

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

Submit date : **Feb 10, 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.

Dictionary words should be offered very little protection by TM holders. Dictionary words used for the descriptive purpose should be offered no protection (be it PPC or otherwise). There are obvious exceptions to this, apple.co.uk used to sell computer products should be offered protection under DRS, apple.co.uk used to sell apples or offer information on apples (the fruit) should be considered acceptable under DRS, this should be clarified. Geographical domains should be offered no protection whatsoever, under any circumstances.

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

good idea

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.

good idea

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

Option 2 is this way to go. This would reduce the amount of lame "because its free" type complaints yet is affordable enough for those with legitimate claims. Totally against option 3 – I for one wouldn't pay. If this gets implemented, I'm selling my .uk names and canceling my membership/tag with nominet.

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?

Would be near impossible to enforce.

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

Rob

Company Name