

a service for resolving .nz disputes



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a service for resolving .nz domain name disputes

■ what are the rules?

- Domain names in the .nz space are registered on a first come first served basis. This is one of the fundamental principles of the .nz policy framework.
- Everyone registering, acquiring or holding a .nz domain name is required to comply with the policies and procedures. The policies can be read at www.dnc.org.nz/policies
- Domain names can be registered to any identifiable individual over the age of 18 years, or to a properly constituted organisation.

■ the DRS – an introduction

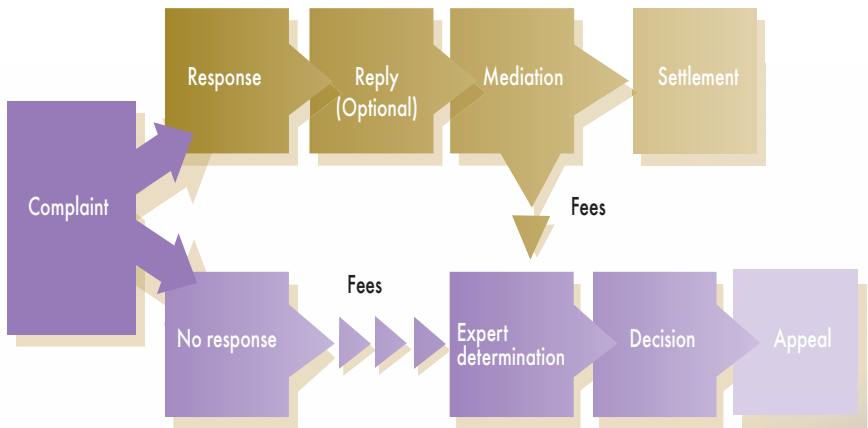
- Disputes can arise over who the registrant of a domain name should be.
- The Dispute Resolution Service Policy and Procedure (DRS) has been developed to assist with disputes of this nature.
- The Dispute Resolution Service administered by The Office of the Domain Name Commissioner (DNC) has been set up to provide an alternative to the courts where disputes over domain names arise.
- The Dispute Resolution Service does not address complaints about the use or content of a website, nor disputes over domain names that do not end with '.nz'.
- The Dispute Resolution Service is covered by its own policy, and a copy of this is available at www.dnc.org.nz/drs

who can use the DRS?

- Anyone who wishes to make a complaint about a registration of a .nz domain name that they view as being unfair.
- The DRS is not the right service to use if you wish to complain about the registration of names other than those ending in .nz. For example, the DRS works for names such as '.co.nz', '.org.nz' or '.net.nz'. If you have questions about other domain names, please contact us.

how does it work?

- A complaint is received. The current registrant, the respondent, is given an opportunity to respond. If they do, then a mediator will be appointed, and attempts will be made to facilitate a resolution to the dispute. The cost of mediation is covered by the DNC. If the respondent does not put forward their point of view, then fees for an Expert determination will be requested from the complainant. If those fees are paid, the complaint will be referred to an Expert for a determination. If no appeal is lodged, then the decision is implemented. If the decision is appealed, then an appeal panel will make a final and binding determination.



making a complaint

- The DRS is a web-based system. To make a complaint, you need to go to the Domain Name Commissioner's website, www.dnc.org.nz and select the "Disputes" item from the menu, or you can go directly to www.dnc.org.nz/drs. Clicking this link will take you to a series of on-line forms that will guide you through the complaints process.
- Every field in the form has specific help located directly on that web page. There is also an overall guidance section, with examples, and explanations of the Policy and Procedure. You should read this policy before you start your complaint as it lays out all the rules and definitions. Understanding the progression of a complaint before you begin will help you as you step through the process.
- If you are making a complaint, you should bear in mind that it is possible that an Expert may make a decision based solely on the information you provide in your initial complaint. If a response is not received from the current registrant of the domain name, your dispute will not go to mediation, and you will not have the option of submitting a reply or any further documentation. Therefore, you need to ensure that you provide a full description of the circumstances around your complaint, and back this up with physical evidence to prove that, in your view, the registration as it stands is unfair.
- As well as online submission of the form, we require a signed copy of the complaint, and four copies of any evidence submitted to support your complaint.
- The early stages of the dispute resolution service are free. If your dispute is able to be resolved by mediation, then there will be no fees required by us for the process. If you wish your dispute to be determined by an Expert, for example if mediation has not led to a resolution, or if the current registrant does not respond to your complaint, then a fee will be required.
- The cost of an Expert determination is defined in the policy.

■ is someone disputing the registration of your domain name?

- If someone has laid a complaint about what they view as an unfair registration of a domain name, under the Dispute Resolution Service Policy and Procedure you have opportunity to respond. You will receive full copies of all material related to the dispute.
- There is no cost to you, as the current registrant, for the dispute resolution service, unless you choose to appeal the initial Expert determination.
- As a first step, you should read the Dispute Resolution Service Policy and Procedure. This document will help you to understand how the process works.
- If you feel that the domain name is rightfully registered to you, and you have evidence to support your view, you should submit a response within the given timeframe. Responding to a complaint is voluntary. You should be aware, however, that if you do not respond at this stage, the dispute over your domain name may be referred to an Expert, who will then determine the outcome of the case based solely on the submission made by the complainant. You will not have a further opportunity to respond to the complaint at a later date.
- Making a response to a complaint is part of an on-line process. As respondent, you should go to the Domain Name Commissioner's website www.dnc.org.nz and select the 'Disputes' tab from the menu, or you can go directly to www.dnc.org.nz/drs. Choose to 'File a Response'. Every field in the form has specific help located directly on the web page. There is also an overall guidance section, with examples, and explanations of the Policy and Procedure.
- As well as the online submission of the form, we require a signed copy of the complaint, and four copies of any evidence submitted to support your complaint.
- Once you have filed a response (or the deadline for doing so has passed), you will receive further communication from us outlining the next steps towards the resolution of the dispute. You may be contacted by a Mediator, or by an Expert, to progress the matter further.

■ settlement – the options?

- If the matter is settled using mediation, a written agreement will be obtained. Written mediated agreements are binding.
- If the matter is determined by the Expert and no appeals are lodged, we will implement any necessary changes to the registration.
- If either party is unhappy with the Experts decision, an appeal can be lodged.
- An appeal is considered by a panel of three Experts, and results in a binding decision which is implemented by us.
- The cost of an appeal is defined in the policy.

InternetNZ

- InternetNZ is a non-profit organisation fostering coordinated and cooperative development of the Internet in New Zealand. Its mission is to promote and protect the Internet, ensuring that it operates in an open and uncapturable environment.
- The Society's membership includes Internet service providers, web designers, academia, public information groups, and Internet users. It is the voice of its members providing commentary and advice to politicians, industry influencers and the media. It also represents New Zealand on global Internet organisations, having the responsibility for the .nz Country Code Top Level Domain (ccTLD).

the Domain Name Commissioner

- InternetNZ has an operational office known as the Office of the Domain Name Commissioner (DNC), which oversees the management of the .nz domain name space.

The DNC is responsible for the day-to-day running of the New Zealand (.nz) domain name space. This entails the authorisation of .nz registrars; the development of policies and procedures; making sure all parties comply with the rules and that their rights and relationships are protected; and the ongoing development and monitoring of the environment for the registration and management of .nz domain names. The DNC is also responsible for the implementation of the .nz Dispute Resolution Service.

contacts and further information :

Our website has extensive information about the Dispute Resolution

Service, and the associated Policy and Procedure.

Go to www.dnc.org.nz for links to the policy, the panel of Mediators and Experts, and detailed help information.

If you would like copies of these brochures for your clients email info@dnc.org.nz or go to www.dnc.org.nz/brochures

For more information on .nz domains:

Office of the Domain Name Commissioner

PO Box 11881

Wellington

Website: www.dnc.org.nz

Contact: info@dnc.org.nz

InternetNZ

PO Box 11881

Wellington

Website: www.internetnz.net.nz

Contact: info@internetnz.net.nz



Complainant	The person (or people) who make a complaint using the Dispute Resolution Service asserting that they should be the registrant of a particular domain name, as they have rights in the same or a similar name, and that the current registration is unfair.
Decision	The decision reached by an Expert, or where appropriate, by an appeal panel.
DNC	The Office of the Domain Name Commissioner.
DRS	The Dispute Resolution Service.
Domain Name	Every website on the Internet has a numeric address (IP address). To make these addresses easy to remember, a domain name uses words rather than numbers and each is unique. To be eligible for consideration under the Dispute Resolution Service, the name must be registered in the .nz space – ie it must end with the letters .nz. Disputes over names ending with .com or .biz, for example, can not be resolved using the .nz Dispute Resolution Service.
Expert	A person appointed to resolve a Domain Name Dispute under the .nz Dispute Resolution Service policy and procedure.
InternetNZ	The Internet Society of New Zealand Incorporated is the organisation which manages the .nz domain name space. InternetNZ established the Office of the Domain Name Commissioner to oversee the management of the .nz domain name space.
Mediator	An independent person appointed by the Office of the Domain Name Commissioner to attempt to facilitate a resolution to the dispute.
Registrant	The person or organisation to which a Domain Name is registered.
Registrar	A business or organisation authorised by the Domain Name Commissioner to have direct access to the .nz register to register and maintain Domain Names.
Respondent	The person or entity currently entered in the Register as registrant for the domain name in dispute.
Second Level Domain (2LD)	A name at the second level of the .nz domain name hierarchy – eg in www.internetnz.net.nz, 'net' is at the second level.
Unfair Registration	A domain name which either: <ul style="list-style-type: none"> i) 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 Rights; or ii) 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.
Whois search	A Whois search is the search you do to check the availability of a domain name. Usually available through Registrars and also at www.dnc.org.nz.



