

# Dubai Court Subpoena recognised by a U.S. Domain names registry

by Munir Suboh - m.suboh@tamimi.com -  
Manal Bin Said - m.bensaid@tamimi.com -

February 2013

Identity Protection in respect of the ownership of domain names is no longer an obstacle in litigation before the Dubai Courts.

When registering a domain name, there is an option to make the registrant's personal information private by registering the domain name through the name Domains By Proxy. This practice is called ID Protect and the result is that details of the domain name owner will not be revealed in searches through "Whois" domain name search providers.

ID Protect was originally designed to protect the privacy of domain name owners as it avoided having personal information such as names, addresses, phone numbers and email addresses published online 24 hours a day on the internet. However, the ID Protect system has occasionally been misused by cybersquatters or domain owners who commit various violations, such as merchandizing counterfeit and/or infringing and/or otherwise unlawful products and materials. Such domain name owners may have been under the impression that ID Protect gives some "protection" to them to freely act without having to expose their identities and resulting in practical difficulties on the part of intellectual property rights owners to establish their identities and to take legal action in the UAE.

In a recent court case which involved a person who was associated with a domain name operating under the gTLD (.com), the defendant denied any association or ownership of a particular domain name before the Dubai Court of First Instance. Al Tamimi & Company represented the plaintiff in this proceeding and sought from the Court to serve a subpoena on the domain name registration provider (one of the largest hosting and domain registration providers) located in the USA. The Dubai Court of First Instance approved the request and an official letter was served by the Court, addressed to the registry to disclose details of the domain name owners and history.

Al Tamimi & Company supervised the process and the results of the request were received through a very efficient process and on an expedited basis. In this case the process was completed within a two week period from the date of requesting the information and at a minimal administrative fee.

It is important to note that the benefits of this procedure include to:

1. overcome the challenges created by ID Protect and to be able to determine the identity of the domain name registration owner(s);
2. obtain information on the history of a domain name (if it has been modified, assigned, etc);
3. expedite the litigation process as it is a fast procedure, and
4. illuminate the shadow of uncertainty that individuals or entities can establish through ID Protect to escape legal liability in respect of their unlawful activities.

Al Tamimi & Company's IP practice is capable to assist on various online and domain names issues, such as due diligence, fighting online infringements and most significantly, anti-cybersquatting cases. Our lawyers handle UDRP complaints before WIPO and have successfully disputed cases on behalf of IP owners. Outstanding results are typically achieved and a transfer of domain names to legitimate owners was successfully accomplished in the vast majority of cases.