

## **Dispute Resolution Process Submission**

**From:** Richard Shearer on behalf of FreeParking  
**Received:** 17 February 2005

FreeParking as a registrar in the .nz domain space strongly support the adoption of a dispute resolution policy and service.

While some submitters have commented this is a "solution looking for a problem" we can demonstrate it is exactly the opposite, and is sorely needed. Dealing with domain name disputes is a weekly task at FreeParking and I would imagine many other .nz registrars. It is time consuming as some research and understanding of each case is required before even any simple advice can be offered.

The option to maintain the status quo is not acceptable, and is in fact irresponsible, as some in the domain name industry use the lack of any resolution service, and their knowledge that the only real option in many cases is expensive high court action as their modus operandi. Ie, they know how expensive and difficult it will be for a complainant to take a case, so they flout the registration policies deliberately.

We must also add that lawyers also add to the problem in the present environment as 1) many do not understand how the domain name system operates, and the relationship of registry, registrar and registrant, and 2) that once a registrar responds to an enquiry from a lawyer, the lawyer will harass the registrar endlessly because they are the only party who bothers responding!

Another factor in support of a dispute resolution service being implemented, is that many domain name disputes are actually very simple, and can easily be sorted out once parties understand the framework. The lack of a consistent framework however only adds to the confusion and cost of resolving such disputes.

FreeParking strongly support the option 1 proposal, ie based on UK Nominet process.

Primarily this is because it can be adopted to best meet NZ conditions, and also allows levels of scalability. From our experience, we believe many disputes could be fixed up in the initial mediation phase.

We have no comments to the actual process outlined in option 1 at this stage, but assume there would be further consultation if it is decided to proceed with developing this option. Eg to determine costs and details of the process and management.

As the .nz name space grows and becomes more entwined with business and society, a reliable, consistent and cost effective framework to resolve disputes is needed to foster confidence in the Internet and its capabilities.

Regards  
Richard Shearer