

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 149 and 149 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

We do not believe that a system that seeks to automatically disadvantage a non- respondent is equitable or proportionate to the matter being addressed.

The proposal appears to disadvantage all registrants to address the issue of

- a)the minority who act as 'cyber squatters' or 'domainers', who may or may not already subject to the 'three upheld complains' rule and
- b)those who have decided in the past not to respond to a DRS complaint for whatever reason (and which appears to be a declining in proportion anyway.)

At negligible increased initial cost to the complainant, the proposal appears to be providing a potentially cheaper solution to complainants yet increasing the burden any registrant subject to complaint.

Should the respondent now supply any 'simple denial of claims made', rather than not responding at all, the only effect is an improvement in the statistics. (An effect that might also be achieved by making response to a DRS complaint mandatory - enforced by suspension until the complaint is withdrawn or an expert decision is obtained).

Then how long will it be before complainants or their advisors press for some 'quality standard' be applied to responses to avoid proceeding to an 'expert decision'?

Any respondents who believe they have 'rights' will continue to be required to expend resources in compiling a response sufficiently comprehensive and robust to be forwarded to an expert adjudication, although now in the certain knowledge that a failure to respond guarantees the loss of their domain.

Subject always to a consistent approach to screening of the initial complaint and the standard required to be met for a complaint to be accepted by Nominet, the proposal to improve the quality of the initial complaint and contacting the respondent would be welcome but not at the expense of the burden placed on respondents.

However some clarification on the proposed safeguards for registrants, not included in section 4 'How it will work in detail', would be helpful and in particular

- a)Nominets right to refuse complaints:
 - Will refusal just replace the current system on 'short' complaints - where a letter is sent inviting the complainant to submit a 'better' complaint?
 - Will refusal occur after a review of the content against specified specific criteria or just the general criteria of 'detail' or evidence of 'rights'?
 - Will a complainant be able to make just a set number or any number of resubmissions until the criteria are passed?
- b)Nominets ability to refer files to a DRS expert :
 - Will this occur after a review of the content against specified specific criteria or just the general criteria?
 - Will the files referred be the 'current' complaint file only or include the files on both previous rejected and accepted complaints?
 - Will the files referred apply to all complaints on that domain or all complaints from the complainant?
- c)Reviews by Nominet:
 - Will these be subjective or prescriptive reviews?
 - Will this preview be another 'expert opinion' (before mediation or decision)?
 - What qualification or background will the reviewer have?

3. Please give us your contact details

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