

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

Submit date : Jan 31, 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.

Where a name has recognised brand or where a new company is investing in a new brand this should be protected, if they have first use. It should not just be for big brands such as your example.

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

This would be helpful

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 think this is unhelpful. A weak case is self evident. This sentence is unclear and will IMHO lead to confusion rather than clarity.

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

Current system works against the good guys. In our case, we already have costs and will have to pay an expert if the other party does not respond, yet an abuser can register a domain for as little as 9p and simply ignore your letter. Definitely loser should pay.

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?

Both parties pay up front the full costs so DRS holds 2* costs. When settled, loser gets nowt and the winner gets the full refund. Result no risk and DRS fully paid by loser.

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?

Rewrite to plain English. Yes please Soften test 3(a)(ii) yes, as currently you must find someone who has been confused where most people just go elsewhere and the legitamate party may never know them (loss of legit business) Expert decisions should be fully and openly explained. Misc. Nominet should drop the self defence statements that must be signed. Nominet should rely on 'doing right' and be prepared to 'put right' if it makes a mistake. Mandatory self defence statements like this are an abuse of priviledge and consequently indefensible.

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.

An expert should have the right to declare a basis for abuse outside the current limitations under a 'special circumstances rule' but should not be able to declare 'no abuse' if the case meets the minimum abuse criteria as laid out.

Please give us your contact details

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Company Name