

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

Submit date : Jan 8, 2007

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.

(a) Protection for words which have a distinctive character should only be done were the company or organisation has traded for maybe 10 or more years using that name which shows distinct recognition of a brand or trading name. (b) Dictionary words should have no protection.

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

A general offer to resell domain names should never be classed as abuse. To define a general offer it would be best to build a pricing guide for domain names and create a similar market place of vehicle registration marks. Traffic to a domain should never be for sale and reselling or introducing visitors for a fee should be classed as serious abuse. Registering of many domains should be allowed.

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.

Were evidence is finely balanced a panel made up of nominet staff, representatives of ISP's, general public and IT industry, solicitors should decide based on the evidence and documentation provided by all parties concerned.

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

No change.

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?

The refund should be paid by the losing party directly with no further involvement of Nominet. It should then be up to the winning party to chase the refund either privately or through small claims courts.

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?

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.

Please give us your contact details

Name

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