

Conclusions related to a round table regarding domain names

A round table regarding the domain names was held on October 26 and November 9, 2001. Members of the Comisión de Comercio y Fomento Industrial [Mexican Commission responsible for Commerce and Industrial Development], different trade boards, academics and departments specialized in the field took part in the above mentioned event. The conclusion adopted by participants states the following: "The domain names constitute a simple form of Internet addresses designed to allow an easy way for users to find sites on the Internet."¹

Since 1989 "NIC-México" has been managing the domain ".mx". The reason being that the Instituto Tecnológico de Estudios Superiores de Monterrey [Mexican Institute of Technology and Postgraduate Studies of Monterrey] was the first institution in Mexico to establish an Internet connection. This organization has played an efficient and impartial role. For this reason, it would be convenient for the Mexican Government to take the necessary steps to give official recognition to "NIC-México".

An in-depth discussion was also held for giving domain names the same treatment given to trademarks. Participants concluded that this is not possible; due to the fact that a domain name is merely an Internet address by which access to Internet sites is given. A domain name is not necessarily related to the marketing of any product or service, while a trade mark is used to distinguish a product or a service from similar products or services on the market. Moreover, the Instituto Mexicano de Propiedad Industrial (IMPI) [Mexican Institute of Industrial Property], does not have the necessary infrastructure to provide the service currently given by "NIC-México".

Nevertheless, it is advisable for the users convenience, that IMPI and "NIC-México" develop, through collaboration agreements, a closer relationship and a data exchange

¹ Definition given by the Informe de Comercio Electrónico y Propiedad Intelectual [report on electronic commerce and industrial property] by the World Intellectual Property Organization.

regarding files under each organization's responsibility. It is advisable, as well, that "NIC-México" reports periodically to a designated authority about its activities.

Among other subjects dealt with was the dispute resolution mechanism and all attendees agreed that such a mechanism was appropriate and more efficient.

Regarding the "illegal use" of domain names, it was stated that even though some protection mechanisms already exist, actions should be taken to strengthen existing mechanisms in order to prevent this illicit act. For this purpose, participants were encouraged to work with a legislative proposal, which should extend the scope of the legal definition of unfair competition. This legal definition, in conjunction with an education campaign led by "NIC-México", should restrain these criminal actions.

It was also agreed to analyse the possibility of developing regulations in order to give "NIC-México" an official recognition. Such a recognition should allow this entity to continue providing services as they have done so far.