

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

Submit date : **Feb 15, 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.

I believe that these should be included.

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

I believe that all of these are in fact examples of things that are evidence of abuse.

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.

I believe that if the complainant has weak rights these can still point to an abusive registration if the current registrant has no rights in the name.

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

I believe an upfront non-refundable fee of £50 should be implemented to prevent poor quality complaints.

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?

I'm not sure how this would be enforced.

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?

I would like to see the processes for dealing with documents submitted out of time or in an invalid format clarified, but see no value in removing the reply stage. I would like to see everything re-written in "Plain English". I believe the DRS should include a likelihood of confusion as evidence of an abusive registration, I also believe that it is enough that abusive use has occurred in the past. The DRS should include anti-avoidance provisions for the 'three strikes' rule. Nominet should change the provisions dealing with communication and service of documents to take into account the new and potential extra online

service of documents to take into account the new and potential extra online services and clarify the role of representatives. An important change would be to give both parties legal rights against each other if they make untrue statements in submissions.

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.

I believe the word limits should be increased, but I'm not sure how much by. Any introduction of IDN should include details of how the DRS would cope with them, so I believe this to be a separate issue.

Please give us your contact details

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