

# A SERVICE FOR

# RESOLVING .NZ DISPUTES

## YOUR GUIDE TO

- The domain name rules
- Who can use the Dispute Resolution Service
- Making complaints
- Dealing with disputes against your registered domain name
- The settlement options

**DOMAIN**  
NAME  
**COMMISSION**  
.nz

# 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](http://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.

## **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](http://www.dnc.org.nz) for links to the policy, the panel of Mediators and Experts, and detailed help information.

For more information on .nz domains:

Domain Name Commission Ltd  
PO Box 11881, Wellington 6142

[info@dnc.org.nz](mailto:info@dnc.org.nz), [www.dnc.org.nz](http://www.dnc.org.nz)

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# The Dispute Resolution Service - an introduction

Disputes can arise over who the registrant of a domain name should be and, in certain situations, over 'sub-domains' that have been added to an existing domain name.

## Disputes over who should be the registrant

Sometimes there is disagreement about who has the rights to a .nz domain name.

The Dispute Resolution Service (DRS) can be used for this kind of dispute.

## Disputes over sub-domains

A sub-domain is an extension that is to the left of a domain name. For example, in the domain name anyname.shop.nz, 'anyname' is a sub-domain of the domain name 'shop.nz'.

Use of the DRS for sub-domains is limited to situations where the actual domain name used is a generic term - for example shop.nz, toy.nz, cleaner.nz, lawyers.nz, wellington.nz, etc.

The Dispute Resolution Service administered by Domain Name Commission Limited (DNC) is free to file. It 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, or disputes over domain names that do not end with '.nz'.

The Dispute Resolution Service is covered by its own policy, and a copy is available at [www.dnc.org.nz/drs](http://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 can use the DRS.

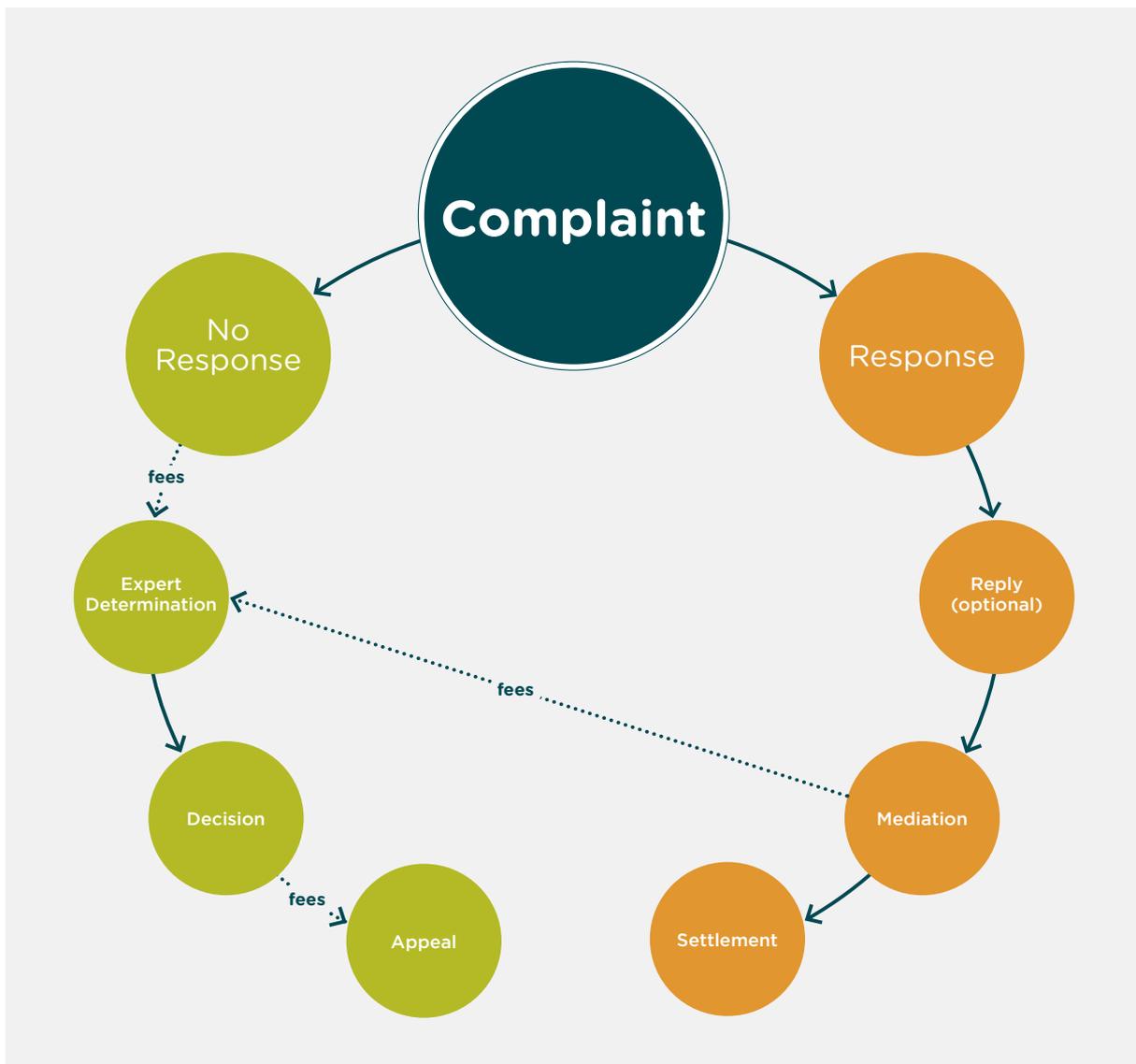
The DRS is for .nz domain names. It is not the right service to use if you wish to complain about the registration of names other than those ending in .nz. For example, .com names.

# How does it work?

A complaint is received. Remember, the DRS is free to file.

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

**If you are making a complaint an Expert may make a decision based solely on the information you provide.**

The DRS is a web-based system. To make a complaint, you need to go to the Domain Name Commission's website, [www.dnc.org.nz](http://www.dnc.org.nz) and select the "Dispute resolution" item from the menu, or you can go directly to [www.dnc.org.nz/drs](http://www.dnc.org.nz/drs). Selecting this link will take you to a series of online 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. 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 to submit a reply or any further documentation. So, 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, or a sub-domain you have added?

If someone has laid a complaint about what they view as an unfair registration of a domain name, or about the addition of a sub-domain, you have an 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.**

There is no cost to you, as the current registrant, for the dispute resolution service, unless you choose to appeal an Expert determination.

As a first step, you should read the Dispute Resolution Service Policy. This document will help you to understand how the process works.

If you feel that the domain name is rightfully registered to you or that there are no issues with a sub-domain you've added, you should submit a response within the given time frame. You will need to provide evidence to support your view. 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 online process. As respondent, you should go to the Domain Name Commission's website [www.dnc.org.nz](http://www.dnc.org.nz) and select the 'Dispute resolution' tab from the menu, or you can go directly to [www.dnc.org.nz/drs](http://www.dnc.org.nz/drs). Choose 'Make 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.

As well as the online submission of the form, we require a signed copy of the response, and four copies of any evidence submitted to support your response.

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 to progress the matter further.

**If either party is unhappy with the Expert's decision, an appeal can be lodged.**

## Settlement – the options?

Where disputes are 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 or, in the case of a sub-domain, ask that the sub-domain be removed.

If either party is unhappy with the Expert's 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.

# Domain Name Commission Limited

The Domain Name Commission Limited is a wholly-owned subsidiary company of InternetNZ and is responsible for the day-to-day management and running of the New Zealand (.nz) domain name space.

This includes 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 administration of the .nz Dispute Resolution Service.

# Glossary

<b>Complainant</b>	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 – or, objecting to a particular sub-domain.
<b>Decision</b>	The decision reached by an Expert, or where appropriate, by an appeal panel.
<b>DNC</b>	The Domain Name Commission Limited.
<b>DRS</b>	The .nz Dispute Resolution Service.
<b>Domain Name</b>	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 .nz Dispute Resolution Service, the name must be registered in the .nz space – i.e. it must end with the letters .nz Disputes over names ending with .com or .biz, for example, cannot be resolved using the .nz Dispute Resolution Service.
<b>Expert</b>	A person appointed to resolve a Domain Name Dispute under paragraph B7 and B17 of the Policy.
<b>Mediator</b>	An independent person appointed by the Domain Name Commission to attempt to facilitate a resolution to the dispute.
<b>Registrant</b>	The person or organisation to which a domain name is registered.
<b>Registrar</b>	A business or organisation authorised by the Domain Name Commission Limited to have direct access to the .nz register to register and maintain domain names.
<b>Respondent</b>	The person or entity currently entered in the Register as registrant for the domain name in dispute.
<b>Second Level Domain (2LD)</b>	A category within the existing .nz domain name hierarchy – e.g. in www.dnc.org.nz, 'org' is at the second level.
<b>Sub-domain</b>	An extension that is to the left of an existing domain name. For example, in the domain name anyone.shop.nz, 'anyone' is a sub-domain of the domain name 'shop.nz'.
<b>Unfair Registration</b>	A domain name which either: 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.
<b>WHOIS search</b>	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.

