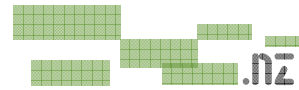


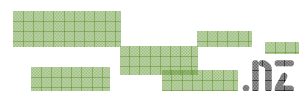
Dispute Resolution Service (DRS) .nz Domain Names

iWeek 2008 South Africa



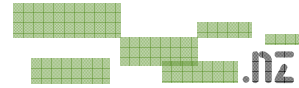
Outline of presentation

- An overview of .nz
- .nz registration policies
- Overview of the .nz DRS
- Statistics



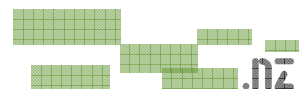
The .nz Domain Name Space

- No legislation covering the .nz domain name space
- .nz domain name space operates as a Shared Registry System (SRS)
- Authorised registrars have access to the register and full responsibility over their domain names
- The SRS is governed by a series of .nz policies and procedures and formal agreements

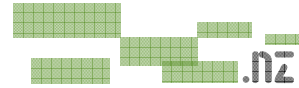
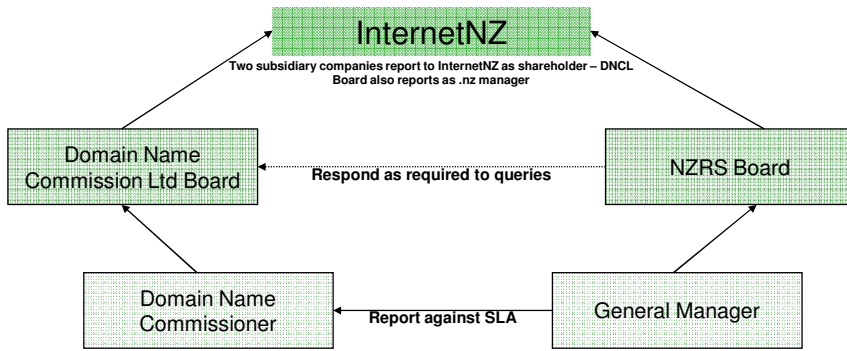


Who looks after .nz

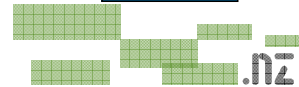
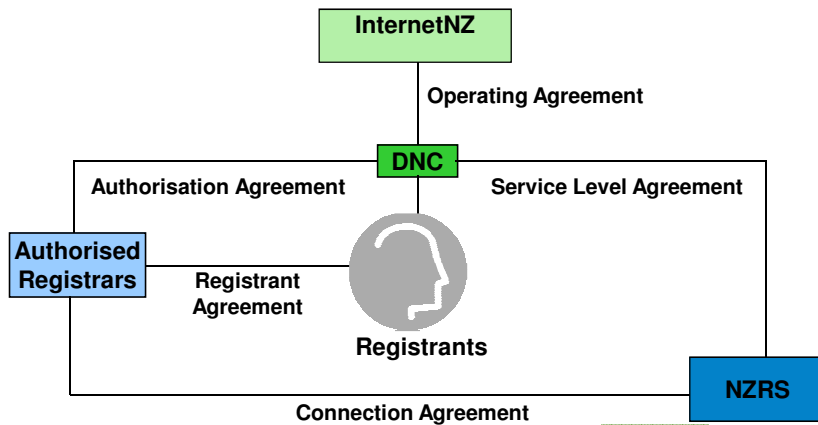
- InternetNZ – delegated responsibility for .nz
- Domain Name Commission Ltd – subsidiary company of InternetNZ responsible for managing the .nz space
- NZRS – Subsidiary company of InternetNZ responsible for operating the .nz register



How they fit together.....



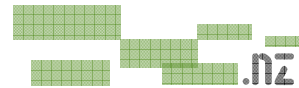
The .nz Domain Name Space



Domain Name Commission

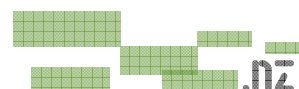
Responsibilities include:

- Authorising registrars
- Monitoring compliance with .nz policies and procedures
- Developing policies and procedures under the oversight of the Board
- Handling complaints that arise in the operation of the .nz market
- Monitoring the performance of NZRS against the Service Level Agreement (SLA)
- Administering the Dispute Resolution Service



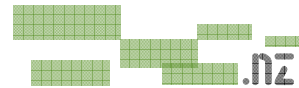
Some key features of the .nz SRS

- Transfer at any time for no cost (except during registration grace period)
- Registrars must provide the UDAI to allow transfer
- Flexibility of one month to 120 month registrations
- Operates on an automatic renewal function
- Restrictions on when a domain name can be cancelled
- 90 day “pending release” period
- Sanctions can be imposed on registrars and registrants who breach .nz policies and procedures



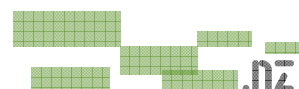
Registration rules

- There are no registration restrictions for any of the 'open' second level domains (2LDs)
 - .co.nz, .net.nz, .org.nz, .geek.nz, .maori.nz, .gen.nz, .school.nz and .ac.nz
- Registrants must be properly constituted organisations or individuals over the age of 18 years
- All details must be current and correct
- Complaints to registrars, escalated to DNC
- Names can be cancelled by DNC if details not corrected



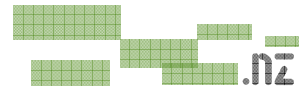
Disputes in .nz

- Up until 31 May 2006, advice given:
 - Negotiate directly with the registrant
 - Take the matter before the courts
- From 1 June 2006 a dispute resolution service, based on the Nominet (.uk) approach has been offered



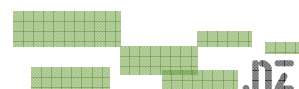
Complainant's obligations

- Required to prove to the Expert that:
 - They have Rights in respect of a name or mark which is identical or similar; and
 - The domain name in the hands of the Respondent is an Unfair Registration
- Both elements have to be proven on the balance of probabilities



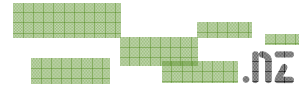
Rights

- Defined as:
 - “includes, but is not limited to, rights enforceable under New Zealand law. However, a Complainant will be unable to rely on rights in a name or term which is wholly descriptive of the Complainant's business”



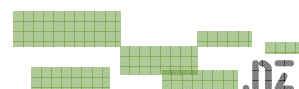
Unfair Registration

- Means a domain name which either:
 - Was 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 Right; or
 - Has been, or is likely to be, used in a manner which took unfair advantage of or was unfairly detrimental to the Complainant's Rights.



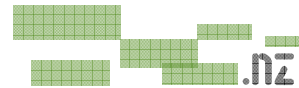
Features of the .nz DRS

- Complaints are filed online at www.dnc.org.nz/drs
- If response received, matter goes to mediation
- If mediation unsuccessful, or there is no response, complainant can pay \$NZ1,800 plus GST (\$2,025) and submit complaint to Expert
- Expert appointed
- Appeal available - \$NZ6,600 plus GST (\$7,425), for panel of three Experts



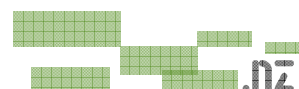
Timeframes

- Quick and relatively inexpensive process
 - 15 working days for a response
 - 5 working days for a reply
 - 10 working days for mediation
 - 10 working days to pay for Expert
 - 10 working days for Expert decision
 - 15 working days to appeal



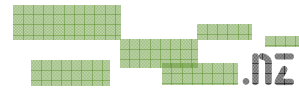
Response & reply

- When we receive the hard copies of the complaint we will notify the current registrant of the complaint and give them an opportunity to respond (15 working days).
- If they respond the complainant can then reply to this response (5 working days).
- If response received, mediation is 'forced' on the parties



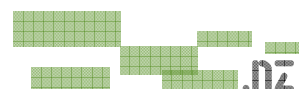
Mediation

- By email and/or phone only and must be completed in 10 working days
- Mediator appointed “first cab off the rank”
- DNC covers cost of mediation
- Any agreement made through mediation should be written
- Written agreement obtained through mediation is binding.



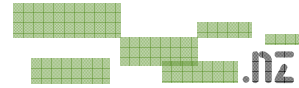
Expert appointment

- If mediation unsuccessful, or there is no response, complainant can pay \$NZ1,800 plus GST (\$2,025) and submit complaint to Expert
- Expert appointed “first cab off the rank”
- 10 working days for determination



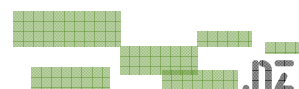
Expert determination

- If the matter is referred to an Expert, the Expert's decision is binding, unless appealed.
- All decisions published at www.dnc.org.nz/drs-decisions
- If no appeals are lodged the Expert's then the Expert's decision on changes to the registration will be implemented.
- Decisions include key words and are fully searchable at www.dnc.org.nz/drs/decisions.php



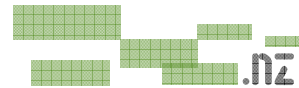
Appeal

- An appeal is considered by a panel of three Experts
- Cost is \$NZ6,600 + GST (\$7,425)
- The appeal is the final settlement process the DRS offers, any decision reached is binding and will be implemented



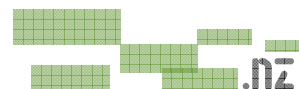
1 June 2006 – 31 August 2008

- 198 disputes received – average 7 a month
- Of those, 119 were valid – average 4 a month
- 40 disputes set to mediation with 28 of those being settled
- 21 resolved prior to mediation
- 37 referred for Expert determination



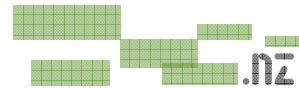
2008 year to end August

- 57 complaints received of which 34 were valid
- Of the 34 valid complaints:
 - 7 proceeded to Expert determination with 6 ordered transferred and 1 dismissed (notice of appeal received for the dismissed dispute)
 - 3 of 7 disputes that went to mediation were resolved
 - 8 disputes settled prior to being sent to the mediator
 - 9 disputes withdrawn
 - Rest continuing through the system



Statistics

- 37 disputes have been referred to Experts
 - 29 ordered transferred
 - 6 dismissed
 - 1 ordered cancelled
 - 1 dispute involving 2 names had one transferred and 1 dismissed



<http://dnc.org.nz>

<http://dnc.org.nz/drs>

<http://dnc.org.nz/drs-decisions>

