

Using the Dispute Resolution Service for .uk domain names online survey

Submit date : Nov 25, 2006

Question 1: Please give us feedback on our proposals that the DRS should include:

(a) protection for words which have a distinctive character as a result of the use made of them.

(b) dictionary words which are protected by registered trade marks or good will.

It should always be the task of the TM holder to defend their trade mark and not Nominet. Nominet should continue to provide the DRS process that TM holders can go through. The first step in any process should be a genuine attempt to contact the existing domain name holder to resolve the dispute outside of the DRS.

Question 2: Please give us your feedback on our proposal that the DRS should include the following as examples of things that are not necessarily evidence of abuse:

- a general offer to resell a domain name
- sale of traffic (i.e. visitors to the domain name)
- registering many domains

I totally agree. Sales offers, sale of traffic or registration of multiple domains should not constitute abuse.

Question 3: Please give us feedback on our proposal that the DRS should include a statement that, where the evidence is finely balanced, the weaker the rights that the complainant has, the less likely it is that abusive registration or use will be inferred.

I would completely agree with this statement.

Question 4: Please tell us which payment option you would prefer and why: no change; a small upfront fee; or loser pays?

I would support item no. 2

Question 5: How would you enforce any system of refund (outlined in option 3)? Which section of the community would you imagine would most benefit from a refund system?

I would NOT support item 3.

Question 6: Do you have any comments about the proposals to change aspects of the procedure, payment, drafting, appeals, expert decisions, abusive registrations or miscellaneous issues?

The MOST important part of a DRS is that the complainant should ALWAYS be advised to FIRST bring their case to the existing registrant. This will eliminate many of the complaints and bring resolution to the dispute prior to a DRS.

Question 7: Do you have any other changes you would like to see within the DRS, or topics within the DRS that you wish to comment on? In particular, if you have any views about any of the following topics which have been the subject of discussion, please let us know:

- Length of submissions and word limits.
- The impact of Internationalised Domain Names, if introduced.
- Whether experts can find a registration abusive for reasons not spelled out in the complaint.
- Whether there have been any practical problems with the treatment of 'Without Prejudice' material.

- Whether experts should be able to represent parties in other disputes, and if not how to keep the quality of experts high.
- Whether the detail of the DRS can be taken out of the contract and updated more regularly.

Make it easier for an existing domain name owner to hand the domain name to the complainant.

Please give us your contact details

Name	Michael Gilmour
Company Name	MRG Asset Trust