

## 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 148 and 148 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**

There is default system is already in place, in the patents county court. Pay £150.00 and you can start a case against a name. One can add as many names as one wants, for the same price. Theoretically, one could add a 1,000 names, but I see this as absurd and so would the judge. If the responder does not reply the judge will give a summary decision. You then take that to Nominet, and HEY PRESTO you have yourself the name you desire.

Please answer me this question, why are we even bothering with this change when we have a system that is just as simple and already set up.

This is one of the replies from a DRS expert and IP lawyer.

Very Well thought out and balanced opinion.

[http://www.nominet.org.uk/digitalAssets/22796\\_David\\_Flint.pdf](http://www.nominet.org.uk/digitalAssets/22796_David_Flint.pdf)

"Valid disputes" refers to the weeding out of Complaints that do not "tick the boxes".

Nominet describes them like this: "'Invalid' refers to complaints that are not submitted in accordance with the DRS Procedures, being unsigned, sent only electronically or in some other way malformed. 'Invalid' does not refer to complaints that are unsuccessful."

So as I read it "valid disputes" and "domain name disputes" are the same thing. In Nominet's eyes the "great majority" is 53:47.

That figure is getting ever nearer 50:50 and in real terms has swung significantly the other way - with an over 80% response rate in the last two months with figures provided.

So the truth is that the default transfer under the current system would not cover the "great majority" of cases - but in fact less than 20% in the past two months. Is there a justification for changing a major part of the policy for such a small % of cases that are currently the "no response" cases?

Of course, if there are a lot more complaints, the pressure on Respondents with attractive generics to get a response in every time will grow - and so the chance of a missed response rises. But that is just creating work for lawyers and for the Nominet legal team - as well as for many registrants of valuable generic names.

I will add more but i am trying to meet the dead line of 5

Regards Michael Toth

**3. Please give us your contact details**

**Name**

Michael Toth

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