

nominet[®]



The Dispute Resolution Service (DRS)

Responding to a complaint about a .uk domain name registration

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The following information will guide you through the response process:

1. What is the Dispute Resolution Service (DRS)?

Nominet's DRS is an efficient and transparent way of resolving .uk domain name disputes.

The majority of .uk domain name registrations are problem-free, but about 1 in 2000 registrations causes someone to make a complaint.

Common reasons for a complaint are:

“trade mark law”

“it is registered to an old web designer”

“cyber-squatting”

“it is registered to a competitor”

“typo-squatting”

“it is registered by an ex-employee”

“it breaks an earlier agreement”

For most people the court system is too expensive and difficult, so we provide the DRS as a cheap, fair and quick way of dealing with these disputes.

2. How the DRS works

The DRS is based on the set of rules laid out in the [DRS Policy and Procedure](#).

The rules which explain the principles of the system are the [DRS Policy](#). These explain what you have to prove in order to succeed in or defend a DRS dispute.

The [DRS Procedure](#) explains the more detailed rules and administrative parts of the DRS.

Stage 1: The Complaint

The person who complains about the domain name is the “Complainant”.

They make their complaint by filling out a form through Nominet's Online Service.

We then send this to you, the “Respondent”.

Stage 2: The Response

You have the opportunity to respond to the complaint that the Complainant has made.

Your response gets sent to the complainant who can comment on any new points you might have raised.

Stage 3: Mediation

If you respond, the case will be passed to one of our mediators.

Our **free mediation** service is a very successful process where a trained member of staff speaks to both parties to try and find an amicable solution to the dispute.

For more detailed information about the free Mediation process please see section 10.

Stage 4: Expert decision

If there is no resolution through mediation, or if you do not respond, the Complainant has the option to pay a fee to appoint an Independent Expert to make a binding decision.

The fees are £750 + vat for a full decision or £200+ vat for a summary decision.

The summary decision is only available in cases where you do not respond.

If the Complainant does not pay the fee a decision cannot be made and the domain name will remain with you.

The Expert decides whether the complaint succeeds on the basis of the arguments made by each side, and the DRS Policy and Procedure.

Stage 5: Publication

All decisions are published on our web site one working day after they have been sent to the parties.

Stage 6: Implementation of Expert decision

After the expert makes their decision, there are 10 working days in which the losing party can appeal the decision.

If there is no appeal we will make the necessary changes to the domain name registration, send confirmation to the parties and close the DRS case.

Stage 7: Appeal

If the losing party is unhappy with the decision they have a chance to pay £3000 + vat to appeal the decision. For more information on the Appeal Process please go to section 13.

PLEASE NOTE - The colour-coding of the stages is followed on throughout the booklet, i.e. the parts relating to the complaint are *BLUE*, and the response information is *ORANGE* etc.

Other general information will be in *PURPLE*.

3. Why has the Complainant chosen to use the DRS?

They feel that, on the balance of probabilities:

- 1) they have a right to the domain name, AND
- 2) your registration or use of the domain name in some way takes unfair advantage of, or is unfairly detrimental to their rights.

These two tests (the Rights and Abusive Registration) are covered in more detail later in this guide.

The DRS is intended to be a transparent, cheap and quick way of resolving clear cases of domain name abuse, either by mediation, or a binding decision.

There may be some situations where the DRS will not be able to offer a solution to the problem, i.e. if your dispute involves the finer points of trade mark law, or complicated contract issues, or you require an injunction, costs or damages, you may wish to consider taking independent legal advice on taking the matter to court.

Sometimes the Complainant may not have been able to contact you directly, and may see this as a way to open up the lines of communication between the parties.

4. Do I need legal advice?

No, legal advice isn't necessary, though some people may find it helpful.

Making a DRS complaint is not the same as being involved in a court case, though there are some similarities.

The DRS is designed to be accessible to those who don't have professional advice.

The guidance information and the layout of the online forms are intended to make it as straightforward as possible for you to highlight the relevant facts in your submissions.

The DRS team is always available to help with queries (though they cannot advise on the merits of a case).

Some parties do prefer to have the assistance of an independent advisor who is familiar with the DRS, to give advice on the procedure or to help draft submissions.

There are a number of advisors out there who are familiar with the DRS (both lawyers and non-lawyers). Nominet must remain independent and so cannot recommend any particular advisor – a search of the web should help you find one quickly. They can be from the UK or abroad.

5. What are my options?

5.1 Respond to the complaint

For advice and guidance on how to submit your Response, please go to Section 6.

The Response is your one chance to get your side of the case across, and to have a say about what happens to your domain name.

The Chairman of the Experts says in the Expert Overview that ‘...if the Respondent does not respond to the Complainant’s allegations and the Expert takes the view that the Complaint sets out a convincing *prima facie* case, the Complaint is likely to succeed.’

5.2 Do nothing

You do not have to respond to this complaint, but any decision made about your domain name will apply.

Why? Under the [Terms and Conditions](#) of registration, which you agree to when you register a .uk domain name, you must submit to proceedings under the DRS (Section 14 of the T’s and C’s).

5.3 Agree to transfer the domain name to the complainant

In some cases a Respondent will come back to us and say that the Complainant can just have the domain name.

In these cases we ask for written confirmation of this from you, and then we will complete the transfer of the domain name.

PLEASE NOTE - the Complainant could still decide that they would rather pursue the DRS case and pay for an expert decision – this does not happen often, but we have had one or two cases where it has.

6. Responding to the Complaint

Here you will find advice and guidance on how to submit your response to us.

6.1 Before you begin

The DRS is a formal process you should familiarise yourself with the process and what you need to prove in your response. To do this you need to read:

- DRS Policy
- DRS Procedure
- Responding to a Complaint booklet (this booklet)
- Response Guidance Questions
- Expert Overview

When you have read the guidance information you will be ready to draft and submit your response.

TIP

You must submit all your information and evidence in your Response, you do NOT get another chance to bring in new information at a later stage in the process.

6.2 How do I draft my response?

Our advice is to draft it in a word document.

You could use the structure of questions in the [Response Guidance Questions](#) document - this can be found in the Guidance Information box on the [DRS pages](#) of our web site - to help you begin drafting your response.

When you have typed up your response in the word document you can then begin the online submission process.

When completing the online form you can copy and paste your response into the 'Your response' box on the 'Describe your response' page.

You have up to 5,000 words for your response, to explain why your registration is not an abusive registration. Remember an Expert will not do any background reading, you need to explain the situation in full and back up your submissions with supporting evidence.

TIP

It will be useful at the drafting stage to start thinking about what documents, emails, invoices, screen shots etc. you could add as your supporting evidence.

6.3 Where do I respond to the complaint?

You can respond to the complaint through Nominet's Online Services.

Everyone who has a .uk domain name will be registered with us.

If you have not accessed the Online Services before please contact our DRS Team on 01865 332248, or by email to drs@nominet.org.uk.

If you have, please go to our secure [log in page](#), and use your email address and password log in.

PLEASE NOTE – If you cannot remember the password to log in then you can go to the log in page and click on 'Having problems logging in? When you type in your email address and click on submit you will be sent a password reset email.'

When you have logged in on your "Dashboard" you will see the 'Dispute Resolution Service' click on this and you will see '**Ongoing Complaints About Your Domain Names**', the complaint will be in the table under here.

Click on 'View details' to access the details for the complaint.

There will be a blue box on the '**Details for complaint**' page with 'You may now respond to the complaint' if you click on the response link in the blue box you can begin the online response process.

The boxes on the '**Details for complaint**' page will tell you at what stage the complaint is at and who the complainant is. Your Address and Contact will generally say [not yet determined], you can confirm or change these details when you go through the online response submission process.

TIP

Before you submit your response it is crucial that you look through the online documents relating to the case, in particular the supporting evidence which would not have been emailed out to you.

If you scroll to the bottom of the 'Details for complaint' page you will see some buttons.

Here is a brief explanation of what each page contains:

Document Summary	Here the case documents are split into Key Documents, Recent Emails, Returned Correspondence and Notes. In the Key Documents section you will find the Complaint, if you 'View' this document the supporting evidence will be under the Attachments at the bottom.
View all Documents	You can download several or all documents at once, to view or print off.
Respond to Complaint	This will start, or take you back into, the online response process. <i>Tip - You do not need to complete it all at once, when you click on 'Next' it will save the page you have just completed. You can log in and out as many times as you need to before you submit your response, and afterwards to check on the progress of the case.</i>
Your Complaints	Takes you back to the table of 'Your Ongoing Complaints'.

6.4 What will I need to show in my response?

If you have rights in a name or mark which is identical or similar to the domain name, this is where you should say so. Please note that you don't have to disprove the Complainant's rights, or show that you have equal or superior rights to the Complainant.

You need to show that your registration of the domain name is **not** an Abusive Registration.

You must write up your explanation of these points in your Response and also provide supporting evidence to back up what you have written.

TIP Providing evidence to prove your right to the domain name and to show abusive registration is a crucial part of the process. An Expert cannot find in your favour if you have not given them proof.

Rights in a name or mark

Because of the "first-come, first-served" rule of .uk domain name registration there is no absolute requirement for you to show that you have rights in the name (unlike the Complainant, who must prove this).

However, it can help your case if you show that you have rights in the name, as it may tend to suggest that the registration (and possibly use) of the name was not abusive.

Rights could be a trademark or other enforceable rights, and could include contractual rights. There is no geographical or jurisdictional restriction. The DRS has also been used for rights to the Complainant's own name. Complainants need to be able to establish that there is an enforceable right in respect of the name.

The Complainant must have rights at the time of submitting the complaint - have they provided evidence of this?

Some complainants have failed the Rights test - has the complainant in your case explained and provided evidence of their rights to this particular domain name?

Abusive Registration

The Policy requires Complainants to prove, on a balance of probabilities, that your domain name registration is an Abusive Registration.

Our definition of Abusive Registration means that the domain name was either:

- registered or otherwise acquired in a manner which, at the time when the registration or acquisition took place, took unfair advantage of or was unfairly detrimental to the Complainant's Rights;
- OR
- has been used in a manner which has taken unfair advantage of or has been unfairly detrimental to the Complainant's Rights.

You need to set out your reasons why you reject the Complainants' assertions that the domain name is an abusive registration.

When does the abuse have to happen?

The abuse can have happened at any time during the 'life' of the domain name - so that can be:

- There was an 'unfair' motive when it was registered;
- There was an 'unfair' use after registration but it has now stopped;
- There was an 'unfair' motive at transfer;
- There is something 'unfair' going on now;
- The domain name is inherently 'unfair'

There are situations in which it is clear that the registration was 'fair' (because the parties agreed at the time, or did not object) but the use later becomes unfair (because there is a change of use, a falling out between the parties or a change of motive).

Unfair Advantage and Unfair Detriment – what does this mean?

A true but perhaps unhelpful answer is "It depends on what the rights are and what has been done". The ways in which businesses and parties find to take advantage of each other's rights is almost infinite, and so there is no complete list.

More usefully, there are some common indicators which the policy sets out in paragraph 3 for why a registration might be abusive and then paragraph 4 sets out some reasons why it might not be abusive.

Please note that the DRS looks to see if a domain name was abusive at the time it was registered OR at any later time. It may not originally have been abusive, but may have become an abusive registration for one reason or another.

Are there any examples of how a domain name is not an Abusive Registration?

The possible examples are set out in section 4 of the [DRS Policy](#) – please read through them.

They are non-exhaustive so even if your case does not slot nicely into one of these, and you feel that your registration of the domain name not abusive, and you can provide evidence to show this please include this in your response.

6.5 Page by Page guide to completing the Response form

Here is a list of the pages you will find when you click on the option to 'Respond to Complaint' or the 'response' link in the blue box:

PLEASE NOTE - pages where actions are optional, i.e. adding a representative, will only appear if you click on the link to it.

Accept Terms	Confirm that you have read and understood the DRS Policy and Procedure.
Respondent details	This will show your address details. <i>Tip - If anything needs updating please correct it, we will also prompt you for any missing details i.e. title.</i>
Your representative	If you are using a representative please click on 'Add a representative'.
Add a representative (optional)	We need the business name (if applic.) contact name, email address, telephone number and postal address of your representative.
How to make a successful response	Basic information about what you need to be including in your response.
Write your response	Where you get to add your written response, and a reference number if you have one.
Support your response	You can upload word documents, PDF's, web site addresses, screen shots, brochures, accounts, invoices etc or let us know that you are going to be sending paper documents. <i>Note: the maximum file size is 20MBs, if you are having problems uploading your evidence please contact us.</i>
Warning from the Chairman of the Independent Experts	This will pop up if your response is under 500 words and/or has no supporting evidence.
Review your response	Read and tick the box, then submit your response.
Agree to jurisdiction and declarations	Read the declaration, tick the box and then confirm and submit your response to us.

6.6 Can I get someone to help me?

Yes. You can ask a friend, relative or colleague to help you draft your response.

Or you could get a Legal Representative, for more information about this please see section 4.

6.7 Checking the dispute progress

At each stage we send out emailed notifications to you. However, you can log in to check on the progress at anytime.

Go to our secure [log in page](#), and use your email address and password log in.

Go to the 'Dispute Resolution Service' section, here you will see 'Ongoing Complaints' the complaint will be in the table under here.

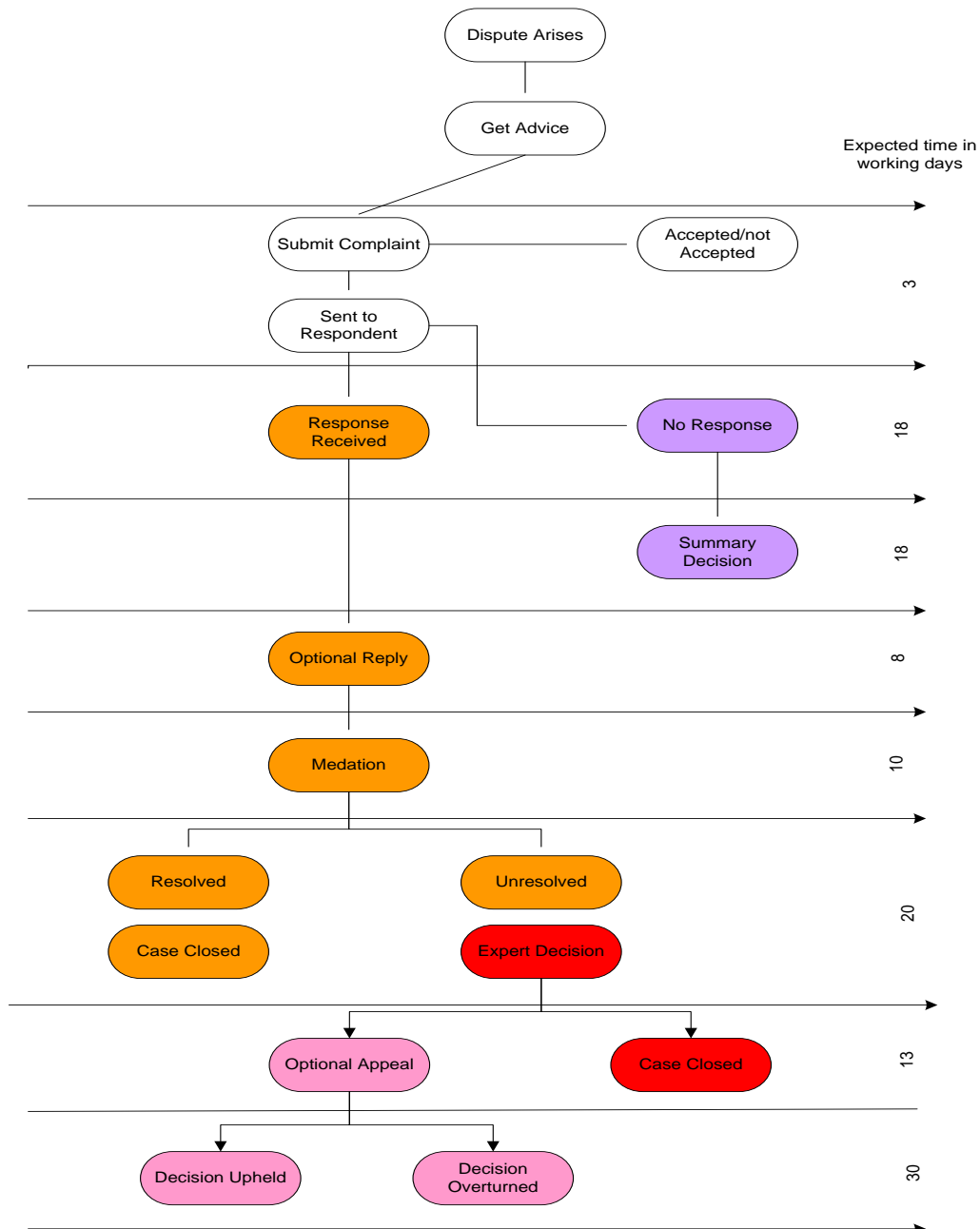
Click on 'View details' to access the details for the complaint.

The boxes on the 'Details for complaint' page will show you at what stage the complaint is at, your details, and the Complainant's details.

6.8 Where does my response fit into the DRS process?

The following flow chart shows the process and timescales for the whole DRS complaints process.

Complaints Process



6.9 How much will it cost me?

There will be no cost to you, unless:

- i. you decide to pay for a decision if the complainant does not, or
- ii. you want to appeal a decision.

Here is a table of the DRS costs:

To file a complaint	FREE
To file a response	FREE
To file a reply	FREE
To file a non-standard submission	FREE
Mediation	FREE
Transfer of a domain name in mediation	Discussed in Mediation

Decisions

Summary decision (1 - 5 domain names, 1 complainant)	£200 + VAT
Summary decision (6+ domain names or 2+ complainants)	By discussion
Full decision (1 - 5 domain names, 1 complainant)	£750 + VAT
Full decision (6+ domain names or 2+ complainants)	By discussion

Appeals

Notice of intention to appeal (non-refundable)	£300 + VAT
Notice of appeal (where there was a notice of intention to appeal)	£2,700 + VAT
Notice of appeal (where there was no notice of intention to appeal)	£3,000 + VAT

7. What happens if I choose not to respond?

It won't be possible for mediation to take place between you and the complainant.

The complainant can choose whether to pay for a full decision or a summary decision from one of our independent adjudicators ("Experts").

7.1 Full decision or Summary decision? - Differences and Similarities

Differences	
Full Decision	Summary Decision
£750 + vat	£200 + vat
Only option after mediation has failed	Only available if no response
Expert writes up discussion and findings	Tick boxes
Reviewed by an Expert Reviewer	No review by an Expert Reviewer

Similarities

- The Expert gets 15 working days to make their decision.
- Both decided on the basis of the tests set out in the DRS Policy and Procedure.
- The expert decides whether the Complainant has succeeded in showing that they have rights, and that the domain name, in the hands of the respondent, is an abusive registration.

PLEASE NOTE: The Expert decision fees for complaints with more than 6 domain names and/or with 2 or more complainants may be higher. We will set the fee in consultation with the Expert.

7.2 What is a summary decision?

The Expert will decide the case based on the DRS policy, the complaint and any additional evidence that the complainant has submitted.
From their findings the Expert will tick the boxes to confirm if the complaint has been successful.

7.3 What is a full decision?

The Expert will decide the case based on the DRS policy, the complaint and any evidence, the response and any evidence and the reply and any evidence.
The Expert will set out any outstanding procedural matters, the contentions of the parties, what has been accepted as fact, what their views are on the arguments and their decision.

Some complainants may ask for a full decision, even where they can opt for a summary decision. For example, if they feel it would be useful to know the strengths and weaknesses of their complaint for reference in future complaints.

7.4 Must the expert give a summary decision if the Complainant asks for one?

No. An Expert will only give a summary decision where they are satisfied that it is not 'unconscionable' to do so.

This means that if the facts are particularly complex, or if there is some other reason that a summary decision would not be appropriate, the Expert may decline to give a summary decision.

In that case, the Complainant's only option is to either pay for a full decision or withdraw the complaint.

8. What happens if I respond?

We will forward your response to the complainant by email within 3 working days.

They will have 5 working days to submit a Reply.

Their Reply should be submitted through their online account, in the same way as they submitted the complaint.

8.1 What is the purpose of a Reply?

To allow the complainant an opportunity to address any new matters raised in your response, which were not addressed in their original complaint.

They cannot use the Reply to raise any new matters, for example, if they neglected to mention a relevant factor in the Complaint.

The Reply must be no more than 2,000 words in length (excluding any annexes).

8.2 What happens after they Reply?

We will email the reply to both parties with a letter confirming the dates for Mediation.

If both parties agree to Mediation, one of Nominet's in-house mediators will conduct an informal mediation between the parties in an attempt to settle the dispute.

8.3 What happens if they do not Reply?

After the 5 working days we will send out email notification that we have not received a Reply with a letter confirming the dates for Mediation.

Again, if both parties agree to Mediation, one of Nominet's in-house mediators can still conduct an informal mediation between the parties in an attempt to settle the dispute.

9. What is Mediation?

Mediation is one of the key features of the DRS process. It's an informal process directed by one of Nominet's non-lawyer, [CEDR accredited](#) mediators which aims to provide an opportunity for the two parties to explore possibilities for an amicable settlement to the dispute.

9.1 What are the key features of Nominet's mediation service?

Nominet's mediation service is:

- a. **Free.** Neither party has to pay any fees to enter into mediation.
- b. **Voluntary.** While we believe that mediation can often provide the best solutions for the parties, it is a voluntary process. If either or both parties do not wish to mediate, they do not have to.
- c. **Confidential on two levels.**
 - The parties can discuss things with the mediator that they wish to keep confidential from the other party. This can often help them to weigh up the value to them of any settlement options.
 - If a mediated settlement is reached, it remains confidential between the two parties. This means no details of the dispute itself or the settlement reached are made public. In sensitive disputes, this can be a major advantage for both parties.
- d. **Without Prejudice.** This means if a case does not settle in mediation and goes to an Expert decision nothing said by either party in mediation is seen by the adjudicating Expert. This means the parties can feel free to explore all options in mediation without the fear that this might affect their chances later should the case go to a decision.

9.2 How will mediation work?

Once your case has moved onto the mediation phase one of our mediators will be assigned to the case. The mediator will then make contact with the two parties separately by telephone or email to explain the process and to make sure both parties are willing to mediate.

The mediator will then hold a series of discussions with the two parties in turn in order to help them explore and negotiate options for agreement. These discussions will be by telephone and/or email as the parties prefer.

9.3 Can I do anything useful to prepare for mediation?

Mediation is an informal process, which works best when the two parties are willing to think flexibly about the problems that have led to the dispute and about possible ways of solving those problems. In preparation for mediation it can often be useful for the parties to think through where their interests lie, the potential costs and risks associated with any options available, and what might be negotiable for them and what is not.

This process can be difficult and our mediators are trained to aid the parties to do this. You will also be sent a 'preparation for mediation' questionnaire by the mediators, which you might find useful to complete to help you with the discussions.

9.4 Why should I mediate?

The flexibility of mediation provides a number of advantages.

- a. In cases where the matters in dispute extend beyond just the domain name, mediation provides an opportunity for the Parties to discuss all aspects of the dispute.
- b. A wide range of settlement options can be discussed beyond the outcomes that an Expert is able to order in the decision process.
- c. Mediation allows the parties to find a settlement where they jointly remain in control of the outcome. In the decision process it is the Expert who has control over the outcome and there will always be a loser.

In most disputes a successful mediation cannot mean both parties getting everything they want. It can, however, mean both parties getting something that is realistic, enforceable, and which they can live with.

9.5 What happens if mediation is successful?

If the parties reach a settlement in mediation the mediator will then assist the Parties where possible in putting the agreement into practice. This may involve the drawing up and signing by the parties of a formal settlement agreement.

9.6 What happens if mediation does not work?

If mediation is not successful then you will have the option to pay the fee required to appoint an Expert to make a binding decision on the case. You are not obliged to do this. If you opt not to seek a decision, in most cases the dispute will then close with the disputed domain name remaining with the Respondent.

It's not a common outcome, but if you as the Complainant do not pay the Expert decision fee the Respondent is then given the option to pay the fee themselves. They may do this if they feel strongly that their registration and use of the domain name is fair and they wish to seek a ruling to confirm this.

10. Further statements/Non-standard submissions

The Policy and Procedure has three submissions in the course of a normal DRS case: the Complaint, Response and Reply. Those will automatically be passed in full to the Expert.

Anything else is called a "non-standard submission" and [DRS Procedure](#) 13 (b) applies to these.

10.1 Can I make any further submissions to the Expert in addition to the Complaint and Reply?

If you want to send a non-standard submission, you **must** comply with the 13(b) paragraph in the DRS Procedure, otherwise your submission may not be sent on.

It is important that there is a single, separate, first paragraph that focuses on the **exceptional need** and reason for the extra submission.

PLEASE NOTE - Experts do not look kindly on attempts to abuse this mechanism in order to raise points which you should have raised in the response.

The full submission should contain the information you would like the Expert to see.

The Expert will read the first explanatory paragraph before deciding whether they wish to see the full submission. The DRS team will let you know if the Expert has agreed to read the full non-standard submission.

TIP A 13(b) submission requires two documents – the explanatory paragraph and the full submission - please email them to drs@nominet.org.uk

The Complainant will be able to view the explanatory paragraph online, and, if the Expert asks to see the full submission we will then make this viewable to the Complainants online too. The same applies to you if the Complainant submits a further statement.

As it is entirely at the Experts discretion whether or not to look at the further statement, **we strongly advise you to ensure that the response contains all the relevant facts and arguments that you wish to make.**

10.2 Questions from the Expert

The Expert may choose to ask questions or ask for additional information from either party. This is done in accordance with paragraph 13(a) of the [DRS Procedure](#).

They will send these requests to the DRS team and we will then email them out to you and the Complainant.

If the request was for you, we would send you an email with '13a expert request' in the subject line, copied to the Complainant, the email will contain;

- i. the instructions from the Expert,
- ii. a date by which you need to send the information to us, AND
- iii. a date by which the Complainant can to comment on any additional information/documents you have provided.

You would also be copied in on any 13a expert requests for the Complainant, and be sent the additional information to comment on.

PLEASE NOTE - You do not have to respond, but please bear in mind that the Expert is asking these questions for a reason and the answer to the question may be important in persuading the Expert to decide in your favour.

Please be aware that if the Expert requests some more information from the parties it may delay the final decision.

11. Decision

When we receive the decision from the Expert we will email it out to the parties.

With the decision you will also receive a letter confirming the date for the appeal deadline, and the appeal invoices addressed to the losing party.

Please read through the decision, this will explain what decision has been made, and with the full decisions you can read through the experts reasoning behind the decision.

12. Appeal Process

If you are unhappy with the decision the Expert has given (for whatever reason), you can appeal it. Likewise, if the Complainant is unhappy with the decision, they can appeal.

12.1 What should I do if I disagree with the expert's decision?

The only way an Expert decision can be changed is by appealing it.

Appeals must be started within 10 working days of the parties being sent the original decision, if there is no appeal the original decision will stand and the DRS complaint will be closed.

Appeals cost £3,000 plus VAT and are decided by a panel of three Experts. Appeal panels consist of the Chairman of the Independent Experts and two of the Expert Review Group. They will not have had any involvement in the original decision.

12.2 How do I Appeal?

There are two ways to start an appeal:

- 1) If you need time to prepare a full Appeal Notice, you can choose to submit your Statement of Intent to Appeal, along with a deposit of £300 plus VAT. **This deposit is non-refundable regardless of whether you decide to go ahead with the appeal.**

The statement of Intent to Appeal must be submitted to drs@nominet.org.uk on or before the deadline date set out in the notification of expert decision letter you receive from us with the completed decision.

Once you have filed this statement of intent, you will have a further 15 working days before you must submit your full Appeal Notice, and pay the balance of the appeal fee.

- 2) Alternatively, you can choose to submit your full Appeal Notice and pay the entire £3,000 plus VAT appeal fee without the statement of Intent to Appeal.

As before, the Appeal Notice must be submitted to drs@nominet.org.uk, and the fee paid, on or before the deadline date set in the notification of expert decision letter.

12.3 What is a 'Statement of Intent' to appeal?

- A simple email notification to drs@nominet.org.uk that you intend to appeal the decision.
- It does **not** need to contain the actual grounds or reasons for appeal.
- Confirmation of this intent to appeal will be sent out to the parties.
- This must be followed within 15 working days by an appeal notice and the balance of the fee (£2,700 plus VAT), if not we will close the complaint and the original decision will stand.

12.4 What is the 'Appeal Notice'?

- It must set out the detailed grounds and reasons for the appeal.
- It must not contain any new evidence or annexes.
- It can be up to 1,000 words.
- The appeal notice will be sent to the other party and they will get a chance to respond.

12.5 What is the 'Appeal Notice Response'?

- It must set out the detailed grounds and reasons why the appeal should be rejected.
- It must not contain any new evidence or annexes.
- It can be up to 1,000 words.
- You have 10 working days to file an appeal notice response.
- The appeal notice response, if received, will be forwarded to the other party and the appeal panel will be approached and appointed.

12.6 The Appeal Decision

The appeal panel have 30 working days in which to consider the appeal. This means that they:

- i. will re-examine the complaint, response and reply;
- ii. will consider whether to examine any non-standard submissions;
- iii. will consider the contents of the appeal notice and appeal response;
- iv. may review procedural matters.

The panel will comment on any differences between their decision and the original decision, but will not otherwise base their appeal decision on it.

The appeal decision will be a full decision (regardless of whether the initial decision was a summary decision or a full decision). Nominet will forward the appeal decision to the parties within 3 working days of receiving it, and we will implement the decision 10 working days afterwards.

12.7 What can I do if I miss the appeal deadline?

Deadlines in the DRS are strict. We are unable to process the appeal if we do not receive the intent to appeal and deposit, or the appeal notice and the full payment on or before the appeal deadline date set out in your notification of expert decision letter.

If you miss your deadline there may be other options open to you outside of the DRS to resolve the dispute. Please seek your own independent legal advice on this.

12.8 Can the Complainant resubmit the complaint after a decision has been made?

These are discouraged and only permitted in very exceptional circumstances.

If a Complainant is unhappy with a decision, ordinarily the appropriate step for the Complainant to take is to appeal the decision, not seek to have a "second bite of the cherry".

Whether or not a Complaint is a repeat or re-filed Complaint is a matter for the Expert, therefore they will still need to pay the expert decision fee not knowing whether the Expert will accept the repeat complaint or not.

The Experts will reject complaints without examining the submissions if they regard them as a resubmission of a previous complaint.

12.9 What can I do if I am unhappy with the appeal decision?

If you disagree with an appeal decision, then the DRS is unable to help you any further.

There may be other options open to you outside of the DRS to resolve the dispute. Please seek your own independent legal advice on this.

13. Implementing the Expert decision

The Expert's decision is binding, if there is no appeal here is what we will do after the appeal deadline has passed. In each case we will send out email confirmation to both parties and the DRS case will then be closed.

Outcome	Action
Transfer	We will transfer the domain name to the Complainant.
No Action	The domain name will remain with you.
Cancellation	The domain name will be scheduled for cancellation.
Suspension	The domain name will be suspended (this means that it is prevented from working) until it is due for renewal when it will be cancelled.