

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

Submit date : **Feb 13, 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- yes b- yes

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

There should be a regime in place similar to UK trademark law that the domain must be used or that there must be a bonafide intention to use. The trademark laws are well established, tested and international and are subject to oversight by WIPO. Domain names should in principle take the benefit of this prior experience. It is not acceptable that people should be sitting on hundreds of unused domain names which they hold merely for the purposes of trafficking. We aren't dealing with car number plates here.

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?

small up front fee. Loser pays places small parties at fear of losing and may deprive access to justice. there should be a supplement added to all new registrations

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?

don't understand this question

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?

no comment

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

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Company Name

The Consumer Action Group