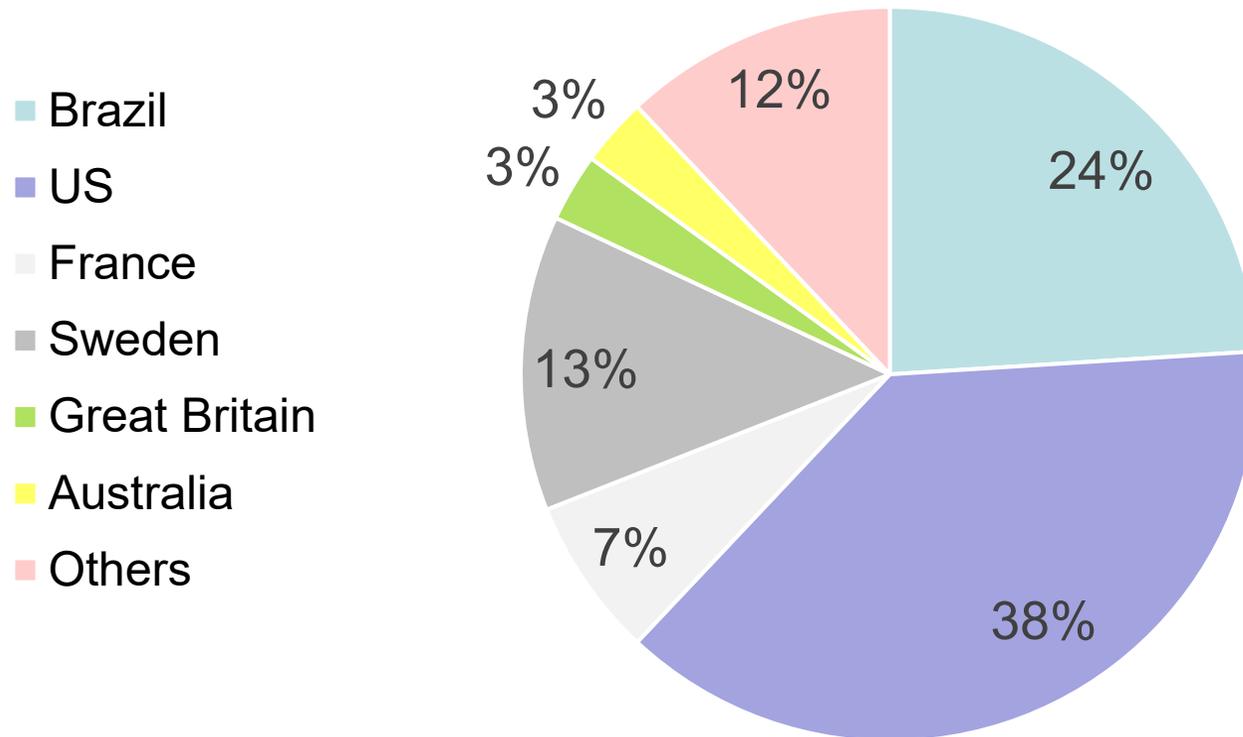
Total cases since 2011: 189 for 290 domains



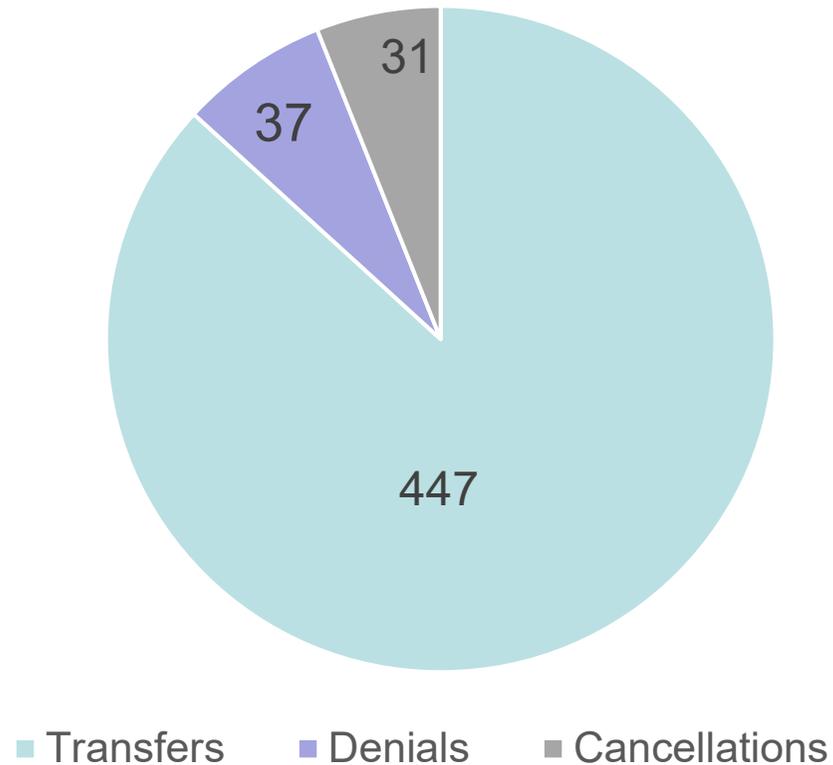
# Outcome of Disputes - WIPO



# Complainant's nationality



# Outcome of Disputes – Total .BR cases



# .BR Registry (Registro.br)

- The .BR Domain Name Registry can be made directly through Registro.br or through its authorized Registrars.
- Registro.br is a part of NIC.br, the entity responsible for the implementation and enforcement of decisions and projects for the Internet in Brazil.
- During a .BR proceeding, Registro.br:
  - Provides relevant information about the disputed domain name and the Respondent/Holder;
  - Locks the disputed domain name during the pendency of a dispute;
  - In case of Respondent's default, attempts to contact Respondent and, if contact fails, suspends the disputed domain name;
  - Implements a Panel's decision.

[registro.br/busca-dominio/](https://registro.br/busca-dominio/)

# Categories of .BR Domain Names

- Since 2020, the .BR Registry provided new categories for the registration of .BR Domain Names:
  - **Cities:** rio.br (Rio de Janeiro); sampa.br (Sao Paulo); bsb.br (Brasília), among others
  - **Universities:** edu.br
  - **Professional:** adv.br; eng.br; med.br;
  - **Companies:** agr.br (agro business); ind.br (industries in general); tv.br, among others

# “Release Process”

- The .BR Registry performs periodically a “release process” where it provides, publicly, a list of domain names available again for registration that have been removed due to:
  - (i) non-renewal;
  - (ii) cancellation request;
  - (iii) irregularities in the holder’s registration data, or;
  - (iv) that have been reserved and not registered.

# Eligibility of .BR Policy

- Different to the UDRP, the .BR Policy can only apply to domain names registered after October 1, 2010, when the Policy was created
- If the domain name was registered before October 1, 2010, it can still be contested before the Brazilian Courts
- **Language:** Portuguese
- **Jurisdiction:** Brazilian Courts
- **Power of Attorney:** Mandatory
- **Schedule of Fees:** available at <https://www.wipo.int/amc/en/domains/fees/cctlds/br/>

# Regulamento SACI-Adm

01 de agosto de 2022

REGULAMENTO DO SISTEMA ADMINISTRATIVO DE CONFLITOS DE INTERNET RELATIVOS A NOMES DE DOMÍNIOS SOB ".BR" - DENOMINADO SACI-Adm

**Art. 1º.** O Sistema Administrativo de Conflitos de Internet relativos a nomes de domínios sob o ".br" – SACI-Adm – tem por objetivo a solução de disputas entre o titular de nome de domínio no ".br" (denominado "Titular") e qualquer terceiro (denominado "Reclamante") que conteste a legitimidade do registro do nome de domínio feito pelo Titular. Neste Regulamento, Titular e Reclamante serão denominados, em conjunto, "Partes" e, isoladamente, "Parte".

§ 1º: O SACI-Adm limitar-se-á a determinar a manutenção do registro, a sua transferência ou o seu cancelamento;

§ 2º: O Titular do nome de domínio aderirá ao procedimento do SACI-Adm através do aceite do Contrato de Registro de Nomes de Domínio no ".br";

§ 3º: O Reclamante aderirá ao SACI-Adm no momento em que este apresentar o Requerimento de abertura do procedimento do SACI-Adm a uma das instituições credenciadas; e

§ 4º: O SACI-Adm é implementado por instituições credenciadas pelo NIC.br, cujos regulamentos próprios integram e devem ser interpretados de acordo com este Regulamento.

**Art. 2º.** Os conflitos submetidos ao SACI-Adm serão decididos por especialista(s) escolhido(s) exclusivamente dentre os profissionais integrantes do corpo de Especialistas da instituição credenciada que administrar o procedimento.

**Parágrafo único:** O(s) especialista(s) será(ão) escolhido(s) na forma estabelecida pela instituição credenciada.

**Art. 3º.** Não poderá ser nomeado especialista aquele que:

## WIPO Domain Name Dispute Resolution Service for .BR

### \*\*\* New .BR Policy and WIPO Rules

Further to the update of the .BR Policy (Regulamento do Sistema Administrativo de Conflitos de Internet Relativos a Nomes de Domínios sob o ".br"- denominado SACI-Adm), published by the NIC.br on August 1, 2022, the WIPO Center has updated its WIPO Rules, Model Complaint and Model Response for .BR domain name disputes. The changes came into effect on October 1, 2022. \*\*\*

Country / Territory Code	.BR
Country / Territory Name	Brazil
Whois Search	<a href="#">Whois Search</a>
Dispute Resolution Policy	<p><i>Variation of UDRP</i></p> <p><a href="#">Regulamento do Sistema Administrativo de Conflitos de Internet Relativos a Nomes de Domínios Sob ".BR" — Saci-Adm</a></p> <p><i>Relevant differences between the UDRP and the .BR Policy</i></p> <ul style="list-style-type: none"> <li>▶ <a href="#">Rights Covered</a></li> <li>▶ <a href="#">Rights or Legitimate Interests</a></li> <li>▶ <a href="#">Bad Faith</a></li> <li>▶ <a href="#">Language of Proceedings</a></li> <li>▶ <a href="#">Mutual Jurisdiction</a></li> </ul>

### WIPO Toolkit

[Panel Decisions](#)

[WIPO Model Complaint](#) (in effect as of October 1, 2022)

[WIPO Model Response](#) (in effect as of October 1, 2022)

[WIPO Model Complaint](#) (valid until September 30, 2022)

[WIPO Model Response](#) (valid until September 30, 2022)

[Schedule of Fees](#)

# .BR Regulation and Rules

- .BR Policy / Regulamento do Sistema Administrativo de Conflitos de Internet Relativos a Nomes de Domínios sob “.Br”
  - (“Regulamento SACI-adm”)
  
- WIPO Supplemental Rules for .BR / Regras do Centro de Arbitragem e Mediação da OMPI para o Regulamento do Sistema Administrativo de Conflitos de Internet Relativos a Nomes de Domínios sob “.Br” (“Regras”)

# Update of the .BR Policy

- Update of the .BR Policy
- New WIPO Supplemental Rules for .BR
- Effective as of October 1, 2022
- 100% electronic procedure
- Main changes: Privacy protection of Parties' personal information
  - New Brazilian Data Protection Regulation (“LGPD”)
  - Impact on disclosure of Respondent's information for panelists and in the publication of decision
  - .BR Registry Whols

# Relevant changes of the updated .BR Policy

- Art. 1, paragraph 2 and 3: inclusion of express language of submission to the .BR Policy when registering a .BR domain name;
- Art. 15, §5: specific language to assure that the default of Respondent does not result in a favorable outcome to the Complaint;
- Art. 18: Panelist may request the Provider (WIPO) to request NIC.br to provide the list of other domain names registered by the Respondent;
- Art. 26: determines that the publication of the decisions of .BR disputes shall not disclose the Parties' direct personal identification.

# Respondent's identity

## Whois

Faça sua consulta



[Exibir resultado completo](#)

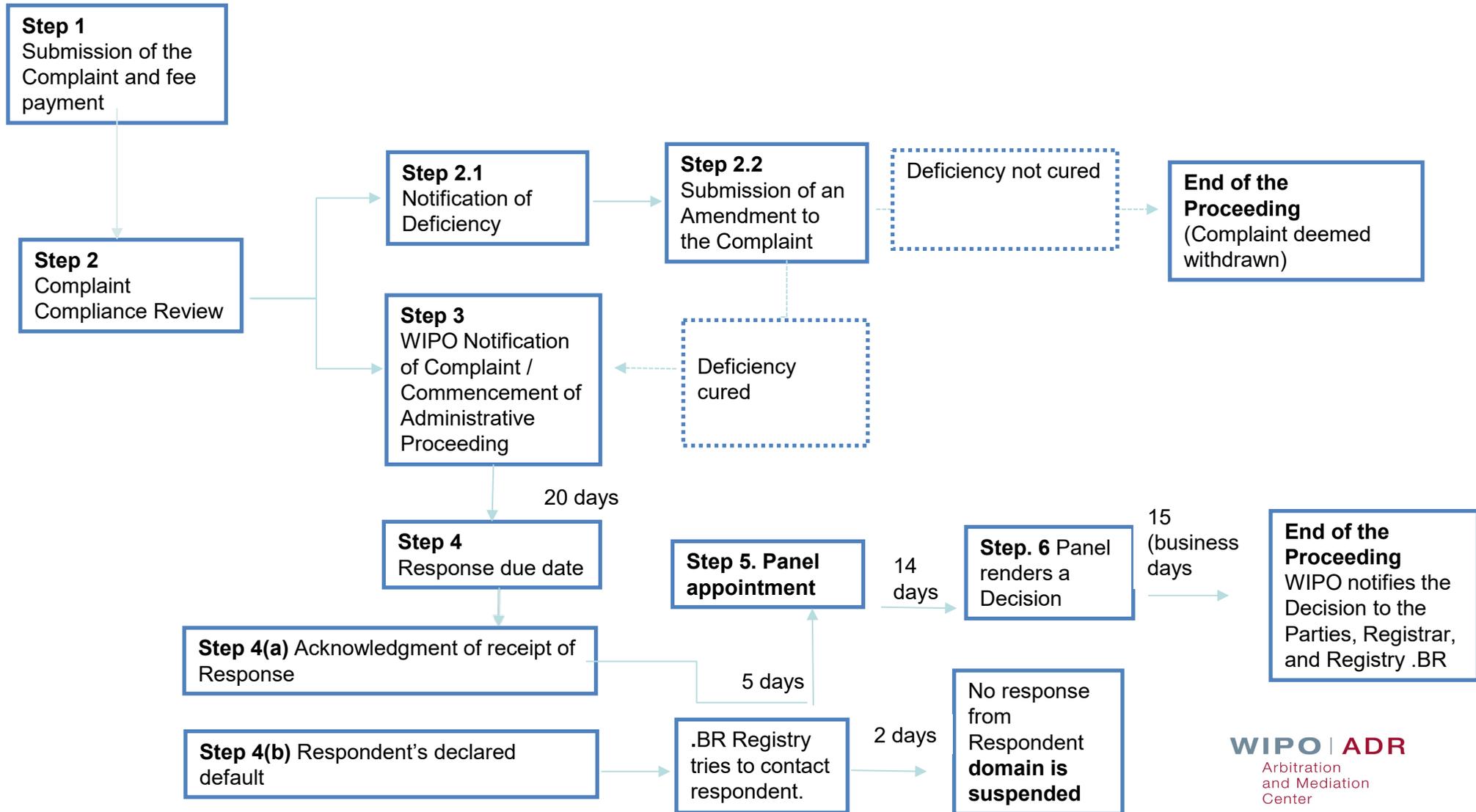
### Como fazer uma consulta

- **Domínios:** digite o nome completo do domínio: minhaempresa.com.br ou meunome.meusobrenome.nom.br. Verifique as regras sintáticas para nomes de domínio em Dicas e regras para o registro de um domínio.
- **Titulares (Entidades):** digite o número do CPF ou CNPJ do titular. O CPF deve ser digitado no formato 999.999.999-99 e o CNPJ no formato 999.999.999/9999-99.
- **Tickets:** digite o número do ticket e o nome do domínio separados por espaço: 99999 minhaempresa.com.br.
- **ASN:** digite o número do Autonomous System: 1251 ou AS1251.
- **IP** ou bloco **CIDR:** digite um número IP (200.200.200.200) ou um bloco CIDR (200.200/16).

# Respondent's identity

- Registry of .BR domain names does not allow “privacy shields” or “proxy registrations”.
- Registry. BR does require for .BR domain name owners to have a legal representative in Brazil, with a valid “CNPJ” number (Brazil’s “General Taxpayer Number”).
- Therefore, it is common to have “domain name agency companies”, which provide the registration of .BR domain names for foreigners (“beneficiary holders”).

# WIPO Flowchart for .BR Proceedings (simplified version for single-member panel)



# First element – Rights covered

- A Complaint under the .BR Policy may be based on Art. 7 of the .BR Policy and 4, (v), 1. a. of WIPO's Supplemental Rules:
  - **Prior trademark registration or trademark application** in Brazil;
  - **Trademark not registered or filed in Brazil** but registered in another country and considered as a well-known mark in accordance with the Brazilian Intellectual Property Law;
  - Trade name, company name, civil name, family name, pseudonym or famous nickname, singular or collective artistic name, or previously registered domain name.

# No need of Second element – Rights or Legitimate Interests

- The .BR Policy does not require Complainant to evidence the “second element” as required by the UDRP Policy.
- Arguments commonly related to second element (bona fide offering of goods and services, legitimate interests) can, however, be claimed by Respondent in its Defense.

# Third element – Bad Faith Registration OR Use

- The domain name has been registered OR is used in bad faith (Art. 7, sole paragraph of the .BR Policy)
- Non-exhaustive list of scenarios
- Evidence of registration or use in bad faith of a domain name:
  - aim of selling it, renting it or transferring it to the Complainant or to third parties; or
  - to prevent the Complainant from using it as a corresponding domain name; or
  - disrupt the Complainant's business; or
  - create confusion with the Complainant's name or mark so as to mislead the public and attract Internet users for commercial gain.

# Remedies (Paragraph 1 of art. 1 of the .BR Policy)

- Similar to the UDRP, remedies available are:
  - **transfer**
  - **cancellation**

# Filing Fees

- The appropriate fee specified in the WIPO Center's Schedule of Fees must be submitted together with the Complaint.
- Available at <https://www.wipo.int/amc/en/domains/fees/cctlds/br/>

Single Panelist	
Number of Domain Names Included in the Complaint	Fee (United States Dollars)
1 to 5	1000 [Panelist: 800; WIPO Center: 200]
6 to 10	1200 [Panelist: 1000; WIPO Center: 200]
More than 10	To be decided in consultation with the WIPO Center

Three Panelists	
Number of Domain Names Included in the Complaint	Fee (United States Dollars)
1 to 5	2000 [Presiding Panelist: 1000; Co-Panelist: 400; WIPO Center: 200]
6 to 10	2300 [Presiding Panelist: 1200; Co-Panelist: 450; WIPO Center: 200]
More than 10	To be decided in consultation with the WIPO Center

# Response

## ■ WIPO Model Response

<https://www.wipo.int/amc/en/domains/cctld/br/index.html>

<b>WIPO Model Pleadings</b>	<a href="#">WIPO Model Complaint</a>
	<a href="#">WIPO Model Response</a>

■ **If Response received:** acknowledged (copy provided) to both parties.

■ **If no Response received:** Default

Art. 15 of the .BR Policy: Respondent's default needs to be communicated to the .BR Registry within 10 days from the response due date. If respondent is default, .BR Registry will try to contact Respondent and, if it still unsuccessful, it will "suspend" the domain name within 3 days. If Respondent replies in any way, the domain name suspension is reverted.

# Supplemental filings

- The .BR Policy does not prescribe any supplemental filings. However, any submissions shall be made available for the panelist's consideration.

# Hearings

- According to art. 16 of the BR Policy, considering that the procedure is 100% electronic, there will be no hearings. However, if the panelist deems such as necessary, a hearing may be scheduled.

# Benefits of the .BR Policy

- Time-effective procedure (usually a decision is rendered in less than 3 months)
- 100% paper-less procedure (WIPO model pleadings available for parties)
- Decision implemented by Registry .BR directly

# Some examples of .BR cases

**COTY** <coty.com.br>  
SINCE 1904

**ebay** <ebaybrazil.com.br>

**facebook** <facebook.ind.br>



 <carrefourbr.com.br>  
**Carrefour**

<realmadrid.com.br>

**MINECRAFT**

<minecraftoriginal.com.br>

# Contact Us

- Queries: [arbiter.mail@wipo.int](mailto:arbiter.mail@wipo.int)
- Further information: <https://www.wipo.int/amc/en/domains>
- **WIPO Center Domain Name Newsletter**
  - [https://www3.wipo.int/newsletters/en/#adr\\_highlights](https://www3.wipo.int/newsletters/en/#adr_highlights)
- **WIPO Center Webinars**
  - <https://www.wipo.int/amc/en/events/webinar.html#upcoming>
- **WIPO Center Offices**
  - Geneva, Switzerland
  - Singapore, Singapore