

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

Submit date : **Feb 7, 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.

I am concerned about the geographical widening of the area in which a word is distinctive. US companies insist that their use of words is distinctive worldwide.

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

registering many domains - who decides what is many ? I am individual but I am still planning to use several hundred domains in my lifetime.

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.

what do you define as weaker rights ? Surely a trademark should be required before the drs can be invoked ?

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

Never make the respondent pay! Unscrupulous companies could use a nominet fee for respondents (or threat thereof) to exclude respondents from the drs. Individuals are already deterred from answering threatened legal challenges by the fact that any reply is expensive. The drs should offer a system that does not exclude registrants with a fee.

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?

Big companies pursuing dubious claims would benefit. They are not deterred by the possible cost of losing, individuals are.

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?

do not shorten the process

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.

nominet should publicise the good work it does in supporting the rights of individuals to register domain names.

Please give us your contact details

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Company Name