

Abstract

It is noteworthy mentioning here that the launch of internet has been a turning point in the state-of-art but modern telecommunication revolution, whereby the world has become one-relatively connected city soon the launch of this network, and hence it has eventually become the most important way to advertise and market goods and services provided by individuals and companies around the world, and the largest commercial market through which fiscal revenue can be achieved.

But, however, and despite the fact that such commercial and business boom on the network has opened new limitless horizons, but, simultaneously it has helped in the emergence of lots of problems; most of them has been the infringement and transgression onto elements of intellectual property, mainly the trademarks, which in turn has resulted in having lots of challenges appeared facing the existing legal regulations and systems. Such infringements onto the trademarks have appeared concomitantly with the emergence of the domain name which has been fundamentally made for facilitating the use of the network by the normal user, by transferring the figures that constitute the infrastructure of the websites, into words easily learned, used and remembered.

However, such has soon occupied a prominent place in the world trade, exceeding thereby the role it has been set up and placed and hence has become expressive of some brands / trademarks on the Internet and as a means to advertise their products and services represented by these trade marks / brands.

The heightened role of the domain name on the internet network has then led to the proliferation of infringements onto the trademarks, especially those famous ones by (cybersquatters) who do not give up for domain names that contain the trademarks to their owners, except only after the payment of amounts of money in return.

This study has fundamentally but mainly come to fill the apparent shortage of research on the level of the Arab world and Palestine, whereas this study has ad-

dressed and tackled the statement of the know-how of the domain names, images of infringement onto the trademarks, and its indifference and dispute with domain names; and means of resolving such conflicts locally and globally, further to stating the extent of the success of these means in the settlement and resolution of these conflicts.

On the other hand, this study has shed light on The Palestinian National Internet Naming Authority, (PNINA) which is responsible for its administration, and the statement of dispute resolution policy within such domain, as well as a statement of legal protection that can be provided to trademarks on the Internet as provided in the Palestinian legal system.

Our study contains ways to settle the disputes regarding domain names and trademarks on the Internet, we have then come up and found on the level of international jurisdiction, especially the U.S., as well as at the level of the national jurisdiction, that it has succeeded in providing some protection for trademarks on the Internet, drawing on the traditional trademark laws and some general rules relating to the subject-matter, and despite this success of the judiciary system in providing some protection for the trademarks on the Internet network, but there are still certain legal snags that are unavoidable or unproved upon having applied the provisions of the trademarks laws and certain general rules on the domain names on the network, as there principles have not been basically made for the protection of trademarks from the cybersquatters on the Internet, and therefore certain special legislation shall be made and set up that remedies the matter locally in avoiding these legal gaps, and that such gaps have been avoided in United States by having published the Consumer Protection Law against US Domain Name Cybersquatting, of 1999.

Henceforth, The Internet Corporation for Assigned Names and Numbers (ICANN), to whom the regulation of registering quality names of domains have been entrusted, has, in addition to the Palestinian National Authority for Internet Nominations (PNINA), succeeded in finding out solutions to the problem of infringements onto the trademarks on the Internet Network, whereas (ICANN) has

set up a unified mechanism for dispute settlements regarding domain names on the Internet, and has also obliged registrars of domain names be subject to the unified policy for settling the disputes regarding domain names approved by it Besides, (PNINA) has been duly approved on large scale in solving disputes on domain names based on principles of the Uniform Domain-Name Dispute-Resolution Policy. But, however, such policy lacks obligation since provisions that are issued by the settlement authority approved by (ICANN) and (PNINA) do in fact lack the obligatory competence.