

互联网时代品牌、商标和域名的管理与应用

Managing Brands, Trademarks, and Domain Names in the Era of Internet

20 July 2018 (Friday) | Pudong Shangri-La, East Shanghai

随着互联网经济的飞速发展，商标品牌在互联网上的保护、使用与推广已经成为品牌企业必须重视的话题。域名与商标品牌的争议与纠纷却成为很多品牌企业已遇到或将要遇到的难题。据不完全统计，截止到2017年12月，全球域名争议案件已经有3.9万宗，涉及至2.5亿美金的律师费用。而且随着新顶级域的来临，这一数字上升的趋势。无论是企业商标品牌的管理者，还是为品牌企业提供服务的知识产权专业机构，都应了解与掌握企业商标品牌和域名之间的关系及最新发展趋势，了解企业面临商标品牌与域名侵权纠纷时采取何种措施来保护自己的合法权益。

With the rapid development of the Internet economy, the protection, use and promotion of brands on the Internet has become a topic that companies must pay attention to. Disputes between domain names and trademark brands have become problems that many brand companies have encountered or will encounter. According to incomplete statistics, as of December 2017, there have been 39,000 cases of global domain name disputes, involving a total of US\$250 million in attorneys' fees. And with the advent of new top-level domains, this figure is on the rise. For brand managers, in-house counsel, and IP lawyers, it is important to understand latest development and trends on global brands management and the decision theories and practices in domain name dispute resolution.

为此，本会将于2018年7月20日在上海与互联网知识产权学院以及环球商域科技有限公司（互联网点商标管理机构）共同举办“互联网时代品牌、商标、域名的管理与应用”培训班。详情如下：

To this end, The China Trademark Association (CTA), the Internet Intellectual Property Institute (IIPI) and Global ShangYU Technology Co., Ltd. (the representative entity of Internet Dot Trademark Organisation Ltd in Mainland China) has jointly organized a training seminar - "Internet era brand, trademark, domain name management and application" on 20 July 2018 in Shanghai. Details are as follows:

截止到 2017.12

39,000 cases

全球域名争议案件
Global domain name disputes

涉及 Involve

US\$ 25 million

律师费用
Attorney fees



日期 / Date: 2018年7月20日(星期五) / 20 July 2018 (Friday)

地点 / Venue: 上海香格里拉酒店 / Pudong Shangri-La, East Shanghai

主办机构 / Organisers:



中华商标协会
China Trademark Association (CTA)



互联网知识产权学院
Internet Intellectual Property Institute (IIPI)



互联网点商标管理机构
Internet DotTrademark Organisation (IDTO)

支持机构 / Supporting Organisations:



亚洲域名争议解决中心
Asian Domain Name Dispute
Resolution Centre (ADNDRC)



中国国际经济贸易仲裁委员会
China International Economic and Trade
Arbitration Commission (CIETAC)



亚洲国际仲裁中心
Asian International
Arbitration Centre (AIAC)



香港国际仲裁中心
Hong Kong International Arbitration
Centre (HKIAC)

培训费用 / Registration Fee: RMB3,500

在线注册 | Online Registration



A. Morning Sessions: Global Trends and Practices Brand Protection

议题 / Sessions

8:30 – 8:45 签到(凭报名二维码，扫码入场) / Registration

8:45 – 9:10 开幕仪式 / Opening

- 中华商标协会代表 / CTA representative
- 国际商标协会代表 / INTA representative



· 陶荣 / Christopher TO
亚洲域名争议解决中心 理事
Council Member, ADNDRC
互联网点商标政策委员会 联席主席
Co-Chair, Internet DotTrademark Policy Committee



· 蔡伟平 / Dennis CAI
互联网知识产权学院 联合创办人
Co-founder, IIPI

[嘉宾合影]

9:10 – 10:40 1. 国际互联网反假冒与商标权利保护的新发展
Developments of Global Efforts for Anti-Counterfeiting and
Trademark Protection On the Internet



· Lori Schulman
国际商标协会 互联网政策高级总裁
Internet Policy Senior Director, INTA

国际互联网技术的快速发展，尤其是ICANN新顶级域发展，为互联网上保护商标权利保护的实务带来新的挑战。多个国际组织和专业机构对此课题做了大量的调研和提供实务指引，例如国际商标协会(INTA)专门成立了互联网委员会，要求商标权利在网上应得到与网下同等的保护，并提供涉及多个行业的商标权利最佳实务指引。了解网上商标权利保护的最新发展动向，有利于商标权利人和知识产权律师在复杂多变的互联网上更有效维护商标权利，更好打击网上假冒。



The rapid development of the Internet, in particular the development of the ICANN New gTLDs, is transforming the landscape of digital brand protection and bringing new challenges to enforcement of trademark rights. International organisations and profession bodies have conducted surveys and published guidance notes on best practices in this regard. For example, International Trademark Association (INTA) has set up an Internet Committee and published best practices for trademark owners and Internet-related companies, to facilitate equal protection of trademark rights online and offline. This session aims at helping brand owners and trademark layers to protect their brands online and tackle online infringements.

9:40 – 10:40 2. 「数字化品牌之捷足先登」

The phenomenon of “the early bird catches the worm” in digital branding



· 张锦辉 / Peter Cheung SBS

互联网点商标政策委员会 联席主席(前香港知识产权署署长)

Co-Chair of Internet DoTrademark Policy Committee (Former Director of Intellectual Property Department of Hong Kong SAR)

- 由数字化引起的不正当竞争式捷足先登，应及时以ITDO「.商标」系统化增值管理

The unfair competition phenomenon of “the early bird catches the worm” caused by digital branding has triggered the use of IDTO’s「.商标」 for a systematic and value-added administration of a company’s brands, trademarks and domain names.

随着中国品牌国际化步伐不断加快，本环节将探讨商标品牌如何在全球数字化互联网上实现更安全应用，介绍商标权利认证顶级域的发展以及在品牌数字化和知识产权化上的应用。

Companies in China will continue their globalization process at an ever-increasing pace. This session will focus on how a brand can realize safer and quicker application, by using the verified top Level Domain, in particular, the Internet DoTrademark, the first verified domain name based on trademark rights.

10:40 – 11:00 茶歇 / Refreshment Break

11:00 – 12:20 3. 企业的品牌、商标、域名管理实务与策略

Strategies and Practices of Management of Brands, Trademark, and Domain Names



· 周立国 / Zhou Liguang

腾讯集团 知识产权总监

Director of Intellectual Property, Tencent Group



· 罗家欣 / Karen Law
兰桂坊集团，副总裁（法务与策略）
Vice President, Strategy and Legal, Lan Kwai Fong Group

面对互联网为企业带来的机遇与挑战，企业法务对品牌、商标、域名的经营、管理与争议解决都必须与时俱进。知名企业的资深法务人员将分享其中的相关经验与策略。

Seasoned in-house counsel will share their experiences on managing brands, trademarks, and domain names for sizable companies in the fast-changing Internet.

12:30 – 13:30 午宴 / Luncheon

B. Afternoon Sessions: Intensive Training on Domain Name Dispute Resolution

议题 / Sessions

13:30 – 14:00 4. 互联网域名争议解决与ICANN商标权利保护机制介绍
Overview of ICANN's Trademark Rights Protection Mechanisms



· Puneeth Ganapathy
亚洲国际仲裁中心 国际案件法律顾问
International Case Counsel, AIAC

在ICANN的权利保护机制中，商标权利保护机制的应用最为广泛。本节介绍UDRP、URS、SDRP（日升期）、以及TMCH的概念和最新发展。

ICANN places great emphasis on trademark rights protection. This session will introduce the concept and latest development of UDRP, URS, SDRP, and TMCH.

14:00 – 15:20 5. 域名争议解决实务 – 程序问题
Practice of Domain Name Dispute Resolution – Procedural Issues



· 孙含会 / Sun Hanhui (主持人Moderator)
采安律师事务所 合伙人
Partner of Cyan Law



· 杭敏 / Hang Min

中国国际经济贸易仲裁委员会
CIETAC



· 商舒 / Shang Shu

香港国际仲裁中心, 多元争议解决法律顾问
ADR Counsel, HKIAC

本节培训的包含以下主要程序问题 / This session will cover the following procedural matters:

- 欧盟《通用数据保护条例》（GDPR）对域名争议解决程序实务的影响
the impact of GDPR on domain name dispute resolution
- .CN 域名争议解决程序的特点 / Features in CNDRP
- .HK 域名争议解决程序的特点 / Features in HKDRP
- Res Judicata 原则在域名争议中的应用 / Res Judicata 的应用

15:20 – 15:40 茶歇 / Refreshment Break

15:40 – 17:00 6. 域名争议解决实务 – 实体问题 / Domain Name Dispute Resolution – Substantive Issues

A. 域名争议的三要素的原理与近期案例分析

The three elements in domain name disputes - decision theories and case analysis(50 minutes)



· 迟少杰 / Chi Shaojie

亚洲域名争议解决中心域名专家
Panelist, ADNDRC



B. 域名争议中的特定实体问题与案例

Salient issues in domain name dispute resolution and relevant cases (50 minutes)



· 胡士远 / Sebastian Hughes
ADNDRC, HKIAC, WIPO域名专家

- 未注册商标的权益 / Unregistered trademark rights
- 新顶级域与决定混淆性相似问题的相关性
Is the Top Level Domain relevant in determining identity or confusing similarity
- 涉及通用词、地理标志或名称的域名争议 / Generic terms
- 被投诉人公平使用的抗辩 / Fair use of domain names
- 针对代理商/分销商提出的域名争议 / Domain name disputes involving a reseller/ distributor
- 网站上的免责声明对恶意的认定影响 / A disclaimer's impact on panel's assessment on bad faith issue
- 反向域名抢夺的构成条件 / Reverse domain name hijacking

17:00 – 17:20 问答环节 / Q&A

17:20 – 17:30 闭幕词 / Closing

培训费用/ Registration Fee: RMB3,500

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