

DOMAIN NAME DISPUTE RESOLUTION PROCEEDINGS for .UK

by Dawn Osborne



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Nominet UK History

- .uk first used 1980s
- the Naming Committee
- 1996 private, not for profit company, limited by guarantee
- 2001 Domain Name Policy and Procedure



.UK Domain Dispute Policy

Complainant must prove

- on balance of probabilities
- has Rights in a name or mark
- identical or similar to the Domain Name
- Abusive Registration

Rights

- enforceable under law including passing off
- wider than ICANN e.g. contractual



.UK Domain Dispute Policy cont'd

Abusive Registration

- at time of registration or acquisition took unfair advantage or was unfairly detrimental

OR

- has been used in such a manner

Wider than ICANN



“Abusive”

- cybersquatting for profit
- blocking registrations
- pattern of registrations
- unfairly disruptive e.g. competitor
- confusing usage
- false contact details

ALSO

- registered by independent contractor, paid for and in use by complainant
- 3 complaints previously successful against Respondent in last two years, rebuttable presumption

Again wider than ICANN



Reverse Name Hijacking

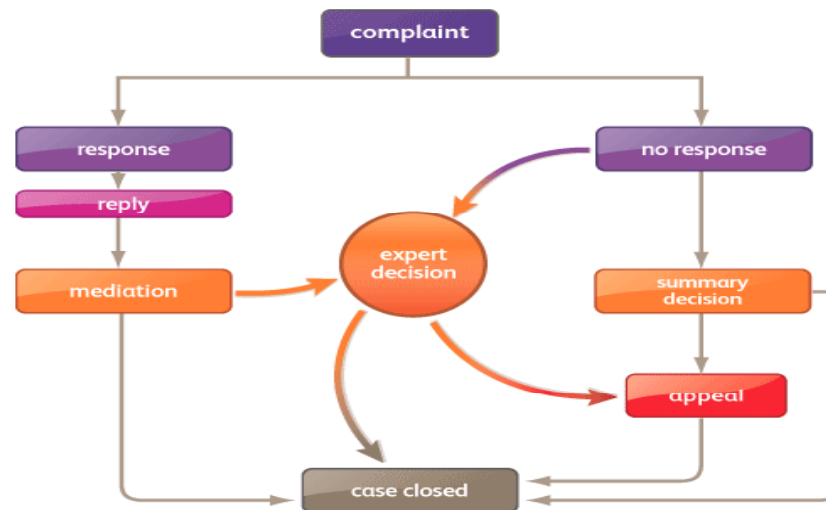
HOWEVER

- Reverse Domain Name Hijacking 3 findings sanctions
- 3 bad faith complaints in 2 years, banned for 2 years



Procedure

- Largely like ICANN, Complaint Response, Reply
- Additional submissions at Panellist's Discretion



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Differences in Procedure from ICANN

- Mediation
 - voluntary, non binding, neutral third party, free
 - if Response ten days of informal mediation
 - by telephone
- Appeal
 - very few cases
 - within ten days of receipt of decision notice of intention to appeal
 - further 15 days to submit full appeal
 - £3,000 plus VAT
 - 3 experts
 - 30 days to make decision
 - no further appeal
 - persuasive not binding in future



Summary Decision

- If no response
- Complainant has choice
 - full decision as normal (£750 plus VAT)
- OR
- summary decision (£200 plus VAT)
- Decided on usual principles
- Additional consideration whether making a summary decision unconscionable
- Tick boxes, expert can provide comment but not mandatory



Statistics

6 month snapshot Jan to June 2010

65 Summary Decisions

- 57 successful complaints
- 8 failed
- 88% success rate

33 Full Decisions

- 26 transferred
- 7 not transferred
- 79% success rate
- Most cases no response 2 : 1
- Slightly higher success rate reflects this



Conclusion on Summary Decisions

- Great Success
- No loss of Justice
- Cost Effective
- Efficient



Thank you

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