

## **Dispute Resolution Policy Review Submission**

**From:** Steven Heath  
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I have two comments that relate to the draft dispute resolution service policy and several relating to the layout and style of the actual document.

### **B1.1**

I have concerns that only one of these approaches is required for the Office of the DNC to have deemed to have sent the Complaint to the Respondent.

I am not sure of the value of listing the options under B1.1.2 and B1.1.3 as equal to B1.1.1. The use of a postmaster is based on RFC 2124 and it is by no means a reliable way of reaching the registrant due to the wide use of domain name by organisations and individuals. Relying on the details provided by the Complainant seems unusual as well.

Perhaps if B1.1.2 and B1.1.3 were only used should contact information in the registration details prove to be out of date or otherwise incorrect? This would allow the data held with the registry to be assumed to be the best approach and should it be proven wrong then the Office of the DNC can use the other methods listed.

### **B4**

The Respondent is provided 15 working days to submit a response. While in general this should be sufficient time I could easily foresee when a person is traveling or unavailable to be able to respond in the time allowed. Individuals often hold domain names and they would be the only ones to receive communication regarding a dispute.

I understand that increasing this time could delay every proceeding but that would be a better option that allowing some Respondents to be unduly impacted due to reasons unrelated to the proceedings.

### **General Comments**

1. This policy document appears unique in not referring to InternetNZ and/or Office of the DNC in the third person. It would be useful that all .nz polices are consistent in this approach.

2. Under Definitions the term Domain Name has 'sub-domain'. This is not a term widely used in the .nz TLD. Second level name or 2LD would be a more appropriate term.

3. Also under Definitions the term Domain Name Hijacking has the word 'bad faith'. I cannot see the meaning or reference to this word anywhere else in the document. However the term 'unfair' is used. Should the term 'bad faith' be defined or should it be replaced with 'unfair'?
4. A registrar can defend their approach to listing the registrant's details under their name by citing section 5.1.5. Should it be made explicit that a registrar, or a related party cannot use this clause, as it would breach other .nz policies in that regard?
5. Reading 5.4 does this mean that if after 3 years of a domain name first being registered, or this policy being implemented, that no dispute can be lodged?
6. Formatting on the copy I printed was inconsistent. Sometimes a space was after the section number and sometimes not. An example is 15.1. At first reading it appeared that a section 15.1.A started with the word 'Domain'. Upon second review it was section 15.1 with the 'A' as the starting word of the sentence. This formatting appears from section 13 onwards in the document I printed.
7. Part B has a great detail of duplication of the actual policy that has already been documented embedded with the operational/procedure material. A review of what policy material that has already been outlined is required in this part of the document is warranted.

## **Summary**

In general I see no reason why this draft policy should not be implemented after consideration of the points I have raised.