

ABSTRACT

As soon as the Internet was launched, a new era started for mankind. The Internet, known as the big world network started the virtual and digital era of communications. In 1991, when the Internet was available for common citizens and became a very popular tool, to ease its use, and eliminated the complications of memorizing long number of combinations to go from a web site to another, it was created the Domain Name System. This system allowed finding desirable information or web site in most of the cases, through denominative addresses by typing the words that the individual was searching for. This boom of the network made enterprises see the Internet as a big world shop window. Enterprises start showing and selling more and more of their products and services in the world virtual market. As enterprises want to have a domain name with the same name of their registered brand, to enable their consumers to find their products and services faster and easier through the web, the problems started to arise. Enterprises found out that their brand's name was already taken from another enterprise or common person. As these problems became more frequent, several mayor brand domain name conflicts gained popularity. The enterprises or persons, who register first the trademark or the name of company, start demanding enormous amounts of money to the official registered brand legal owners and pursuing disloyal competition. This sort of acts ended when the Internet Corporation for Assigned Names and Numbers (ICANN) - which is an organization that regulate the domain name in the Internet- in joint actions with the World Intellectual Property Organization (WIPO) released the Uniform Domain-Name Dispute-Resolution Policy (UDRP). Through this policy, these sorts of conflicts were solved in a quick, especial and impartial manner. However, this policy has its own limitations. The policy does not contempt all the possible cases and for citizens of developing countries, the economic cost of pursuing such procedure is unaffordable. Therefore, since what is appropriate for developing countries is to establish a legislation for domain name under the internal juridical frame, which can defend whoever proves that his/her right has been infringed, this research project propose an internal legislation that solve conflicts between domain names and brands in Ecuador.