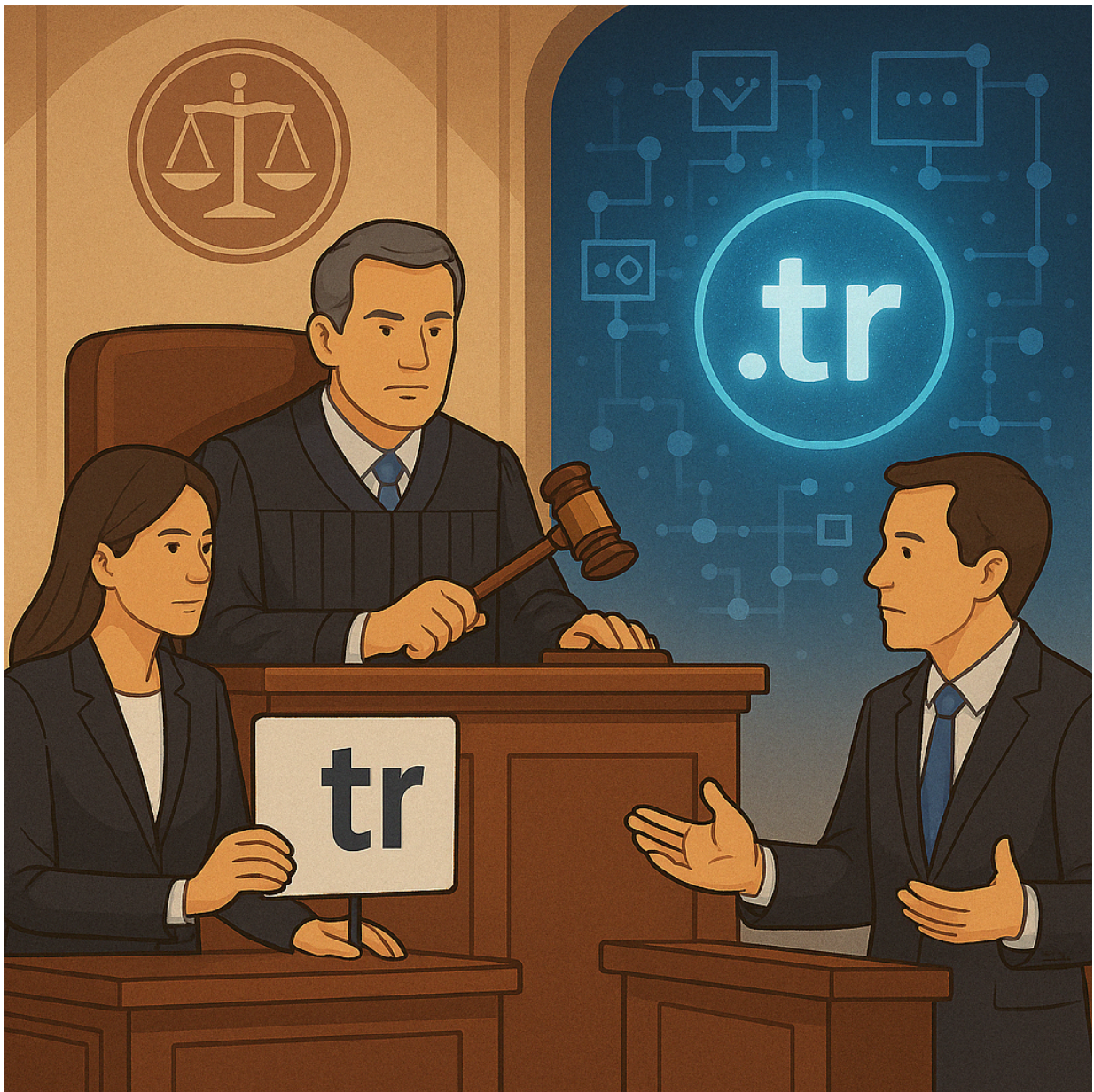


# Kluwer Trademark Blog

## Assessing the Merits of DRS Provider Decisions on Domain Names in Türkiye

Güldeniz Doğan Alkan, Bengü Şen Gürakan (Gün + Partners) · Wednesday, April 16th, 2025



As of September 14, 2022, disputes concerning domain names with the ccTLD for Türkiye – “.tr” – are resolved under the TRABİS (“TR Domain Name Information System”) framework by

accredited Dispute Resolution Service Providers (“DRS Provider”). This new system aims to resolve domain name ownership and use disputes more effectively. A notable recent development in this new system and process emerged when a DRS Provider’s decision was brought before the courts.

### Alternative Dispute Resolution Process

The dispute began with a complaint filed before one of the DRS Providers. The complainant alleged that the domain name had been acquired in bad faith and created confusion with their registered trademark and requested its transfer. The DRS Provider panel evaluated the dispute under the Internet Domain Name Dispute Resolution Mechanism Communiqué (“Communiqué”) and the Internet Domain Name Regulation (“Regulation”), concluding that the following three criteria were met:

1. **Similarity:** The domain name was found confusingly similar to the complainant’s trademarks.
2. **Lack of Legal Rights or Interests:** It was determined that the domain owner has no legal rights or legitimate interest in the domain name.
3. **Bad Faith:** It was found that there had been a prior dealership and licensing relationship between the parties, and after this relationship ended, the domain name was registered in bad faith.

Accordingly, the panel ruled that the disputed domain name should be transferred to the complainant.

### Judicial Process and the Significance of the Decision

The registrant of the domain name challenged the DRS Provider’s decision in court. The lawsuit was heard before the Çanakkale Civil Court of First Instance (“CCFI”), which upheld the DRS Provider’s decision and rejected the request for annulment. This case is significant as it marks the first known instance where a DRS Provider’s decision has been subject to judicial review under the new TRABIS system.

Additionally, this case has highlighted a legal gap concerning which court has jurisdiction and competence over such disputes. This gap creates difficulties for those seeking judicial review of DRS Providers’ decisions. Given that a preliminary injunction (“PI”) must be obtained within 10 business days to prevent the enforcement of a DRS Provider’s decision, this short timeframe, combined with the jurisdictional uncertainty, could lead to practical confusion and legal uncertainty, potentially resulting in violations and loss of rights.

However, considering that this dispute was brought before the CCFI and another recent DRS Provider’s decision was subject to a PI obtained from the Intellectual and Industrial Property Rights Court (“IP Court”) in Istanbul, it can be inferred that the competent courts are the **IP Courts** and, in locations where such a court does not exist, the **CCFI**. In both instances, the lawsuits were filed in the jurisdiction of the plaintiff’s domicile, suggesting that the competent court should be the IP Courts or the CCFI located in the plaintiff’s jurisdiction.

Notably, among the recommendations submitted to the Information and Communication Technologies Authority (“BTK”) by some DRS Providers, there is a proposal to amend the legislation to explicitly determine the competent and authorised court for such disputes.

### Conclusion

The court's approval of a DRS Provider's decision in this domain name dispute is a milestone in testing the effectiveness of the legal framework governing domain name disputes under the TRAB?S system. While the court upheld the DRS Provider's decision, the case also exposed a significant shortcoming in the current system: **the absence of a clear legal provision specifying the competent and authorised court for lawsuits against DRS Providers' decisions.**

This decision has drawn attention to the legal uncertainty in practice and demonstrated the need for legislative amendments as also emphasized by the proposals submitted to BTK.

Given that the court upheld a DRS Provider's decision, this ruling serves as an important precedent for future similar disputes. It also establishes that DRS Providers' decisions can successfully undergo judicial scrutiny. Türkiye

---

*To make sure you do not miss out on regular updates from the Kluwer Trademark Blog, please subscribe [here](#).*



2024 Future Ready Lawyer Survey Report

**Legal innovation:**  
Seizing the  
future or  
falling behind?

Download your free copy →

 Wolters Kluwer

 Future Ready

**LAWYER**

This entry was posted on Wednesday, April 16th, 2025 at 9:44 am and is filed under (Preliminary) Injunction, Bad faith, Case law, Similarity of marks, Türkiye

You can follow any responses to this entry through the [Comments \(RSS\)](#) feed. You can leave a response, or [trackback](#) from your own site.

