

UČNI NAČRT PREDMETA / COURSE SYLLABUS

Predmet:	Pravno in alternativno reševanje domenskih sporov v času internetne globalizacije
Course title:	Legal and Alternative Resolution of Domain Disputes in the Era of Internet Globalization

Študijski program in stopnja Study programme and level	Študijska smer Study field	Letnik Academic year	Semester Semester
Alternativno reševanje sporov - 2. stopnja		1/2	1/2
Alternative Dispute Resolution - 2nd degree		1/2	1/2

Vrsta predmeta / Course type

Izbirni/Elective

Univerzitetna koda predmeta / University course code:

Predavanja Lectures	Seminar Seminar	Vaje Tutorial	Klinične vaje work	Druge oblike študija	Samost. delo Individ. work	ECTS
25	0	0	0	0	125	6

Nosilec predmeta / Lecturer:

Em. prof. dr. Krešimir Puharič

**Jeziki/
Languages:****Predavanja /
Lectures:
Vaje / Tutorial:**

Slovenski jezik/Slovenian/Angleški jezik/English

Pogoji za vključitev v delo oz. za opravljanje študijskih obveznosti:

Vpis v prvi ali drugi letnik 2. stopnje.

Vsaj 80% prisotnost na predavanjih.

Prerequisites:

Enrollment in first or second year of the 2nd degree Study.

At least 80% attendance at lectures

Vsebina:**Content (Syllabus outline):**

1. Uvod:
 - Pomen domenskih imen kot ključnih spletnih naslovov v dobi internetne globalizacije.
 - Vpliv domenskih imen na identifikacijo podjetij, organizacij in posameznikov na Svetovnem spletu.
2. Evolucija Varstva Domen:
 - Pregled razvoja varstva domen kot zaporedja dovoljenih znakov registriranih pod domenami najvišje ravni, kot so .si, .eu, .com, itd.
 - Pravni vidiki varstva domenskih imen in preprečevanja zlorab.
 - Postopki Registracije, Brisanja in Prenosa Domen:
3. Proces registracije domenskih imen in povezani pravni vidiki.
 - Možnosti in postopki za brisanje domenskih imen v primeru kršitev pravic.
 - Prenos domenskih imen med lastniki in povezane pravne izzive.
4. Vloga ICANN in Reševanje Domenskih Sporov:
 - Pomen Mednarodne korporacije za dodeljevanje imen in števil na internetu (ICANN) v globalnem upravljanju z domenskimi imeni.
 - Reševanje domenskih sporov in vloga ICANN pri arbitraži ter alternativnih metodah reševanja sporov.
5. Vloga Svetovne organizacije za intelektualno lastnino (WIPO):
 - Vpliv WIPO na zaščito pravic intelektualne lastnine, vključno z domenskimi imeni.
 - Ustanovitev arbitražnega in mediacijskega centra WIPO za reševanje domenskih sporov.
6. Poglobljena Obravnava Pravil WIPO in Dokumenta Generalne Skupščine:

1. Introduction:
 - Significance of domain names as crucial web addresses in the era of internet globalization.
 - Impact of domain names on the identification of companies, organizations, and individuals on the World Wide Web.
2. Evolution of Domain Protection:
 - Overview of the development of domain protection as a sequence of permissible characters registered under top-level domains such as .si, .eu, .com, etc.
 - Legal aspects of domain protection and prevention of abuses.
3. Domain Name Registration, Deletion, and Transfer Processes:
 - Process of domain name registration and related legal considerations.
 - Options and procedures for domain name deletion in case of rights infringements.
 - Transfer of domain names among owners and associated legal challenges.
4. Role of ICANN and Domain Dispute Resolution:
 - Importance of the Internet Corporation for Assigned Names and Numbers (ICANN) in global domain name management.
 - Domain dispute resolution and ICANN's role in arbitration and alternative dispute resolution methods.
5. Role of the World Intellectual Property Organization (WIPO):
 - WIPO's influence on intellectual property rights protection, including domain names.
 - Establishment of WIPO's Arbitration and Mediation Center for resolving domain disputes.
6. In-depth Examination of WIPO Rules and General Assembly Document:

<ul style="list-style-type: none"> - Analiza vsebine in pomena Pravil WIPO (ADR Postopki) za reševanje sporov povezanih z domenskimi imeni. - Pomen dokumenta Generalne Skupščine WIPO iz leta 2013 za reševanje sporov v pravicah intelektualne lastnine, še posebej domenskih sporov. <p>7. Alternativno Reševanje Domenskih Sporov (ARDS):</p> <ul style="list-style-type: none"> - Razlaga postopka alternativnega reševanja domenskih sporov. - Vloga ARNES (Akademska in Raziskovalna Mreža Slovenije) pri zagotavljanju okvira za ARDS in njegovih nosilcev ter registrarjev. <p>8. Zaključek:</p> <ul style="list-style-type: none"> - Povzetek ključnih vidikov pravnega in alternativnega reševanja domenskih sporov. - Pomembnost pridobljenega znanja za razumevanje sodobnih izzivov v upravljanju domenskih imen v dobi internetne globalizacije. 	<ul style="list-style-type: none"> - Analysis of the content and significance of WIPO Rules (ADR Procedures) for resolving disputes related to domain names. - Importance of the 2013 WIPO General Assembly document for resolving disputes in intellectual property rights, especially domain disputes. <p>7. Alternative Resolution of Domain Disputes (ARDS):</p> <ul style="list-style-type: none"> - Explanation of the alternative resolution process for domain disputes. - Role of ARNES (Academic and Research Network of Slovenia) in providing the framework for ARDS and its stakeholders and registrars. <p>8. Conclusion:</p> <ul style="list-style-type: none"> - Summary of key aspects of legal and alternative resolution of domain disputes. - Relevance of the acquired knowledge for understanding contemporary challenges in domain name management in the era of internet globalization.
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Temeljna literatura in viri / Readings:

Obvezna literatura:

- WIPO : Frequently Asked Questions : Internet Domain Names
<https://www.wipo.int/amc/en/center/faq/domains.html>
- <https://www.register.si/nasvet/domenski-spori/>
- Splošni pogoji za registracijo domen pod vrhnjo domeni SI
<https://www.register.si/wp-content/uploads/splosni-pogoji.pdf>
- Pravila postopka alternativnega reševanja sporov pod vrhnjo domeno. si, (PP ARDS) Verzija 1.1.,
<https://www.1ainternet.net/pdf/resevanje-domenskih-sporov-postopek-ards.pdf>
- študij primera ARDS 2012/56: <https://www.register.si/wp-content/uploads/2020/05/ards-56.pdf>

- Krešo Puharič, Sara Ahlin Doljak : Uvod v reševanje domenskih sporov, e-učbenik v pripravi.

Priporočena literatura:

- Giorgio Rognetta : *Il commercio Elettronico*, Edizioni Simone, Napoli, 2000, str. 29-45.
- Thomas Ubber : Markenrecht im Internet, Verlag RW, Heidelberg, 2002, str. 33-135.
- Janez Toplišek : Elektronsko poslovanje, Založba Atlantis, 1998, str. 73-100.
- Tobias. H. Stromer : Online-Recht, Dpunkt Verlag, Heidelberg, 1999, str. 51-101

Angleška literatura za izvedbo študija v angleškem jeziku:

- Bernik, Igor et al: Advances in cybersecurity 2017 [Elektronski vir]. Maribor : University of Maribor Press, 2017.
- Ed. Torsten Bettinger, A. Waddell : Domain Name Law and Practice, Oxford University Press, Oxford, 2015, ISBN 9780199663163
- Alpana Roy : Australian Domain Name Law Book, Lawbook. Co, Australia, Melbourne, 2016, str. 9 - 58.

Cilji in kompetence:

Omogočiti študentom:

1. razumevanje pomembnosti domen v internetni globalizaciji;
2. analiziranje razvoja varstva domen;
3. povezovanje prava in domen;
4. razumevanje vloge ICANN in WIPO v upravljanju domen;
5. poglobljeno analiziranje pravil WIPO (ADR Procedures); ter razumevanje pomena dokumenta Generalne skupščine WIPO (2013) za reševanje sporov iz pravic intelektualne lastnine in posebej domenskih sporov;
6. poglobljeno obravnavanje postopka alternativnega reševanja domenskih sporov (ARDS), h kateremu so zavezani vsi nosilci in registrarji v okviru ARNES (Akademska in raziskovalna mreža Slovenije);
7. razumevanje alternativnega reševanja domenskih sporov;
8. pripraviti študente na sodobne izzive upravljanja domen;

Objectives and competences:

To enable students to:

1. Understand the significance of domain names in internet globalization.
2. Analyze the development of domain protection.
3. Connect law and domains.
4. Understand the role of ICANN and WIPO in domain management.
5. Thoroughly analyze WIPO rules (ADR Procedures) and understand the importance of the WIPO General Assembly document (2013) for resolving disputes related to intellectual property rights, especially domain disputes.
6. In-depth study of the alternative resolution process for domain disputes (ARDS), to which all stakeholders and registrars within ARNES (Academic and Research Network of Slovenia) are obligated.
7. Comprehend alternative resolution of domain disputes.
8. Prepare students for contemporary challenges in domain management.

9. jim pomagati razvijati analitične in komunikacijske veščine;
10. pripraviti študente za nadaljnje raziskovanje.

9. Assist them in developing analytical and communication skills.
10. Prepare students for further research.

Predvideni študijski rezultati:

Študenti bodo sposobni razumeti pomembnost domenskih imen v času internetne globalizacije, analizirati razvoj varstva domenskih imen, vzpostavljati povezave med pravnimi koncepti in domenskimi imeni ter razumeti vlogo ICANN in WIPO v upravljanju domenskih imen. Poleg tega bodo sposobni poglobljeno analizirati pravila WIPO (ADR Procedures) ter razumeti pomen dokumenta Generalne skupščine WIPO (2013) za reševanje sporov iz pravic intelektualne lastnine, še posebej domenskih sporov. Poglobljeno bodo obravnavali tudi postopek alternativnega reševanja domenskih sporov (ARDS), h kateremu so zavezani vsi nosilci in registrarji v okviru ARNES (Akademska in raziskovalna mreža Slovenije). Nadalje bodo razumeli alternativne načine reševanja domenskih sporov ter se pripravili na sodobne izzive upravljanja domenskih imen. Študentom bodo pomagali razvijati analitične in komunikacijske veščine ter jih pripravili za nadaljnje raziskovanje na tem področju.

Intended learning outcomes:

Students will be able to understand the significance of domain names in the era of internet globalization, analyze the evolution of domain protection, establish connections between legal concepts and domains, and comprehend the roles of ICANN and WIPO in domain management. Additionally, they will be capable of conducting in-depth analyses of WIPO rules (ADR Procedures) and understanding the importance of the WIPO General Assembly document (2013) for resolving disputes related to intellectual property rights, particularly domain disputes. They will delve deeply into the alternative resolution process for domain disputes (ARDS), which all stakeholders and registrars within ARNES (Academic and Research Network of Slovenia) are bound to. Furthermore, they will grasp alternative methods of resolving domain disputes and prepare themselves for contemporary challenges in domain management. Students will receive guidance in developing analytical and communication skills and will be prepared for further research in this field.

Metode poučevanja in učenja:

Oblike dela:

- Frontalna oblika poučevanja
- Delo v manjših skupinah oz. v dvojicah
- Samostojno delo študentov
- e-učenje
- drugo (vpišite) _____

Metode (načini) dela:

Learning and teaching methods:

Types of learning/teaching:

- Frontal** teaching
- Work in smaller groups or pair work
- Independent students work
- e-learning
- other _____

Teaching methods:

<input checked="" type="checkbox"/> Razlaga	<input checked="" type="checkbox"/> Explanation
<input checked="" type="checkbox"/> Razgovor/ diskusija/debata	<input checked="" type="checkbox"/> Conversation/discussion/debate
<input checked="" type="checkbox"/> Delo z besedilom	<input checked="" type="checkbox"/> Work with texts
<input checked="" type="checkbox"/> Proučevanje primera	<input checked="" type="checkbox"/> Case studies
<input type="checkbox"/> Igra vlog	<input type="checkbox"/> Role-play
<input type="checkbox"/> Druge vrste nastopov študentov	<input type="checkbox"/> Different presentation
<input type="checkbox"/> Reševanje nalog	<input type="checkbox"/> Solving exercises
<input type="checkbox"/> Študijski obiski podjetij ipd.)	<input type="checkbox"/> Field work (e.g. company visits)
<input type="checkbox"/> Vključevanje gostov iz prakse	<input type="checkbox"/> Inviting guests from companies
<input type="checkbox"/> Udeležba na okrogli mizi, na konferenci	<input type="checkbox"/> Attending round table and conference

Načini ocenjevanja:	Delež (v %) / Weight (in %)	Assessment:
Način:		Type:
Pisni izpit	80%	Written exam
Seminarska naloga	20%	Seminar paper

Reference nosilca / Lecturer's references:

PUHARIČ, Krešimir. The newly adopted law on arbitration of Slovenia and law of mediation in civil and commercial matters of Slovenia = Recenta reglementare a arbitrajului și a medierii în materie civilă și comercială din Slovenia. *Revista româna de arbitraj*, ian./mar. 2009, an. 3, nr. 1, str. 39-58. [COBISS.SI-ID [18266854](#)]

PUHARIČ, Krešimir. Arbitration and mediation in Slovenia - de lege lata and de lege ferenda. *Croat. arbitr. yearb.*, 2008, vol. 15, str. 193-204. [COBISS.SI-ID [18310630](#)]

PUHARIČ, Krešimir. Novosti u arbitražnom pravu i mirenju u Sloveniji. *Pravo gospod.*, prosinac 2008, god. 47, sv. 6, str. 1298-1308. [COBISS.SI-ID [18311142](#)]

PUHARIČ, Krešimir. International dispute resolution in the age of electronic business : the Slovenian perspective. *Croat. arbitr. yearb.*, Year 2001, vol. 8, no. , str. 57-63. [COBISS.SI-ID [1617362](#)]

PUHARIČ, Krešimir. Razvoj reševanja sporov na elektronski način. V: *Dnevi slovenskih pravnikov 2001 : od 11. do 13. oktobra v Portorožu*, (Podjetje in delo, Letn. 27, št. 6/7). Ljubljana: Gospodarski vestnik, 2001, str. 1329-1334. [COBISS.SI-ID [12088550](#)]

PUHARIČ, Krešimir. Conciliation as a method of settlement of international commercial disputes. *Croat. arbitr. yearb.*, 1997, let. 4, str. 155-165. [COBISS.SI-ID [414674](#)]

PUHARIČ, Krešimir. The experience from the co-operation agreements between the arbitral institutions in the Czech Republic, Croatia, Hungary, Slovenia and Austria. V: *Partners in Europe : joint conference, Vienna 1 and 2 April 2004*. Vienna: United Nations Commission on International Trade Law: International Arbitral Centre of the Austrian Federal Economic Chamber, 2004, str. 1-10. [COBISS.SI-ID [2203090](#)]

PUHARIČ, Krešimir. Recent development of arbitration regulation in Slovenia. V: *International conference : zbornik : 12 September 2003, Sofia*. Sofia: BCCI, 2003, str. 55-66. [COBISS.SI-ID [2141138](#)]

Krešimir Puharič je bil rojen v Ljubljani. Po diplomi na Pravni fakulteti Ljubljani je na tej fakulteti tudi magistriral in doktoriral. Od leta 1973 naprej je bil zaposlen kot visokošolski sodelavec in učitelj. Leta 1985 je bil izvoljen za rednega profesorja za Gospodarsko pravo, Mednarodno gospodarsko pravo, Pogodbeno pravo in Pravo industrijske lastnine. Univerza v Ljubljani ga je 2. decembra 2010 imenovala za zaslužnega profesorja, 20. decembra 2017 pa je tudi Senat Nove univerze sklenil, da se mu podeli naziv zaslužnega profesorja. Na Gospodarski zbornici Slovenije je bil predsednik Stalne arbitraže od leta 1992 do leta 2014. Kot arbiter je bil uvrščen na liste številnih tujih institucionalnih arbitraž, npr. Avstrije, Črne gore, Srbije, Latvije, Kazahstana, Slovaške, itn. Zdaj pa je arbiter Hrvaške in Makedonske institucionalne arbitraže. Je tudi član Avstrijskega in Švicarskega arbitražnega združenja ter Svetovnega združenja profesorjev intelektualne lastnine. Od leta 2007 naprej je tudi predsednik razsodišča za domenske spore pri ARNES-u . Bil je tudi predsednik, podpredsednik in član v več nadzornih svetih večjih slovenskih delniških družb. V več kot 400 strokovnih člankih in razpravah objavljenih doma in zunaj naših meja je obravnaval predvsem problematiko industrijske lastnine, prava gospodarskih družb, vrednostnih papirjev in arbitražnega prava. Od leta 2003 naprej je imel več vabljenih predavanj v tujini, npr. Beograd, Bukarešta, Dunaj, Istanbul, London, Sofija, Temišvar in Zagreb, itn.

Krešimir Puharič was born in Ljubljana. After graduating from the Faculty of law Ljubljana, he received his master's degree and a PhD. From 1973 onwards, he was employed as a professor. In 1985, he was elected full professor for Economic law, International economic law, Contract law and the Law of industrial property. He was given a title of professor emeritus by University of Ljubljana on 2nd December 2010 and on the 20th December 2017 also the Senate of the New university decided to give him the title of professor emeritus. He was the president of the Permanent arbitration of the Chamber of commerce of Slovenia from 1992 to 2014. As the arbiter he has been placed on a list of many foreign institutional arbitrations, e.g. Austria, Montenegro, Serbia, Latvia, Kazakhstan, Slovakia, and he is still the arbiter of Croatian and Macedonian institutional arbitration. He is also member of the Austrian and Swiss arbitration associations and the World association of professors of intellectual property. From 2007 forward he is also the president of tribunal for the domain conflicts with the HTML-u . He was also the president, vice-president and member in several supervisory boards of the larger Slovene joint-stock companies. He published more than 400 academic articles and discussions in Slovenia and abroad, primarily to the issue of industrial property, company law, securities and arbitration law. From 2003 onwards he held a number of

invited lectures abroad, e.g. in Belgrade, Bucharest, Vienna, Istanbul, London, Sofia, Temesvar and Zagreb,etc.