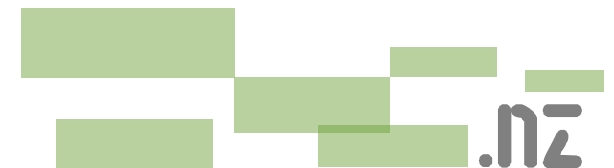


Dispute Resolution Service (DRS) .nz Domain Names



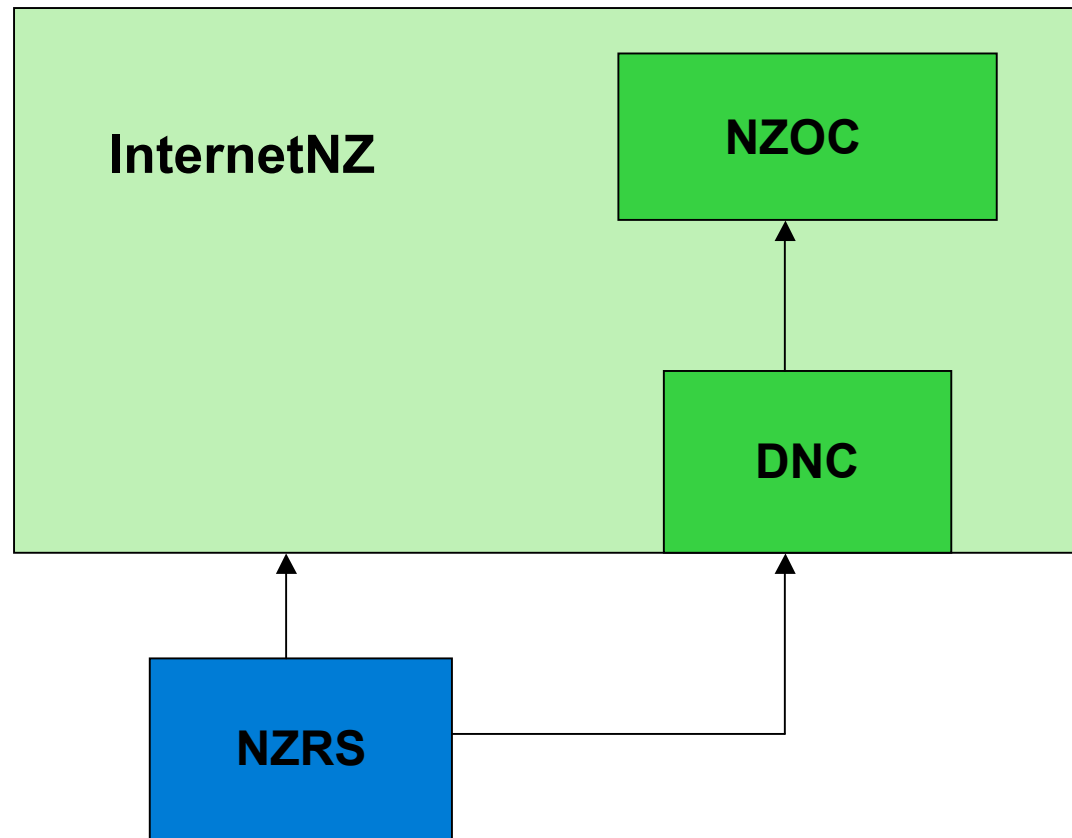
Outline of presentation

- ' Brief background information
- ' An Overview of the DRS process
- ' Published decisions
- ' The first eight months

The .nz Domain Name Space

- ' InternetNZ (The Internet Society of New Zealand Incorporated) holds the delegation for .nz
- ' .nz Oversight Committee (NZOC) delegated responsibility for .nz
- ' .nz Registry Services (NZRS) runs the registry
- ' No legislation covering the .nz domain name space. Policies at <http://dnc.org.nz/policies>

How they fit together.....



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

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, an alternative has been offered:
 - Dispute resolution service, based on the Nominet (.uk) approach.

Features

- ' Complaints are filed online at <http://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

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.

How to make a complaint – online at www.dnc.org.nz/drs

Form 1.1 - Mozilla Firefox

File Edit View Go Bookmarks Tools Help

http://dnc.org.nz/drs/form1_1.php

clear.net - Welcome ... New Zealand, world, ... dnc New Zealand Domai... InternetNZ -- Home New Zealand Registr... ICANN My web2TXT log in - ... Wellington College - ... Welcome to Queen ...

welcome to **dnc.org.nz**
The Office of the Domain Name Commissioner

Dispute Resolution System

Page 1 of 6

Welcome to the DNC's **Dispute Resolution System**.

These **Complaint Forms** are for use by those who wish to place a formal complaint in relation to the registration of a New Zealand domain name.

Please complete all of the fields below and read all the instructions that are included on these pages. If you make a mistake or change your mind, you can navigate your way back using the Back button.

It is essential that your case is backed by the fullest possible evidence you can provide. An Expert can not make a decision based on just your word - any assertions you make should be backed up with documentary evidence.

More information to assist you can be found in the [Help](#) section.

Complainant

Title: [?]

First Name: [?]

Last Name: [?]

Organisation: [?]

Address: [?]

City: [?]

Country: [?]

Email: [?]

Email (please enter again):

Telephone: [?]

Fax: [?]

Mobile: [?]

Done

start | Incho - Microsoft Out... | Presentations | Microsoft PowerPoint ... | Form 1.1 - Mozilla Fir... | 2:23 PM

Making a complaint (cont.)

- ' Complaints must be submitted electronically
- ' 4 signed copies of the complaint and any annexes must be sent to our office
- ' We cannot act on the complaint until the hard copies are received
- ' Complaints can only address disputes over .nz names. gTLD disputes (eg. .com names) must be addressed using the WIPO process.

Mediation

- ' Occurs only if a response is received
- ' Panel of mediators appointed and they are allocated disputes on a “first cab off the rank” system
- ' DNC pays mediators a flat fee per mediation
- ' Mediation by phone and/or email - up to mediator
- ' Signed document if mediation successful

Expert determinations

- ' A panel of eight Experts has been appointed.
- ' An Expert is assigned to a dispute on a “first cab off the rank” basis, on receipt of payment of the appropriate fee by the Complainant.
- ' The Expert has 10 working days to make a determination on the dispute.
- ' Appeals are available, but none have been lodged to date.

Decisions to date

- ' 6 cases determined at this time
 - 5 ordered transferred
 - 1 dismissed

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

First eight months

- ' 71 complaints lodged
 - 18 (25%) ruled invalid
- ' Of the 53 valid complaints
 - 8 settled on initial notification, prior to mediation
 - 18 disputes went to mediation, with 10 of those successfully settling
 - 6 went through to Expert decision

www.dnc.org.nz

www.dnc.org.nz/drs

www.dnc.org.nz/drs-decisions

www.internetnz.net.nz