

UČNI NAČRT PREDMETA / COURSE SYLLABUS

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

Študijski program in stopnja Study programme and level	Študijska smer Study field	Letnik Academic year	Semester Semester
Alternativno reševanje sporov, 2. stopnja - magisterij	Pravo, Družbene vede	prvi/drugi	prvi/drugi
Alternative Dispute Resolution, 2. degree – M.A.	Law, Social sciences	first/second	first/second

Vrsta predmeta / Course type

Izbirni/Elective

Univerzitetna koda predmeta / University course code:

15

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

Nosilec predmeta / Lecturer:

Em. prof. dr. Krešimir Puharič

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

Em. prof. dr. Krešimir Puharič

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

Vpis v prvi ali drugi letnik 2. stopnje.

Prerequisites:

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

Vsebina:

Pravno in alternativno reševanje domenskih sporov v času internetne globalizacije na 2. stopnji poglobljeno obravnava:

- naraščajoč pomen domenskih imen kot spletnih naslovov v obdobju globalizacije in interneta,
- oris razvojnosti varstva domen kot niza dovoljenih znakov registriranih pod zadevno vrhno domeno, npr. si, .eu, itn.,
- registracijo, izbris in prenos domenskih imen,
- vlogo, pomen in vpliv ICANN na razvojnost domen ter reševanje domenskih sporov.

Študenti se pri študiju tega predmeta na drugi stopnji seznanijo tudi z zahtevnejšo obravnavo vloge in pomena Svetovne organizacije za intelektualno lastnino (WIPO) in ustanovitve arbitražnega in mediacijskega centra (Arbitration and Mediation Center), ki rešuje tudi domenske spore.

Poleg tega se pri predmetu tudi poglobljeno obravnava zasnovo in okvirne vsebine vseh relevantnih Pravil WIPO (ADR Procedures); ter pomen dokumenta Generalne skupščine WIPO (2013) za reševanje sporov iz pravic intelektualne lastnine in posebej domenskih sporov.

Poglobljeno se obravnava tudi postopek alternativnega reševanja domenskih sporov (ARDS), h kateremu so zavezani vsi nosilci in registrarji v okviru ARNES (Akademska in raziskovalna mreža Slovenije).

Content (Syllabus outline):

Legal and Alternative Resolution of Disputes over Domain Names in the Era of Internet Globalisation at the 2nd level deals in depth with:

- the growing importance of domain names as web addresses in the age of globalization and the Internet,
- an outline of the development of domain protection as a set of permitted characters registered under the relevant top-level domain, e.g. si, .eu, etc.,
- registration, deletion and transfer of domain names,
- the role, importance and impact of ICANN on domain development and domain dispute resolution.

When studying this course at the second level, students are also introduced to the more demanding treatment of the role and importance of the World Intellectual Property Organization (WIPO) and the establishment of the Arbitration and Mediation Center, which also resolves domain disputes.

In addition, the course also deals in depth with the design and framework content of all relevant WIPO Rules (ADR Procedures); and the importance of the WIPO General Assembly document (2013) for resolving intellectual property rights disputes and especially domain disputes.

The Alternative Domain Dispute Resolution (ARDS) procedure, to which all holders and registrars within the ARNES (Academic and Research Network of Slovenia) are committed, is also discussed in depth.

Temeljni literatura in viri / Readings:

OBVEZNA LITERATURA

- Ed. Torsten Bettinger, A. Waddell : Domain Name Law and Practice, Oxford University Press, Oxford, 2015, ISBN 9780199663163
- Tobias. H. Stromer : Online-Recht, Dpunkt Verlag, Heidelberg, 1999, str. 51-101.
- 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.
- Alpana Roy : Australian Domain Name Law Book, Lawbook. Co, Australia, Melbourne, 2016, str. 9 - 58.
- Thomas Ubber : Markenrecht im Internet, Verlag RW, Heidelberg, 2002, str. 33-135.
- Janez Toplišek : Elektronsko poslovanje, Založba Atlantis, 1998, str. 73-100.

Objectives and competences:

Cilji in kompetence:

Študentje bodo osvojili naslednja znanja in kompetence:

Študentje se bodo seznanili s pomenom izbire in registracije domen kot niza znakov ter načini in institucijami, ki rešujejo domenske spore.

Pridobili bodo poglobljeno znanje o primerjalno pravnih vidikih zahtevanih pogojev za sprožitev postopkov alternativnega reševanja domenskih sporov dom in zunaj naših meja.

Pridobili bodo tudi naslednje splošne kompetence in znanje:

Students will gain the following knowledge and competencies:

students will learn about the importance of choosing and registering domains as a set of characters and the ways and institutions that resolve domain disputes.

They will gain in-depth knowledge of the comparative legal aspects of the required conditions for initiating alternative dispute resolution procedures for domain disputes at home and abroad.

They will also acquire the following general competencies and knowledge:

- o uporabi ustreznih metod pravnega raziskovanja, njihovih postopkov, analize in sinteze;
- sposobnost skupinskega dela in pripravljenosti za sodelovanja;
- razvoj veščin javnega nastopanja in predstavitev,
- razvoj veščin samostojnega dela ter oblikovanja kritične pravne miselnosti.

- on the use of appropriate methods of legal research, their procedures, analysis and synthesis;
- ability to work in a team and willingness to cooperate;
- development of public speaking and presentation skills,
- development of skills of independent work and formation of critical legal mentality.

Predvideni študijski rezultati:

Znanje in razumevanje:

- zmožnost kritične presoje ter analize in interpretacije obravnavane tematike;
- sposobnost oblikovanja in podajanja kritične ocene;
- študenti bodo pridobili poglobljeno razumevanje o tem, kdaj, kje, kako in zakaj gre oblikovati in registrirati zadevno domeno ter kako in kje sprožiti spor za alternativno reševanje morebitnega domenskega spora ter kakšni bodo okvirno stroški le-tega;
- spoznali bodo specifike, prednosti in priporočila za oblikovanje in podajanje informacij z obravnavanega področja, kakor tudi uporabljivost teh informacij v širšem kontekstu gospodarstva.

Intended learning outcomes:

Knowledge and understanding:

- ability to critically assess and analyze and interpret the topic;
- ability to form and give a critical assessment;
- students will gain an in-depth understanding of when, where, how and why the domain in question should be created and registered, and how and where to initiate a dispute to alternatively resolve a potential domain dispute, and what its approximate costs will be;
- they will get acquainted with the specifics, advantages and recommendations for the formation and presentation of information in the field, as well as the applicability of this information in the wider context of the economy.

Metode poučevanja in učenja:

Learning and teaching methods:

<p>Učne oblike:</p> <ul style="list-style-type: none"> - frontalna oblika poučevanja - delo v manjših skupinah - samostojno delo študentov <p>Učne metode:</p> <ul style="list-style-type: none"> - razlaga - razgovor, diskusija, debata - delo z besedilom in viri - preučevanje primera 	<p>Teaching forms</p> <ul style="list-style-type: none"> - frontal instructions - work in small groups - individual student work <p>Teaching methods</p> <ul style="list-style-type: none"> - explanation - coversation, discussion, debate - working with texts and sources - case study
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Delež (v %) /

Načini ocenjevanja:

Weight (in %) /

Assessment:

Način:	Delež (v %) / Weight (in %)	Type:
Pisni izpit	75%	Written exam
Seminarska naloga	25%	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](#)]
