

Domain name recovery from NetNames Platinum Service

The need for an effective online brand protection strategy has never been greater. With competing businesses holding legitimate claims and soaring numbers of professional cybersquatters and domainers offering a threat to your business and brands it is essential to secure your recovery strategy. The World Intellectual Property Organisation (WIPO) recently announced an increase of 25% in the instances of cybersquatting in the last year alone. In most cases these domain names are used for pay-per-click advertising pages, designed to harvest revenue or are intentionally registered to then be sold on at an inflated amount. As the industry grows so cybersquatters tactics evolve, with some even countering formal domain name dispute resolution procedures such as UDRP.

Given the diversity of variables involved, no two recovery cases will be the same, however key factors and considerations in each case can include:

- ▶ How and if the domain name is being used.
- ▶ The territories in which the registrant, the registrar and the registry are respectively located.
- ▶ The specific transfer procedures of the registrar.
- ▶ The attitude of the registrant to the sale of the domain name. This can be affected by issues such as potentially negative PR.
- ▶ The financial resources allocated to recovery and the perceived domain value.
- ▶ The perceived urgency of the domain recovery.
- ▶ The validity of either party's rights to the domain name or mark.

Which solution should you choose?

Although each domain registry makes available formal dispute resolution processes (such as Uniform Dispute Resolution Policy - UDRP for gTLDs), these can often be lengthy and expensive to pursue. Based on NetNames Platinum Services experience, the majority of domain disputes can usually be resolved through negotiation prior to formal dispute resolution proceedings.

It is important to recognise that effort spent on initial investigation often enhances the chances of a successful recovery; however this will take some time. For this reason NetNames Platinum Service operate with a dedicated domain recovery team who will be fully focused to investigate and manage the recovery case on your behalf.

The process

Step 1 - Start up

To initiate the process NetNames Platinum Service charge a non-refundable start-up fee.

Your start up fee will cover:

- ▶ Initial investigation into the party holding the required domain.
- ▶ Evaluation of the case – including an assessment and indicative value being placed on the domain in question. At this point we will agree with you your financial parameters.
- ▶ Contact with the domain owner, via email and phone across a set time period. This stage is undertaken by a dedicated team who are focused solely on domain recovery.
- ▶ A full report and proposal on how to progress in each case.

While every attempt will be made to get in touch with the current legal owner there is no guarantee that NetNames Platinum Service will receive a response. In this instance, the recovery case would either be closed or NetNames Platinum Service could provide additional information on legal recovery services.

As a NetNames Platinum Service customer this start-up fee will be simply added to your next quarterly invoice, so there is no need for additional purchase orders.

Step 2 - Negotiation

Once contact has been made, the NetNames recovery team will negotiate with the legal owner in accordance with your instruction. You will be kept updated by the team as these negotiations unfold.

In the instance that the legal owner does not want to sell the domain, or they want to sell at a price above the agreed budget then the case will either be closed or a budget review will be undertaken with you.

Step 3: Contracts, Escrow and transfer

NetNames Platinum Service will manage the end to end process to ensure the most professional service is delivered.

Once a settlement figure has been agreed based on value, we will initiate a formal contract with the seller to ensure a legally binding agreement is in place at the price agreed.

We will then manage the Escrow process for funds transfer and ensure the name is then transferred seamlessly into your NetNames Platinum Service account.

At this point, we will pass on the success fee to you. This is based upon a banded fee structure linked to the domain purchase price.

In the instance that it is not possible to recover your domain name using financial negotiation, NetNames Platinum Service can also offer you a domain back ordering or legal recovery service. Please ask your NetNames Platinum Service account manager for further details.

NetNames Brokerage Service

As well as helping you to recover desired domain names NetNames can help you to sell those which are no longer required by your brand or organisation. The NetNames Brokerage Service has been created to do this quickly and efficiently on your behalf. After researching the market value of your domain name we will work with you to create and agree a suitable sales plan. To further increase your chances of a successful sale our service will promote the sale of your domain name throughout our global domain name network. If the domain is then sold within our mutually agreed timescale the Escrow process will be initiated. Please contact your account manager for further details.

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