

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

Submit date : **Feb 11, 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.

Protection of a Trade Mark would be acceptable but as long as the domain was previously registered BEFORE the trade mark application was lodged the Trade Mark holder cannot retrospectively claim it.

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

mispellings or other devices to fool people to drive traffic to their site e.g. misspellings

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.

This needs to be in plain English and not wrapped into phrase that takes ages to phathom

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

No change; The right to challenge should be based on merit and not financial muscle

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?

Obviates q4 and negates the answer

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?

The draft needs to be written and approved by the Crystal mark

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.

It would be unreasonable to disallow on the grounds of ‘Without Prejudice’ material. Experts can be bought in and paid for by a larger organisation that would weigh against the person who would have no funds to challenge the expert with their own.

Please give us your contact details

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Company Name