

## Using the Dispute Resolution Service for .uk domain names online survey

Submit date : **Feb 13, 2007**

Question 1: Please give us feedback on our proposals that the DRS should include:

- (a) protection for words which have a distinctive character as a result of the use made of them.
- (b) dictionary words which are protected by registered trade marks or good will.

**The DRS already provides some protection for words in both of these categories and I believe that should continue. However I believe the DRS should explicitly recognise that a trademark does not equate to a monopoly right in a word for all uses; this is particularly relevant to words in common usage such as dictionary words. As an example, I believe the bounce.co.uk DRS and its appeal reached the wrong decision in transferring the domain registration from a registrant whos use of the domain or the registration itself did not in my opinion infringe the complainant's trademark. While the DRS should recognise the rights of trademark holding complainants it should not be biased towards them.**

Question 2: Please give us your feedback on our proposal that the DRS should include the following as examples of things that are not necessarily evidence of abuse:

- a general offer to resell a domain name
- sale of traffic (i.e. visitors to the domain name)
- registering many domains

**I believe none of these things are necessarily evidence of abuse.**

Question 3: Please give us feedback on our proposal that the DRS should include a statement that, where the evidence is finely balanced, the weaker the rights that the complainant has, the less likely it is that abusive registration or use will be inferred.

**Such a statement should not be included. An abusive registration is possible even where a complainant's rights are weak.**

Question 4: Please tell us which payment option you would prefer and why: no change; a small upfront fee; or loser pays?

**Options one and two are fine; Option three is unacceptable.**

Question 5: How would you enforce any system of refund (outlined in option 3)? Which section of the community would you imagine would most benefit from a refund system?

**N/A as I believe option three is unacceptable.**

Question 6: Do you have any comments about the proposals to change aspects of the procedure, payment, drafting, appeals, expert decisions, abusive registrations or miscellaneous issues?

**No.**

Question 7: Do you have any other changes you would like to see within the DRS, or topics

within the DRS that you wish to comment on? In particular, if you have any views about any of the following topics which have been the subject of discussion, please let us know:

- Length of submissions and word limits.
- The impact of Internationalised Domain Names, if introduced.
- Whether experts can find a registration abusive for reasons not spelled out in the complaint.
- Whether there have been any practical problems with the treatment of 'Without Prejudice' material.
- Whether experts should be able to represent parties in other disputes, and if not how to keep the quality of experts high.
- Whether the detail of the DRS can be taken out of the contract and updated more regularly.

**No.**

Please give us your contact details

Name	<b>Richard Taylor</b>
Company Name	<b>Sci7 Ltd</b>