

## Proposed DRS default transfer process

We are proposing that in undefended DRS cases, the complainant should have the right to a transfer of the domain name registration on payment of a fee of £200 (plus VAT).  
Please read our consultation paper for full details of this proposed default transfer process and then answer the questions below.

This document contains respondents between 11 and 11 inclusive.

### 1. What do you think about our proposal for a default transfer process?

- I agree with the proposal
- I don't mind one way or the other
- I disagree with the proposal

### 2. Please give your reasons for why you feel this way about the proposal

I agree with the proposal in principle with the following reservations:

I can understand that there is an issue when so many DRS cases are uncontested as the registrant doesn't respond. It may be that there is a waste of the claimant's money and the expert's time in many of these cases. But I hope that in the pursuit of solving one problem a new problem isn't created. I appreciate that the paper as presented doesn't go into operational detail so trust that there will be safeguards put in place. These are the potential problems that I can see:

(i) Currently a claimant must stump up the £750 in order to get a decision. It is proposed that this change to £10 to bring a DRS claim followed by a default transfer on payment of £200 if the registrant fails to respond. On the plus side this reduces the 'going rate' for a domain - as in "you might as well give me £700 'cos that'll be £50 cheaper than DRS-ing me". It also makes it cheaper for a genuine claimant to obtain a domain that the registrant has no hope of retaining should the case go to an expert opinion. On the down side it makes it more attractive for chancers to try to gain a domain by gambling tenners and hoping to snaffle a few domains for the additional £200.

Questions: Will there be some limit as to the number of DRS cases that any one individual can bring and, if so, how will this impact on high profile trademark holders, banks, etc - who have good reason to bring large numbers of DRS cases? Would it be politically acceptable to have one rule for banks, etc, and another rule for Joe Domainer? If such a limit is put in place can it possibly do anything to stop the 'sister/brother/aunt/etc' acting on behalf of the individual who has reached their limit ?

(ii) It is possible that holders of very desirable domains may find themselves on the receiving end of umpteen speculative DRS cases. As failure to respond may result in a default transfer, and as any response will have to be a detailed response in case the claim proceeds to an expert decision, then the registrant could find themselves devoting large chunks of their time to defending their domain name.

Questions: What protection will there be for registrants of particularly desirable domain names? Will there be a limit to the number of challenges that can be brought against any one domain name? What protection can be given to those who hold hundreds (or thousands) of desirable domain names? Would it be feasible to accept a two word response along the lines of 'I object' as sufficient to prevent a default transfer, with the option for the respondent to file a full response should the claimant opt to pay the £750 for an expert opinion?

(iii) I am concerned that the time allowed in which to respond is insufficient, especially when one considers the unreliability of the domestic postal service, never mind international post. I appreciate that a valid email address should be maintained by all registrants but my spam filter can get very aggressive and eat legitimate mail. When talking with another Nominet member he suggested a DRS field in the registrant info. This idea has merit as it would force the registrant to pay attention to the possibility of a DRS and allow the registrant to populate that field with a dedicated email address (or the address of a lawyer). If I know that the only mail I am going to receive at drs@hazel.me.uk will be from Nominet then I can kill the spam filter on that account.

### 3. Please give us your contact details

Name

Hazel Pegg

Company Name

Glastonbury Online Ltd

Email address