

# Complaint handling in the .ie namespace

Package of mechanisms currently available for handling disputes and complaints

The purpose of this document is to outline the package of measures that are currently available for the handling of complaints and disputes that arise in the .ie namespace. The IE Domain Registry (IEDR) facilitates a number of mechanisms for handling complaints regarding **a .ie domain name registration only**.

## How to submit a complaint about a .ie domain registration?

- Complaints should be submitted via email to [complaints@iedr.ie](mailto:complaints@iedr.ie)
- All complaints are responded to promptly, generally within 1-2 working days

## Summary of the complaint handling processes

Cooperation with Law Enforcement - Illegal activity
Regulatory Authority Protocol (RAP) - Breach of Regulations / Illegal activity
ie Dispute Resolution Policy (ieDRP - WIPO operated) - IP Infringement
Registrant Terms & Conditions - Breach of Terms & Conditions
Registration & Naming Policy - Non compliance with Rules
Mediation, Arbitration & Conciliation (pending) - Commercial Disputes

## Submitting complaints from national Law Enforcement

The IEDR cooperates with requests from Law Enforcement for access to information regarding .ie domain name registrations which are suspected of engaging in illegality activity. This is in line with the IEDR's Terms and Conditions of Service. IEDR responds rapidly to comply with Court Orders.

## Submitting complaints using the Regulatory Authority Protocol (RAP)

This protocol exists to facilitate the submission of allegations of illegality from national Regulatory Bodies in the island of Ireland. Through this process, reports of alleged illegal activity are accepted by email to [complaints@iedr.ie](mailto:complaints@iedr.ie) from the relevant Regulatory Authority.

The IEDR contacts the registrant of the domain name registration that is the subject of the allegation, to **notify** them that a complaint has been received. The registrant is asked to **engage** with the IEDR within a defined time period, and to **address** the matter, by either ceasing the offending activity, in line with our Terms and Conditions of Service, or by outlining their position on the matter.

Failure to satisfactorily address a request can result in potential action being taken by the Regulatory Authority against the domain registration to **resolve** the matter. This action can result in the suspension or deletion of the domain name registration, without further notice.

### ✓ - Satisfactory Response

If the registrant provides a satisfactory response (e.g. ceases any suspected illegal activity, defends the registration), and the relevant Regulatory Body is satisfied with the response, no further action is taken against the registration.

### ✗ - Unsatisfactory Response

If the registrant fails to respond/fails to address the matter to the satisfaction of the Regulatory Authority, the IEDR reserves the right to suspend or delete the domain registration, without further notification. This does not interfere with a registrant's statutory rights, and the registrant may choose a legal course of action to delay/stall/avoid deletion.

## Submitting a formal dispute through the ieDRP

A formal dispute resolution process is available for handling complaints relating to .ie domain name registrations. This process is operated by an independent arbitrator, known as the World Intellectual Property Organisation (WIPO). Where a complaint is upheld, the IEDR implements the WIPO decision and ensures that the registration, that is the subject of the complaint, is transferred to the successful complainant 21 days after the decision is made, provided that no legal challenge to appeal the decision has been lodged.

For a complaint to be upheld, the complainant must demonstrate the following three conditions:

- a domain name is identical or misleadingly similar to a protected identifier in which the Complainant has rights; and
- the Registrant has no rights in law or legitimate interests in respect of a domain name<sup>Note 1</sup>; and
- a domain name has been registered or is being used in bad faith<sup>Note 2</sup>.

Further detailed information on this process is available at <https://www.iedr.ie/dispute-resolution/>

## Submitting a complaint relating to a suspected breach of the IEDR Registration Terms and Conditions of Service / Registration & Naming Policy

Complaints relating to alleged breaches of the [Registrant Terms and Conditions](#) or [Registration & Naming Policy](#) are reviewed by the IEDR, using the internal complaint handling process. For the purposes of complaint handling, please note the guidelines in determining **Legitimate Interest**<sup>Note 1</sup> and **Bad Faith**<sup>Note 2</sup>. The potential remedies are set out in Sections 3(f)(vi) and 3(f)(vi) respectively. For the purpose of complaint handling, **cybersquatting** shall be defined as follows:

*Cybersquatting occurs when a party deliberately registers a domain that reflects another's trademark, or brand, in bad faith and / or for profit. This can also involve the registration of domain names that are similar to a trademark or brand, which includes a spelling error. This is known as typo-squatting.*

The IEDR contacts the registrant of the domain name registration that is the subject of the allegation to **notify** them that a complaint has been received. The registrant is asked to **engage** with the IEDR within a defined time period, to **address** the matter, to respond to the complaint and/or demonstrate that they are compliant with the Terms and Conditions of Service / Registration & Naming Policy. Alternatively, they should outline their position on the matter. Failure to satisfactorily address a request can result in potential action being taken against the domain registration to **resolve** the matter. This action can include the suspension or deletion of the domain name registration, with notice.

*(NB: Disputes of a legal nature, allegations of bad faith, defamation, slander, and passing off, may need to be resolved in the Courts. In these circumstances, IEDR will await the Court's decision on the matter).*

### ✓ - Satisfactory Response

If the registrant provides a satisfactory response, (e.g. shows that they are not in breach of the t+cs), no further action is taken against the registration.

### ✗ - Unsatisfactory Response

If the registrant fails to respond/fails to satisfactorily address the matter, the IEDR reserves the right to suspend or delete the domain registration, with notice.

## Submitting a complaint using the Alternative Dispute Resolution (ADR) Process - Mediation, Arbitration and Conciliation



The IEDR's Policy Advisory Committee is currently reviewing a policy change proposal to introduce an Alternative Dispute Resolution Policy to the .ie namespace. This may facilitate the availability of these services in the near future. Further updates will be added to the IEDR website, <https://www.iedr.ie/p30/policy-development/> as they become available.

## How to protect a domain name?

The only way to ensure that a particular domain name is not available for registration, is to register it yourself. The IEDR strongly recommends that all brand owners register any .ie domain names that they want to protect from registration by a third party, as this is the only way to ensure that another party can't register that .ie domain name.

**Note 1** - Evidence of rights or Legitimate Interests in a domain name can be demonstrated by circumstances as set out in Section 10.(b)3 of the registrant terms and conditions. **Note 2** - Evidence of in Bad Faith registration or use of a domain name can be demonstrated by circumstances as set out in Section 10.(b).2 of the registrant terms and conditions.