

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 147 and 147 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

Points raised

"We will continue to make every reasonable effort to contact registrants when a complaint is received. "

This should include as standard for ALL drs cases the sending of drs documentation by both email to webmaster@ postmaster@ and common derivatives admin@ info@, and in addition by registered/recorded delivery. It is not, in my opinion, acceptable now to send any mail of this importance by regular post. It is also an indication that the respondant has received the documentation. If no response is received the the default transfer takes place this can be used in cases of the respondant trying to reverse the decision as a bias of the mitigating circumstance.

There will be a process for registrants to reverse (or set aside) default transfers. It will not be an automatic process, but will be there to protect those who, for good reason, were not in a position to respond to the original complaint.

See above for recorded delivery. It should also state that respondants should send ALL documentation by recorded delivery. In cases on mitigating circumstance this could be used.

There will be a grace period, during which the domain name will be suspended prior to transfer, where appropriate. If the domain name is in use, and other attempts to make contact have failed, this will alert the respondent to the fact of the dispute.

Good

"We will continue to allow registrants to respond with a simple denial of the claims made. This will trigger the mediation process. "

No. One thing I'm not clear on. Will there be a 2 way entry into the DRS, or will all DRS be treated initially as a default transfer and then wait for a response? If so then the respondant simply stating that they object to the drs and then progressing to mediation is unacceptable. The rebuttal then should be an indication that the respondant wishes to respond as normal and should activate a 3week period for response. It should then go to mediation and if then to the expert the seconf respondant respnse should be used. It also forces the complainant to provide a suitable case of abuse and rights according to the policy. Simply going to mediation will be a bias against the respondant, certainly as in many cases the respondant still has to prove suitable use of the domain.

As a whole the principle is sound. The safeguards for respondant (and complainant) need to be in place.

Stephen Betley
Anyname

3. Please give us your contact details

Name

Stephen Betley

Company Name

Anyname

Email address