

Registration of Korean Internet domains, and dispute resolution procedures



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Country code top-level domains (ccTLD's)

As the use of the internet has spread globally, generic top-level domains such as .com, .net or .org (gTLD's) have been insufficient to meet the increasing number of domain names being proposed around the world. Therefore, each nation began to establish its own country code top-level domains (or ccTLD's) expressed in two English letters, such as .kr, or .jp, based on ISO3166. The number of ccTLD's totaled 248 as of December 2009.

To supplement this, the Internet Corporation for Assigned Names and Numbers (ICANN) confirmed in October 2009 that it would be introducing internationalised domain names using each country's own language, which led 22 countries, including the Republic of Korea to apply for ccTLDs expressed in multiple languages as of May 22, 2010.

Korean ccTLD registration

Currently, there are 1,087,313 registered domain names that contain the English ccTLD of Korea, .kr. They will soon be joined by domain names containing the Korean ccTLD of Korea, .한국, from May 25, 2011.

Korean ccTLDs are under the control and management of the Korean Internet Security Agency (KISA). The KISA does not receive applications for the registration of ccTLDs directly, however, as this is done through any of 32 registrars that have entered into agreements with the KISA. Any person who wishes to register a Korean ccTLD should have a residential address in Korea. A foreign company that does not have an address in Korea may register a Korean ccTLD through a corporation or individual having one.

Korean ccTLD dispute resolution

In general, domain names are registered on a first-come-first-

served basis without any prior examination. This can lead to instances of cybersquatting where trademark or trade name owners find themselves prevented from registering related domain names because someone else has anticipated such action and done so in advance.

In these cases, trademark and trade name owners often have no option but to look to dispute resolution procedures to gain control of the domain names. Each country has made efforts to resolve disputes regarding domain names through alternative dispute resolution (ADR) rather than the courts to speed up the procedures and reduce costs, as recommended by international organisations including the OECD and EU.

There are two ways to resolve domain name disputes through ADR: (i) in cooperation with international dispute resolution organisations such as the WIPO (preferred by 30 countries including the Philippines and Australia), and (ii) using its own dispute resolution organisations in the case of countries such as

Japan, China, Taiwan, Singapore, Hong Kong and Korea.

In Korea, ADR procedures were developed by the Internet Address Dispute Resolution Committee (the IDRC), which was established in accordance with the Internet Address Resources Act of Korea of 2004. The interested parties may select a subcommittee of one or three members to resolve the dispute, which issues its decision in writing, usually within three months of the submission of the dispute. The costs are relatively inexpensive, approximately

US\$800 for resolution by one subcommittee member and USD1,600 in the event there are three.

The Internet Address Resources Act of Korea was amended on April 30, 2009 to empower the IDRC to not only cancel but also transfer domain name registrations owned and used for unjust purposes, which provided another means of relief.

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