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Author

Endra PrabawaPartner
Roosdiono & Partners
endra.prabawa@zicolaw.com**Ajeng Yesie Triewanty**Senior Associate
Roosdiono & Partners
ajeng.yesie@zicolaw.com

Dispute on Domain Name

Trademark is a business identity. It is important to note that having a registered trademark does not automatically give you the right over a domain name incorporating the trademark.

“Domain Name” is a unique name used as an address on the internet, to be used for e-mail address, site address, and any other internet-based addresses. Generally, Domain Name is divided into generic Top Level Domain (example: .com, .net, .org) and country code Top Level Domain (example: .us, .uk, .co, .tv, .id).

The Country code Top Level Domain for Indonesia is .id, and managed by Indonesian National Internet Registry or Pengelola Nama Domain Internet Indonesia (“PANDI”) as the Indonesian Registry of .id Domain Name. PANDI also acts as dispute settlement body for any dispute arising within the scope of .id Domain Name, through its independent body named Penyelesaian Perselisihan Nama Domain (“PPND”) unit which was established by virtue of Registry function stipulated in Government Regulation.^[1]

PPND itself is an arbitrary process to settle disputes on Domain Name. Types of dispute that can be handled by PPND are disputes where:

Domain name is similar or identical to registered trademark;
Domain name is similar or identical to individual’s, company’s, or entity’s registered name; or
Domain name is not in accordance with the prevailing propriety in society or breaching the relevant laws and regulations.

PPND has a policy, which accommodates alternative dispute resolution governed in WIPO Uniform Domain Name Dispute Resolution Policy, which is also adopted by ICANN. This policy contains framework of PPND unit for all submitted objections, up to the decision from the panel. A dispute is normally settled within 21 days from the receipt of objection and response towards the objection. However, if the panel finds the dispute too complex, where it may take longer time for the panel to decide, and the panel has the obligation to notify the PPND secretariat regarding the estimated time and reason.

Furthermore, the dispute that has been decided by the panel through PPND does not mean it has the final decision. Any party to the dispute can file lawsuit to the District Court. In this event, the related party must extradite case registration proof to PPND secretariat in no more than 21 days after panel’s verdict.

^[1] Article 75 paragraph (3) c. Government Regulation No. 82 Year 2012 on Management of Electronic System and Transaction

If you have any questions or require any additional information, please contact [Endra Prabawa](#) or [Ajeng Yesie](#) or the ZICO Law partner you usually deal with.

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