

### **Question 1**

a) I agree with the experts view in this case:

"The mere fact that a generic word happens also to be a trade mark cannot lead to the trade mark owner monopolising all uses of the word. Certainly for the purposes of complaints under the DRS Policy there has to be something more." DRS 03316

[http://www.nominet.org.uk/digitalAssets/10081\\_bounce\\_appeal.pdf](http://www.nominet.org.uk/digitalAssets/10081_bounce_appeal.pdf)

b) I believe someone has the right to keep a dictionary word domain IF the person does not have something on the website that infringes the complainant's trademark. This should especially be the case where the domain name was registered prior to another party establishing rights in the word concerned.

### **Question 2**

I would like this proposal to be implemented however I don't want the term "domainers" to be used. The term "secondary domain market" is more appropriate.

The abusive registration should also be brought in line with UDRP so that an abusive registration is only abusive if a name is both registered in bad faith and it is abusive in the hands of the registrant.

Under a first come first serve policy I feel people should be allowed to register as many domain names as they like. Nominet's terms and conditions do not place any restrictions on how many domains one party can register.

### **Question 3**

I believe this proposal could have been used in the following DRS cases:

DRS 3747 Finechesses.co.uk  
[http://www.nic.uk/digitalAssets/8799\\_finecheeses.pdf](http://www.nic.uk/digitalAssets/8799_finecheeses.pdf)

DRS 03886 SussexSkips.co.uk  
[http://www.nic.uk/digitalAssets/9598\\_sussexskips.pdf](http://www.nic.uk/digitalAssets/9598_sussexskips.pdf)

### **Question 4**

Although I would prefer no change with charges overall, I do believe that an upfront fee to commence a DRS should be implemented to reduce the number of poor complaints, which take up the time and money of the respondents.

Loser pays suggestion is unworkable.

### **Question 5**

Unless Nominet implements "loser pays" then this is not necessary.

### **Question 6**

Procedure: I feel the respondent should have the right to reply again OR the complainant should not be allowed to reply to the respondent's submission.

Payment: If a respondent wants to pay the DRS fee VOLUNTARILY then fair enough.

Drafting: 'Unfair Registration' is even more confusing than 'Abusive Registration' in my opinion.

Appeals: Even the current appeal timeline is not long enough. See the apology on bounce.co.uk Appeal DRS 03316  
[http://www.nominet.org.uk/digitalAssets/10081\\_bounce\\_appeal.pdf](http://www.nominet.org.uk/digitalAssets/10081_bounce_appeal.pdf)

Expert decisions: These proposals are very important to introduce.

- See the Google search on [http://www.nic.uk/digitalAssets/8799\\_finecheeses.pdf](http://www.nic.uk/digitalAssets/8799_finecheeses.pdf)

- See the Tony Willoughby four stage test  
[http://www.nic.uk/digitalAssets/1027\\_chivasbrothers.pdf](http://www.nic.uk/digitalAssets/1027_chivasbrothers.pdf)

Miscellaneous: Please introduce a system allowing people to submit DRS cases (all material) online instead of having to submit three paper copies.

### **Question 7**

Word limits: Both word limits seem a little on the low side however I suppose the DRS expert has to read it (paid for their time) and digest the information. However if "new evidence" is allowed in appeals is the word limit high enough?

What experts find abusive: They should not make decisions based on evidence not presented to them.

DRS updated more regularly: I think it is important that "registrants" are notified of DRS contract changes at the time of renewal or registrations. Any major changes should go to consultation.

Disclaimer: With permission I have used quotes from Andrew Bennett's DRS response dated 13/02/07. However I am a Nominet stakeholder and fully support the above opinions.