

# What is the Alternative Dispute Resolution Process?



IE Domain Registry, the company that manages Ireland's country domain name, introduced a new dispute resolution process for contested .ie domains on 1 July 2019. This new process has been built on core principles: fair play and a fair hearing, the use of industry best practice, a right of appeal and an independent, neutral service provider, explains David Curtin, Chief Executive of IE Domain Registry.

From time to time, disputes arise in relation to domain registrations. There have always been formal processes for managing disputes in relation to .ie domain name registration. The two options were to initiate formal legal proceedings or to engage with the World Intellectual Property Organisation (WIPO), which mediates global domain name disputes. Both can be costly and time-consuming.

Our new Alternative Dispute Resolution Process, introduced following a policy development process by stakeholders within its Policy Advisory Committee, now gives individuals and organisations, particularly SMEs, an easier, faster and more affordable way to dispute the registration or the use of a .ie domain.

The process accommodates a wide variety of dispute types, including online impersonation, domain disputes between competing businesses, website content-scraping, defamation, rights-based complaints, and others.

It's important that Irish citizens, businesses and organisations have access to a dispute resolution process that is transparent, affordable and straightforward.

## Who operates the process?

The process is independently operated by Net Neutrals EU, an accredited dispute resolution body under the European Union (Alternative Dispute Resolution for Consumer Disputes) Regulations 2015.

Net Neutrals EU was selected as the Alternative Dispute Resolution Service Provider by the Policy Advisory Committee, a stakeholder body set up by the board of IE Domain Registry in 2014. A formal selection and tendering process with potential operators was used.

The Complainant and the Registrant (current holder of the domain) can work to resolve the dispute by communicating via the platform provided by Net Neutrals (currently the online forum, accessible to both parties and their advisers), [www.netneutrals.eu](http://www.netneutrals.eu).

## Who is the process for?

The Alternative Dispute Resolution Process is for anyone who meets the criteria for submitting a complaint and who can prove:

1. They would ordinarily be eligible to register the domain name in question if it was not already registered by the Registrant;
2. They have rights in the domain name or in marks or identifiers very similar to it, or that their rights have been negatively impacted by the registration; or
3. The registration of the domain should be revoked as it has been registered or used abusively or in bad faith.

The process may be particularly beneficial for small and micro businesses due to its simplicity and reduced costs associated with opening a dispute.

## What services are available?

**Mediation:** A trained independent Mediator will help the complainant and

the Registrant find a fair, amicable resolution. The Mediator will help keep discussions constructive, so the dispute can be resolved quickly.

**Decision:** A decision on a dispute is made by a qualified Domain Dispute Specialist at Net Neutrals. A decision can result in the .ie domain registration being transferred to the Complainant, or the deletion of the domain, or no action being taken at all (if the dispute is refused).

**Opinion:** A Complainant can ask a qualified Domain Dispute Specialist for a non-binding opinion on the dispute subject matter. This may be helpful prior to requesting a decision on the dispute through the Alternative Dispute Resolution Process or where the matter may become the subject of court proceedings.

Note that no action is taken against the domain registration in this instance.

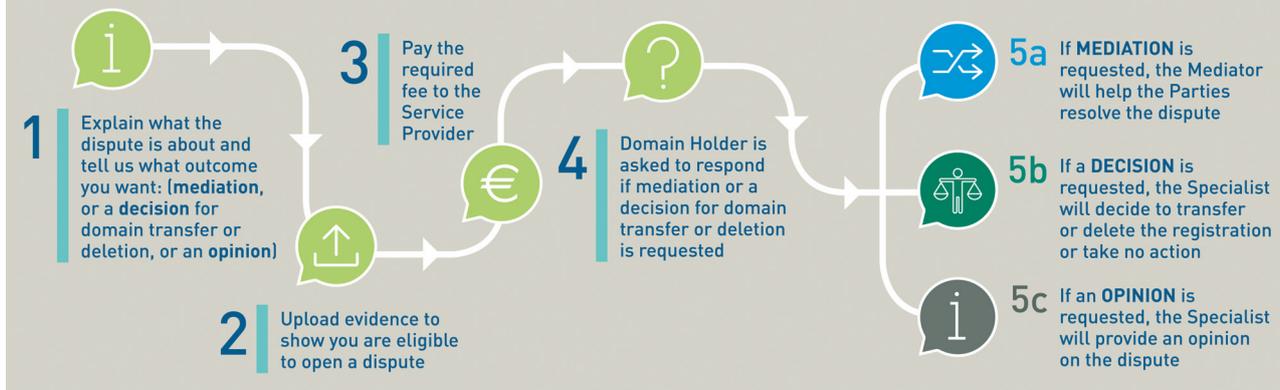
## Complaints made against a .ie domain – what to do

If notice is received about a complaint submitted against a .ie domain registration, it's important that a response is made. This ensures that the Registrant's (current holder of the domain) view will be considered by the Domain Specialist.

The burden of proof is on the Complainant who needs to prove that they meet the complaint submission criteria. This is because the Registrant has already shown evidence of their compliance with the .ie Registration and Naming Policy when the .ie domain was registered.



# Alternative Dispute Resolution Process



If a complaint is opened it will be necessary for the Registrant to show that it wasn't registered abusively, or in bad faith. Some examples of how this can be shown include:

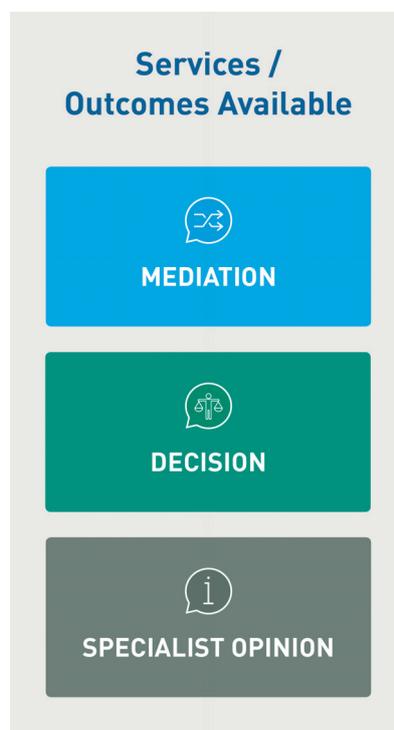
- referencing any rights to the domain name;
- proving fair use of the domain; or
- showing that it is being used in connection with a legitimate business activity, or in connection with preparations to start a legitimate business.

## Why the new process?

We have always had a fair and transparent policy with Registrants, Registrars and the community and we wanted to offer an easier and more affordable option for disputing .ie domain name registrations:

- F** – Fair for the current Registrant and the Complainant. Fair play and fair hearing for both parties involved.
- A** – Affordable alternative to legal proceedings or WIPO disputes. Plus, it's easy to use.
- I** – Independent service provider operating the new online service.
- R** – Reputable, open and transparent process – decisions are made by experienced specialists.

Our new, Alternative Dispute Resolution Process provides the qualities of fairness, affordability, independence and transparency, and we believe it will help to solve issues in a timely manner.



Ultimately, however, we believe that the number of complaints will be low, as Registrants will have already met the criteria for .ie domain registration. The burden of proof will be on the Complainant, and this will help to reduce the number of spurious or malicious claims.

Brand owners and holders of intellectual property rights will also be able to continue using the existing, formal dispute resolution process, which is independently operated by the World Intellectual Property Organisation (WIPO).

## How the process works:

Those who wish to use our Alternative Dispute Resolution Process will be initially encouraged to use the new optional mediation service. If a decision on the complaint is requested, a qualified specialist will review submissions from both parties and decide to either uphold or dismiss the complaint.

Because .ie Registrants will have already met the criteria for a .ie domain (namely a provable connection to Ireland and agreement to the terms of service), the burden of proof will be on the Complainant. The Complainant, like the Registrant, must also have a provable connection to Ireland.

*Further information on the Alternative Dispute Resolution Process can be found on our website: [www.iedr.ie/adrp](http://www.iedr.ie/adrp)*

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