

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

Submit date : **Jan 18, 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.

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

General offers to re-sell a domain name should only be classed as abusive if the re-sale offer is for significantly more than out-of-pocket expenses. Sale of traffic or indeed 'squatting' domains, where search engines and pay-per-click advertising is sold - especially in cases where the domain name in question is deceptively similar to the complainant's domain names - should be classed as abusive unless an agreement is/has been in force to the contrary in the past. Registering many domains should not be classed as abusive, as long as the domains are being used for legitimate reasons and purposes. Some companies operate portfolios of domains for different sites, trademarks, services etc.

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'm not entirely certain as to what this means - any decision made should be as fair and balanced as possible taking all evidence into account.

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

A combination of the 2nd and 3rd points may be the better idea - a smaller up-front fee (say somewhere between £20 and £50, refundable via a charge to the losing party) to begin the process should be introduced, combined with a further charge to the losing party upon completion.

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?

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?

Plain english terminology would be very helpful. New evidence should only be admissible in cases where it is absolutely related to the case.

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

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