

Revision of the Internet Address Resources Act (Effective as of September 10th, 2009) – Providing for transfer remedy for the disputed domain name to legitimate right's holders

The June 9th, 2009 revision of the Internet Address Resources Act made it possible for legitimate rights' holders to seek the remedy of transfer for the disputed domain names. In addition, the scope and concept of Internet addresses which are regulated by this act have been made clearer; the effect of domain name dispute resolution has been enhanced; and the policy of personal verification for domain name registrants has been adopted.

The revised Act takes effect as of September 10th, 2009.

The Internet Address Resources Act was enacted in 2004 to efficiently and stably manage Internet addresses, ensuring that a system for Internet address registrations and management is established. It also guarantees that legitimate rights' holders use the Internet addresses by barring the registration of domain names under unjust objectives and establishes an efficient system in which one resolves disputes concerning registrations or usage of the Internet addresses.

However, the current laws admit only a "cancellation" of a domain name against registration used for unjust purposes as a remedy and no transfer remedy filings were allowed. Therefore, in the event that an unjust registrant raises a dispute before the Korean Court against a "transfer" decision from a domain name dispute resolution body, legitimate rights' holders cannot obtain a favorable result even if he or she received a "transfer" decision based upon the KDRP and the UDRP. (Supreme Court decision 2004 da 72457 of February 1st, 2008 *ccfhsbc.com and hsbcccf.com cases*;

2005 na 75071 of April 24th, 2008 *hpweb.com case*)

By virtue of the revision of the Internet Address Resources Act, the "transfer remedy" as well as the "cancellation remedy" for the disputed domain name will become available as of September 10th, 2009. Also, the dispute resolution committee can proceed with a resolution process even in the event that an adversary party has no response. In addition, the committee's decision will be implemented unless an adversary party submits an official documentation verifying that he or she has commenced a lawsuit against the complainant.

Also, the revised act has made sure of the concept of Internet addresses, and thus, the revised law will be applied to newly emerging addresses in the wake of recent technology development including mobile addresses. The revised act has adopted a policy of personal verification system, thereby preparing a measure for dispute resolutions or crime preventions.

In accordance with the revision stated hereof, a circumstance under which individuals will be able to use the Internet cleanly and fairly is expected to be created with a more efficient method of resolving disputes regarding the Internet addresses.

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