



CENTR Survey

'Registration Data Access and Dispute Resolution'

This is a summary report of the above survey.

Full raw data can be found [here](#): (only available to those who took the survey)

Report Details

The survey focused on two main areas: access to normally non-published Whois data; and secondly on dispute resolution process and services offered by the ccTLD respondents.

Initiated by: .EURid

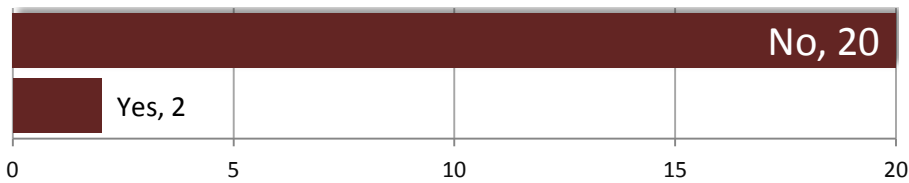
Survey timing: 21 September 2011 – 3 November 2011

Respondents (22): .at, .be, .ca, .ch, .de, .es, .ie, .il, .is, .lt, .lu, .lv, .me, .mx, .nl, .no, .pl, .pt, .ro, .rs, .ru, .uk

Does the ccTLD offer enhanced search tools for those seeking to protect their brand online

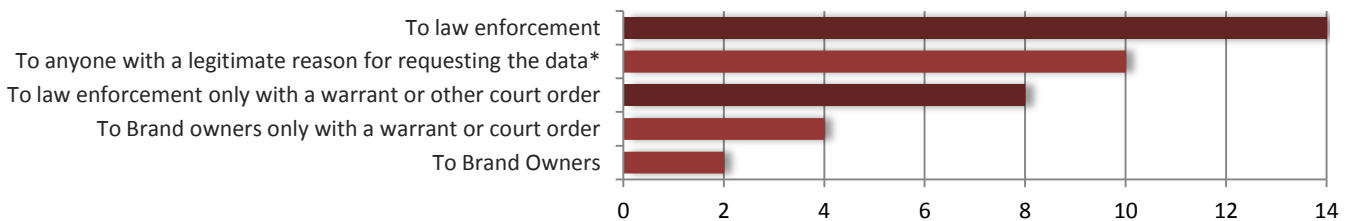
By far, the majority (90%) of responding ccTLDs stated they do not offer any enhanced search tools for those wishing to protect their brand online.

One ccTLD noted that they offer a subscription based service (with a fee) allowing users to search the Register by Registrant. For more information see question 2 in the [survey raw data](#)



In what circumstances will the Registry release non-published registrant data (eg opted out from WHOIS or otherwise not published)?

The below represents the number of ccTLD's whom give non-published WHOIS data to different requests and circumstances. 14 out of the 22 ccTLD's (64%) noted they would provide data to Law Enforcement and a further 8 stated they provide information to law enforcement only with a warrant or court order.



*On the question 'to anyone with a legitimate reason' as well as another category, 'other' (not shown), the following remarks were received:

We will give non-published data to anyone who has a legitimate interest and explains this interest to us.

Our public whois does not show any physical address details. We provide these details to: a. law enforcement with a legitimate order; b. to law enforcement on a contractual basis (to be used only in cases in which they are in the position to force us to provide this information); c. to attorneys and bailiffs if they need this information to start a civil court case for their clients; d. to Certification Authorities on a contractual basis in order to verify if their clients are as they claim to be the registrants of the domains they request SSL-services for

We will give non-published data to anyone who has a legitimate interest and explains this interest to us.

By registrant request. The registrant can opt out from whois

We disclose personal data in cases provided for by law to officials of State and local government institutions. Personal data may be disclosed on the basis of a written application or agreement, stating the purpose for using the data, if not prescribed otherwise by law. The application for personal data shall set out information as will allow identification of the applicant for the data and the data subject, as well as the amount of the personal data requested.

We will give non-published data to anyone who has a legitimate interest and explains this interest to us.

To other entities that have a relevant paragraph in law that allows them to request such data. E.g. the tax office may during certain audits have the right to request historical information about a domain name.

To lawyers provided they fill in the 'disclosure' document that is available on our website and return it to the Registry

To WIPO or a solicitor for dispute cases.

Domain Registration

100% of respondents stated they allow 'individuals to register domain names. Below is some remarks based on question 7 which asked if there are any restrictions on what domain names can be registered.

Domain names that coincide with personal names and/or family names should only be registered by persons having direct relation to those names. There are reserved names (public organizations, countries, regions, municipalities) as well as a black list (terms related to Internet, TLDs). Our DRP provides some additional protection for holders of trademarks, company names, names of official organizations, celebrities...

Only registrant names or Trademarks can be registered.

Domain name shall be chosen in such a way not to infringe the legitimate rights of other parties and not to violate the existing legislation of the Republic of Latvia; - Domain names containing rude, indecent or offensive names, expressions, or character strings shall not be registered; - Full name of an individual as a domain name may be registered only by the person with the respective full name. Between the persons with identical full names the preference shall be given to the person who submitted the application first.

The domain name should not include words which contradict public interests, the principles of humanity or morality (in particular, words of obscene content, slogans of antihuman character, which insult human dignity or religious sentiments, etc).

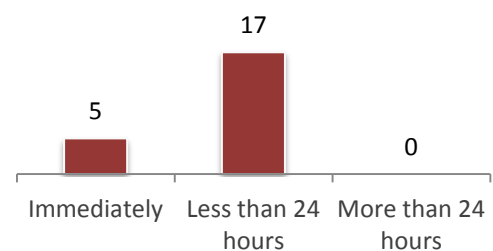
Special permission is needed for usage in domain name of the country name. Domain name should not contravene public order and first of all good morality standards. The names should not contain any labels apparently denigrating honour and dignity (business reputation) of persons or hurting different social or occupational groups.

Restrictions relating to the registration of communal names - these domains can only registered by the communes (proof is necessary)

We do not place restrictions on what domain names can be registered, though registrations are subject to the registrant submitting to the Dispute Resolution Service. This provides a route for someone with rights in a name to dispute a registration if they can establish that the registration is abusive.

How long after registration is the domain ready to go live

In most cases (17/22) the domain can go live less than 24 hours after the domain has been registered. There are no cases where it takes more than 24 hours.

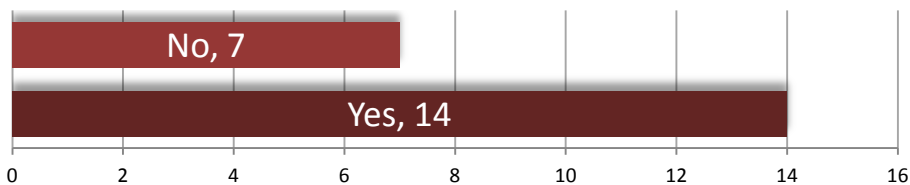


Does the Registry take any active steps to support sustainable development

A smaller number of the respondents answered this question (13) however it most cases the answer was no.

DISPUTE RESOLUTION

Does the Registry offer a dispute resolution process for resolving conflicts with Trademarks and other intellectual property?



Further comment on what the responding Registries provide:

A DRP, based on UDRP, but with some differences (see below)

Local UDRP variant with a broader scope (incl. Trade names, names of public institutions and (well known) personal names and a mediation process incorporated

In the case of disputes concerning domain names, trademarks or company names the registrants of these can agree to turn to institutionalised voluntary arbitration and there is a Arbitration Center for this kind of disputes.

www.arbitrare.pt

A Local Dispute Resolution Policy (An UDRP based) since year 2000

When registering and administering domain names, the Registry is not obliged to check whether the holder is entitled to the domain. Instead, it is up to the holder to make sure, prior to registration, that he/she is not violating any distinctive sign rights of third parties. The Registry provides a non-exhaustive list of directories to this end. In the event of disputes concerning a domain name, the Registry is a party to neither the civil action nor the dispute resolution proceedings. This also applies when it is solely a matter of ensuring that judgements or rulings are enforced. Means of recourse for the third party If a third party raises a claim against the domain name holder, this is a matter for the former and the latter which is to be settled through civil action or through these dispute resolution proceedings. The present dispute resolution proceedings are mandatory for domain name holders who register a new domain name as of 1 March 2004, for domain name holders who renew their subscription after 1 March 2004 and for domain name holders who submitted by participating in the proceedings. They are designed as simple, rapid and inexpensive proceedings.

Three arbitration providers (two local and WIPO). Real arbitration, final decision must be confirmed by a state court. DRP is through WIPO and we adhere to their decision.

The below is a selection of comments regarding the fees payable for dispute resolution as well as their timing and who the fees are payable by.

1.400 €, paid by the plaintiff when starting the procedure

1-5 domains € 500 admin + 1.000 panellist fee 6-10 domains € 700 admin + 1.300 panellist fee mediation is free of charges all amounts to be paid by complainant before the panellist is appointed

Fee paid by the plaintiff when starting the procedure 800EUR physical persons, up to 2 domains in dispute; 1800EUR legal persons , up to 5 domains in dispute 2150EUR legal persons , 5 to ten domain in dispute 75 to 150 EUR.

750 euro paid by the plaintiff -- half refundable if case is not accepted by the Appeals Board.

1-5 domains 500 USD admin + 1.000 USD panellist

440 EUR payable by complainant. In recent years the registry has tested a procedure where fee is refunded if complainant wins. We are now considering developing this to require the domain name holder to pay if he loses.

The conciliation attempt costs CHF 600. The expert's decision costs CHF 2000. But none of this money goes to Registry.

~750 euro (one arbitrator), pays a claimant after arbitration clause is signed;

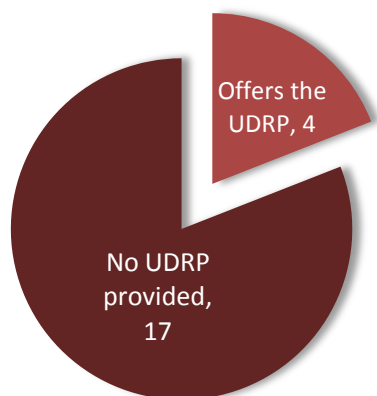
No fee

1.620 EUR to pe-paid by complainant before start of proceedings. Fully reimbursed if complainant wins the case.

It cost \$4000 CDN for a 3 member panel. The entire fee is paid by the Complainant. If the Registrant does not file a response, the Complainant can elect for a 1 member panel, at a cost of \$1750 CDN.

There is a minimum charge of 1,500 for WIPO paid to WIPO. We do not charge.

Does the Registry provide the UDRP



Around 81% of respondents to this question do not provide the UDRP

How the Registry Service differs from the UDRP

The Registry DRP does not only protect trademark holders, but also other groups (celebrities, owners of company names, etc.). The DRP does not require that the domain name must have been registered and used in bad faith - the rules say "registered or used". There are minor procedural differences. The dispute resolution providers are not the same

The conditions for an eligible DRP are different.

Broader scope in protected rights but rights should be valid in the country

In UDRP only Trademarks owner can use it, in our case, any right is supported, like company name, patent, etc.

Scope is narrower than the UDRP scope

Broader intellectual property rights may be used, not only Trademarks and some local considerations.

Broader scope in rights protected, but the rights have to be valid in the country. Specifically fit to National legal processes, local language used. Can complain about a domain being registered _or_ used in bad faith.

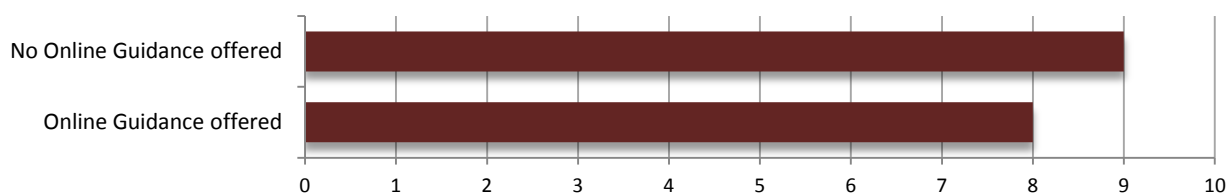
Based on local law instead of bad / good faith examination.

Dispute resolution process is handled by WIPO

Only small differences: - larger category of protected rights e.g. family name - one of criteria is bad faith during registration OR usage (is AND for UDRP)

Is guidance offered for the Registry's dispute system

Below shows how often online guidance is provided among the respondents. Further in the survey it was noted that no respondent undertakes regular structured feedback in relation to their dispute resolution service.



Please see question 18 of the raw data to see further details on cases when online guidance is provided