

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

Submit date : Feb 12, 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) I feel there is no argument to be made here, trademark law should extend onto the internet in regards to domains such as britishgas.co.uk or waynerooney.co.uk for example. B) Dictionary words however I feel aren't protected in the same light IF they aren't being used in the same area of industry. So if apple.co.uk only sold computers and had no mention of music (in the Apple vs Apple case), then I feel that its really first-come first-served.

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

Reselling domain names is not evidence of abuse unless you try to sell britishgas.co.uk to British Gas I feel. The sale of traffic is not either in my opinion, however I do feel people or companies that register large amounts of domains solely for parking to be unsightly but as they intend to sell on their domains, I cannot consider this to be wrong.

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.

No Comment

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

I do not believe the last option (3) is even on this survey. It cannot be considered even for a minute. It would be simpler for someone who gets a dispute filed against them to surrender the domain if they feared they'd lose the decision rather than face paying. Its a backdoor to any company getting a domain the sly way. I believe the second option (2) whereby the persons initiating the dispute should pay a upfront fee of between £50-100 is the best option. If a big business or even a small business felt they were losing substantial amounts of money because they did not have examplebusiness.co.uk, then they would pay for fee to get their name back. However, having the loser pays system would make them less likely to initiate a complaint, espically if they had to pay £750!

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?

No Comment

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?

Having things in plain english always helps, as well as cutting down the time taken to complete the whole decision also.

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.

Experts should only decide on cases where the reasons for the abuse have been stated by the complainant. I don't believe the experts should make up their own reasons as to how a registration can be abusive.

Please give us your contact details

Name **Darren Scott**

Company Name