

nominet

- How we handle descriptive terms within the DRS
- Safeguards for the secondary market
- Fees
- Word limits
- Experts' capacity to find abuse for reasons not included in the complaint
- Expert representation in DRS cases

Current hot topics and trends Consultation responses

- Record 128 formal responses
- Polarised positions with little consensus
- Criticism and praise
- Lobbying and circulation of pro forma response

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Fees (nearly all 128 had a view on fees)

- All fees should be paid up front
- Loser should pay and enforcement would be by cancellation of all domain registrations of the losing party
- Lower fee for charities and small businesses
- Loser pays would be totally unfair

Current hot topics and trends
Consultation responses

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DRS expense (sample comment)

- The fee for a decision was high enough to put it out of my reach
- To force a complainant to pay £750 plus VAT for a dispute that the respondent chooses to ignore is unfair

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Default transfer (11 suggestions)

 There should be a method (akin to default judgment) for a quicker, cheaper resolution to disputes where the respondent submits no evidence or does not otherwise take part in the DRS. Currently a respondent can sit back and make the complainant go through the motions of mediation and decision and incur the full expert's fee

Current hot topics and trends Consultation responses

- Make the DRS completely separate from Nominet
- It is essential that DRS proceedings continue to be operated by Nominet

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- The arbitration process worked particularly well and needs to remain at the core of the process
- Nominet needs better mediators, preferably not in house

Current hot topics and trends Consultation responses

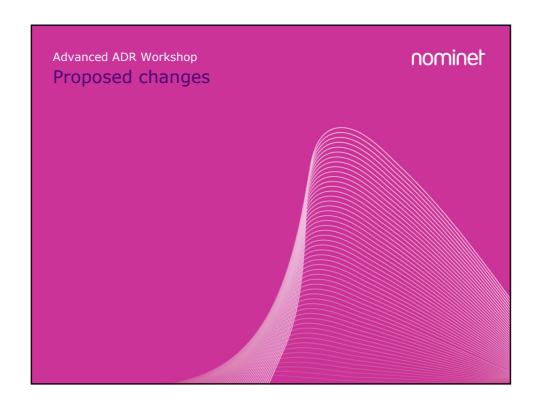
- The DRS as it stands is nothing short of a disgrace [continues in similar vein for several paragraphs]
- I was very happy with both the treatment and the fairness of the Nominet service. The site is clear and straightforward and the system is very fair.

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- It should be possible to rely of likelihood of confusion test as evidence of abusive registration
- I do not believe that "a likelihood of confusion" should be used as evidence of an abusive registration

Current hot topics and trends Consultation responses

- The 3 strikes rule should be scrapped as it is unfair
- Misspellings should not be considered for abusive registration
- Improve the online forms
- Nominet should run monthly training sessions on how to file a complaint or how to submit a complaint response
- Nominet should introduce "Quality Control" checks before decisions are published, all decisions should be reviewed
- The opportunity to provide further relevant information once one has seen an outline of the case of the other side would enhance the chances of good decisions.



Proposed changes Default transfer

- £10 to commence a complaint
- Default transfer option where there is no response for lower fee of £200 ex VAT
- One month suspension of the domain
- Registered letter to registrant with warning and reminder of right to set aside

Proposed changes

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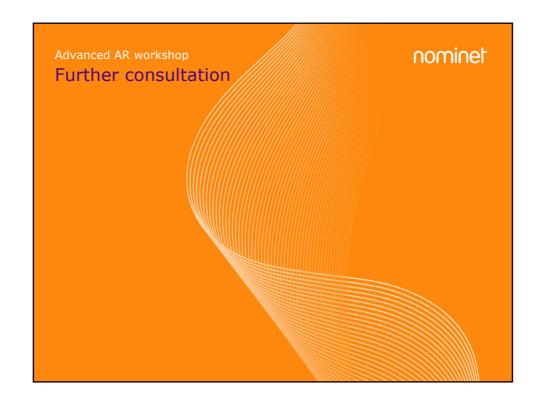
Fees

- £10 to commence a complaint
- No change to experts' fees regime
- No "loser pays"
- Winning appeals: should they be treated differently?

Proposed changes

Other changes

- Secondary market protection
- Likelihood of confusion introduced
- Drafting overhaul



Further consultation Overview

- Limited to default transfer
- One month (Sept 07)
- Aim to reassure and build consensus

