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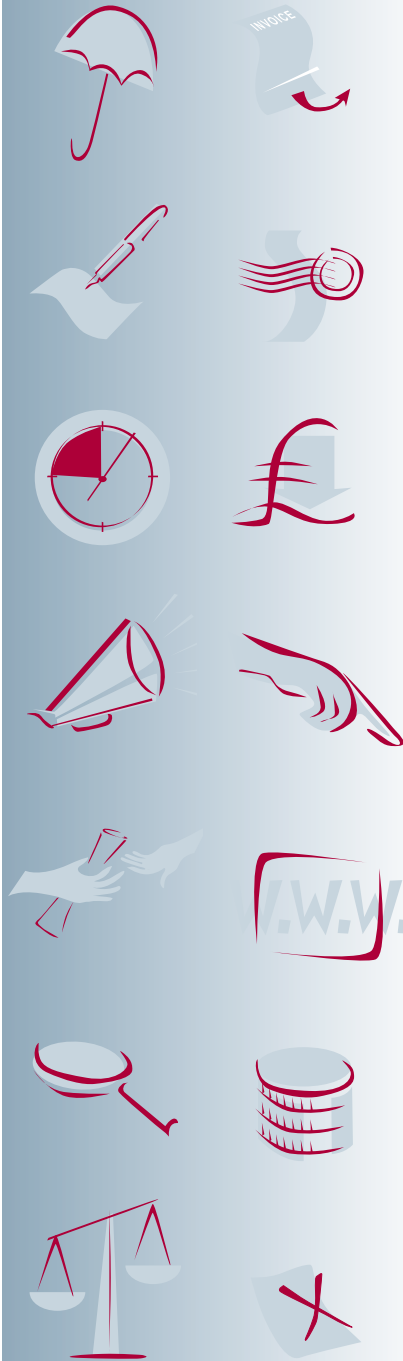
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The Dispute Resolution Service



The Dispute Resolution Service

Nominet UK is the authority that manages the national Registry for Internet Domain Names ending *.uk*. It is a not-for-profit company that manages the *.uk* country code Top Level Domain in the interests of the Internet Community and operates with the approval of the UK Government.

Nominet only deals with *.uk* Domain Name registrations and encourages people to make registrations through its members (currently numbering 2,700), mainly Internet Service Providers (ISPs), who operate in the commercial marketplace. Many ISPs offer a range of services apart from Domain Name registration including web site design, hosting etc which Nominet does not provide. Nominet does not recommend one member over another.



Nominet accepts *.uk* Domain Name registrations on a first-come, first-served basis. Nominet does not determine who has the greater right to register a Domain Name prior to the actual registration. Nominet cannot offer legal advice and recommends that all parties in a Domain Name dispute seek independent legal advice.

However, in an attempt to resolve Domain Name disputes quickly and cost effectively, Nominet operates a Dispute Resolution Service (DRS) through which parties are encouraged to achieve a mediated resolution to their dispute. The DRS provides an open channel for negotiation between two parties (the Registrant and the Complainant) and, if a mediated resolution is not possible, a decision can be made by a member of an independent expert panel based on the facts of the complaint.

Nominet's Dispute Resolution Service does not replace the Courts of Law, and Nominet will act on the findings of a Domain Name dispute ruling made by the UK Courts.

Because the Registry is a neutral third party to the dispute, in some cases the Registrant may react more favourably to an approach from Nominet over the status of a Registration rather than an approach from a Complainant or their solicitors.



What is Dispute Resolution?

A dispute may arise in instances where a Domain Name is already registered but another party feels that they have a greater right to use that name. Domain Name disputes account for a very small proportion, around 0.05 per cent, of all Domain Names that are registered in the *.uk* Top Level Domain.

How to use the DRS

If the Complainant feels that they have a genuine case, they should contact Nominet in writing (a maximum of 2000 words) in order to invoke the Dispute Resolution Service. Some Complainants will seek legal advice before contacting Nominet (usually for help with drafting correspondence); or else they may instruct their lawyers to contact Nominet on their behalf. However, Nominet also provides model submissions on its web site at www.nominet.org.uk/drs/models.html to help parties in preparing their written submissions.

When sending a written submission to the DRS the Complainant must ensure that it meets both of the following criteria for their complaint to be upheld:

- They can prove that they have rights in the name used in the Domain Name
- The Domain Name, in the hands of the Registrant, is an abusive registration. An abusive registration means a Domain Name which either was registered, acquired or has been used in a manner which took unfair advantage of or was unfairly detrimental to the Complainant's rights.



Once a Complainant has submitted their complaint in writing Nominet will contact the Registrant of the disputed Domain Name within 3 working days of receipt.

How to use the DRS continued

All the correspondence submitted to Nominet by the Complainant is passed to the Registrant, who is requested to respond in writing (maximum of 2000 words) within 15 working days to provide evidence that the Domain Name is not an abusive registration.

The Complainant may (but does not have to) file a reply (maximum of 2000 words) to the Registrant's response within 5 working days. DRS staff will then attempt to mediate between the parties. The mediation process is a free service and will usually take a maximum of 10 working days. Staff will speak to both parties on the telephone to discuss ways in which a resolution may be reached. In speaking to the Registrant staff will remind them of the powers Nominet has under the DRS policy to transfer, suspend or cancel a Domain Name.



What happens if a dispute is not resolved?

If no resolution is achieved within the allotted time period and the Complainant wishes to proceed further, the case is referred to an independent expert **outside Nominet** for a written decision. At this point the Complainant will be asked to pay £750 (+ VAT) to cover the costs of this decision. If payment is not received within 10 working days of the request for payment, the complaint will be considered to be withdrawn.

**What happens
if a dispute
is not resolved?
continued**

Nominet engages independent experts who are consulted in strict rotation subject to any conflicts of interest they may have. The expert examines the case file and is then required to provide a written determination to Nominet within 10 working days of receiving the case file.

Nominet informs the parties of the outcome of the expert decision and then publishes it on its web site at www.nominet.org.uk/drs/decisions.html which will assist others thinking of bringing or responding to a complaint. Nominet UK can also refer disputing parties to the decision for information where the grounds for complaint are similar.

If the result of the written decision is that the expert finds in favour of the Complainant then the expert can recommend that Nominet UK transfers, suspends or cancels the Domain Name.

Under the DRS policy a successful Complainant may achieve one of the following outcomes:

- 1 A **Transfer** of the Domain Name from the Registrant to the Complainant.
- 2 **Suspension**, which means that the Domain Name can no longer be used to access the web site, e-mail and all other functions relating to that Domain Name.
- 3 **Cancellation**, which means that the registration is deleted from the Register Database and it becomes available for registration by someone else on a first-come, first-served basis.



**Can I refer the
case any further?**

Either party has the right to appeal against the decision by submitting written grounds for appeal (a maximum of 2000 words) to Nominet UK together with a fee of £3000 (+ VAT) within 5 days of being informed of the decision. The appeal will be determined by a panel of three other experts which Nominet UK will appoint from the list.

**Generic Top
Level Domains**

Generic Top Level Domains (gTLDs) disputes cover all Domain Names registered under *.com*, *.org* and *.net* and are dealt with by a procedure called the Uniform Dispute Resolution Policy (UDRP). These cases should **not** be referred to Nominet UK but to the TLD Registrar who processed the Domain Name application. Further details concerning the procedure for TLD disputes can be found at: www.icann.org/udrp/udrp.htm.

