

Dear Sirs

Q1) - Didn't realise these were not clearly covered already, they should be.

Q2) - A general offer to resell a domain name and registering many domains are not necessarily evidence of abuse. The sale of traffic almost always is in my experience, trying to gain from people coming to the site who are expecting to get something else (probably the complainant's site!).

Q3) - Seems reasonable

Q4) - Summary - upfront fees with greatly reduced expert decision fees payable by loser preferable.

Although we actually run a domain name trading website, the only cause we have had to have contact with the DRS was regarding a domain which someone else had registered in bad faith to trade off our own brand. Although our complaint was clearly totally reasonable and the defendant had no right to be using the domain in question, had we had to seek an expert decision we would have been unable to pursue the matter as the cost would have been prohibitive for a small non-VAT registered firm.

Luckily we were able to get in contact with the abusive registrant and get him to relinquish control of the domain without further cost. Although Nominet's intervention no doubt helped him see we were serious, in reality we were bluffing and had he not been reasonable we would have been unable to proceed. A small upfront fee to be paid by the complainant on each case seems to be the fairest way to charge. Although in theory the loser paying the full cost is best, this again is unfair to small firms who might not be able to risk losing nearly £1000 after failing to defend a registration they genuinely believed they had a right to use, and result in those who would have won the decision backing off rather than risk losing the money.

Q5) - As the refund fee would be smaller, no more than a couple of hundred pounds, if possible this could be payable before a decision is made by both parties, with the winner having their fee refunded.

Yours faithfully

Robert Butt  
The Hendon Mob Ltd.