

This article was published in the *International Law Office IP Newsletter* on April 5, 2021.

## **Intellectual Property, Taiwan Dispute resolution policy efficiently prevents cybersquatting**

Contributed by Lee and Li Attorneys at Law

### **Introduction**

'Cybersquatting' is the bad-faith registration of a domain name that contains another party's trademark. Under the Trademark Act, affected parties may file a civil proceeding against an unauthorised domain name. Where an unauthorised domain name is registered in a Taiwanese generic top-level domain (ie, with a '.tw' domain name) under a contract with the Taiwan Network Information Centre (TWNIC), the affected party may also be able to file a TWNIC Domain Name Dispute Resolution Policy (TWDRP) proceeding, which is equivalent to a Uniform Domain Name Dispute Resolution Policy proceeding.

The TWNIC has designated the Taipei Bar Association and the Science and Technology Law Institute at the Institute for Information Industry as the domain name dispute resolution service providers.

### **TWDRP proceedings**

To file a TWDRP proceeding, a party must submit concrete evidence that:

- the domain name is identical or confusingly similar to a trademark, symbol, personal name, business name or other emblem that it owns;
- the registrant has no rights or legitimate interests in the domain name; and
- the registrant has registered or used the domain name in bad faith.

### **Recent decision**

Two registrants used WeWork Companies LLC's WEWORK trademarks to file and obtain the domain name registrations 'wework.com.tw' and 'wework.tw'. On 24 December 2020, following complaints filed by WeWork, the Taipei Bar Association decided against the registrants and ordered that the domain names be assigned to WeWork.

### **Comment**

The TWDRP is an efficient tool for preventing trademark infringement and cybersquatting.

---

*For further information on this topic please contact Ruey-Sen Tsai at Lee and Li Attorneys at Law by telephone (+886 2 2763 8000) or email (rueysentsai@leeandli.com). The Lee and Li Attorneys at Law website can be accessed at [www.leeandli.com](http://www.leeandli.com).*