

Question 1

a) I agree with the experts view in this case:

"The mere fact that a generic word happens also to be a trade mark cannot lead to the trade mark owner monopolising all uses of the word. Certainly for the purposes of complaints under the DRS Policy there has to be something more." DRS 03316

http://www.nominet.org.uk/digitalAssets/10081_bounce_appeal.pdf

b) I believe someone has the right to keep a dictionary word domain IF the person does not have something on the website that infringes the complainant's trademark. By not explicitly stating this, a new product launch could see a legitimate use of a website still loose a DRS appeal.

Question 2

The important issue here is for Nominet and the DRS experts to acknowledge a domain has a value. I feel it's the actual content of the parking pages that we should be looking at here rather than the actual concept of parking a domain.

Under a first come first serve policy I feel people should be allowed to register as many domain names as they like.

Question 3

I believe this proposal could have been used in the following DRS cases:

DRS 3747 Finechesses.co.uk

http://www.nic.uk/digitalAssets/8799_finecheeses.pdf

DRS 03886 SussexSkips.co.uk

http://www.nic.uk/digitalAssets/9598_sussexskips.pdf

Question 4

A small upfront fee which is higher at £250+ to improve the quality of complaints. This would be included in the costs and refunded if the complaint is successful.

Loser pays is most shocking proposal I have ever heard from Nominet in recent times. How would Nominet actually enforce this proposal and make registrants pay the "fine"?

Question 5

Unless Nominet implements "loser pays" then this is not necessary.

Question 6

Procedure: I feel the respondent should always have the right to reply again.

Payment: If a respondent wants to pay the DRS fee VOLUNTARY then fair enough.

Drafting: 'Unfair Registration' is even more confusing than 'Abusive Registration' in my opinion.

Appeals: Even the current appeal timeline is not long enough. See the apology on bounce.co.uk Appeal DRS 03316

http://www.nominet.org.uk/digitalAssets/10081_bounce_appeal.pdf

Expert decisions: These proposals are very important to introduce.

- - See the Google search on
http://www.nic.uk/digitalAssets/8799_finecheeses.pdf

- - See the expert changing the DRS decision
<http://www.acorndomains.co.uk/domain-name-disputes/5229-warning-nominet-can-doctor-drs-results.html>

- - See the Tony Willoughby four stage test
http://www.nic.uk/digitalAssets/1027_chivasbrothers.pdf

Miscellaneous: Please introduce a system allowing people to submit DRS cases (all material) online instead of having to submit three paper copies.

Question 7

Word limits: Both word limits seem a little on the low side however I suppose the DRS expert has to read it (paid for their time) and digest the information. However if "new evidence" is allowed in appeals is the word limit high enough?

Internationalised Domain Names: Will Nominet have to have experts that understand different languages? Translators? Interpreters?

What experts find abusive: They should not make decisions based on evidence not presented to them.

Without Prejudice material: How does this fit in with Question 2 "A general offer to resell a domain name"?

Experts representing parties in other disputes: See "Willoughby & Partners" cases royalandancient.co.uk, hedonism.org.uk, The Pitman Case, waynerooney.com/waynerooney.co.uk

DRS updated more regularly: I think it is important that "registrants" are notified of DRS contract changes at the time of renewal or registrations. Any major changes should go to consultation.

Disclaimer: With permission I have used quotes from Andrew Bennett's DRS response dated 13/02/07. However I am a Nominet stakeholder and fully support the above opinions.

James Blessing
Entanet International Ltd