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## New Alternative Proceedings for the Resolution of Domain Names Dispute in Brazil.

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The Brazilian Domain Name Registrar (Registro.br at [www.registro.br](http://www.registro.br)) – responsible for the registration and administration of “.br” domain names – has recently launched an administrative proceeding for the resolution of conflicts involving “.br” domain names, named SACI-Adm. Until now, the only measure available for recovering domain names in Brazil was court litigation and this new administrative proceeding will certainly be an expedite and less onerous alternative to recover “.br” domain names unduly registered by third parties in Brazil.

At this moment two institutions are accredited to handle SACI-Adm’s complaints: the Brazilian-Canadian Chamber of Commerce and the WIPO Arbitration Center.

SACI-Adm was clearly inspired in UDRP system, but also establishes several modifications.

While in the UDRP the complainant should evidence three requisites to prevail - (i) the domain name should be identical or similar to Complainant’s trademark; (ii) the domain name was registered and has been used in bad-faith and (iii) Respondent has no rights or legitimacy to hold the domain name - in the SACI-Adm, the complainant only has to evidence the first two requisites.

Regarding the first requisite, the SACI-Adm Rules establish that Complainants can base their Complainant not only on trademark rights, but also other signs, such as company names, civil names, family names or surnames or famous nicknames, artistic names, and even other domain names on which the Complainant has precedence.

Unlike the UDRP, which does not allow any kind of appeal to challenge the decision granted to solve the conflict, the SACI-Adm Rules provide a kind of "motion for clarification", allowing parties to request the Panel to correct any material mistake. It also allows that the parties request the Panel to clarify any obscurity, doubt or contradiction of the decision, or even to rule on any point of decision omitted.

As in the UDRP system, the parties still have the opportunity to challenge the decision granted in SACI-Adm proceeding in court. The Rules of the SACI-Adm provides that if the parties show the filing of the lawsuit in within fifteen working days from the date of notification of the decision by the Center, the Brazilian Domain Name Registrar would not implement the Saci-Adm’s decision in the proceedings and will wait for the final judicial determination.

Certainly, from the implementation of the SACI-Adm, conflicts involving domain names ".br" can be resolved expeditiously, and its regulation have established the procedure is expected to close within 90 (ninety) days date of its inception. It is also expected that the decisions granted by the SACI-Adm procedure, since it will be prepare by experts, are of superior technical quality, which certainly will be beneficial to the parties involved.

It should be noted that not all ".br" domain name registrations can be challenged at SACI-Adm, because only those which have been registered and renewed as of October 2010 may have their registrations questioned by SACI-Adm.

The procedure and its consequences still need to be further analyzed and studied. Certainly there are points that need to be revised and improved, but just the implementation of the procedure itself is reason for celebration. With no doubt, the implementation of the SACI-Adm is a great development to deal with disputes involving domain names ".br" swiftly and efficiently. If until now people were forced to resort to the judiciary to enforce their rights, from now on people can count on an alternative method to resolve such conflicts.