

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

Submit date : **Feb 15, 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.

It would seem there is no such thing as a safe domain. Perhaps we should all think about a solution as far as the whois/automatom being linked to Trademark searches instead of trying to close the stable door after the horse has bolted. I am currently being challenged for WWW.wwwrugby.co.uk and .com by Polo Ralph Lauren as it would seem they have a brand name "RUGBY". Where will it all end.

Being a small company I sometimes do not get the time to respond and simply cannot afford legal representation and therefore I am penalised and lose the domain when the huge corporation comes up with such ridiculous challenges, just because they can. Bully Boys is what they are I'm afraid!

No to 'a' and No to 'b' I consider the corporation or the company who decide to call themselves generic or dictionary words 'WORD SQUATTERS'. I do not believe generic common or dictionary words should be allowed to be trademarked! I also do not believe companies should be able to complain because of intellectual property rights of similar domains. Ace Options is and was at the time of registering many domains my main business, that of Corporate Hospitality and Event Agency. I do not feel I own the two words world wide of Ace and Options. How would I dare, I chose to use two common words for my business name, doesn't mean I own those words. If I had registered the trade mark I would still feel these two very generic words cannot be owned by ANYONE! Marks and Spencers I understand, Ladbrokes yes, but Ace Options and British Gas - well NO!

Certainly I do not think trademarks should EVER be given for the likes of "Apple" "Orange", it just is wrong! We domainers have been called everything but pick pockets but organisations who decide to operate under such well known words as the above and are allowed to do so are indeed the CYBER/WORD/TRADEMARK SQUATTERS of this world!

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 agree with all of the above. Many of us who registered domains recently and many years ago I consider had vision, I registered all domains to do with my business to bring quality traffic to my own websites, also some domains to develop, obviously some may have to be sold to finance the business, buyers come to us to check if a domain is for sale, however if we had approached anyone, I would not consider we could be the scourge of the earth but I do consider that there is a lot of SOUR GRAPES out there because most of the big boys missed it and their senior execs missed it and they are cross! Yes we the little people who invested in the World Wide Web by way of spending huge amounts of money at the time and kicking off the domain industry in the UK, we need some sort of protection to allow us to go about our business.

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.

Absolutely.

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

2. Upfront non-refundable fee of £250 (50 - 100 not enough) 3. I have a problem with the losing party paying as I do not believe complaints should even be considered when the domain is or was not similar to or identical to a registered trade mark which was registered long before the domain was registered and is NOT dictionary or generic. but please see my Answer to Question 1. as the whole system is fundamentally flawed. The Respondent should also have the opportunity to Appeal as they never invited the complaint which has taken up valuable time, possible expenses if they do consult with a lawyer and then blow me they have to find £3000 to appeal, not the £750 plus vat the complainant had to pay? Bit unfair to say the least, especially when NOT on an equal footing with the Complainant.

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?

Taking into consideration my comments to date, the respondent should always be given plenty of opportunity to transfer the domain, upto 6 weeks. It should be considered that often a domain is the property of a company, which has paid for the registration, web development, hosting marketing etc. etc. and of course the respondent is often loath to part with the domain. If the respondent wishes to contest the complaint then they could authorise credit card payment for the costs should they lose. But the system must be fairer than it is today, Bully boys with sour grapes must not just come along demanding a generic or unregistered trademarked domain they were too thick to register themselves!

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?

I think I have made it fairly clear I think the whole system needs completely changing. I'm running out of time so have printed these pages and will consider them later if I find time.

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 time left.

Please give us your contact details

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