

IN.UK DOMAIN DISPUTE RESOLUTION



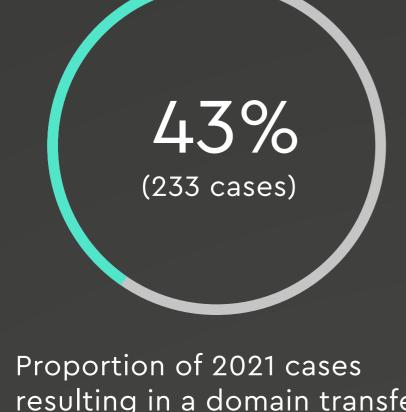
Our Dispute Resolution Service (DRS) offers an efficient and transparent method of resolving disputes relating to .UK domain names.

The DRS seeks to settle disputes through mediation and, where this is not possible, through an independent expert decision.

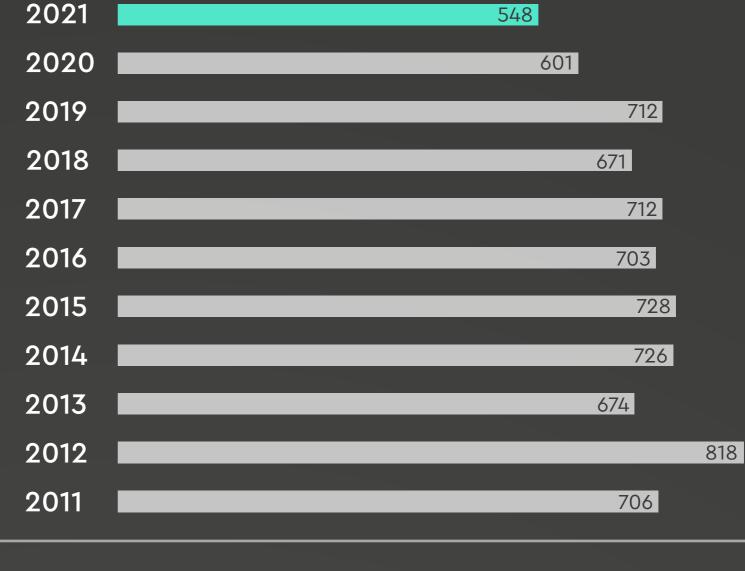
COMPLAINTS MADE



Assuming court and legal fee savings of £15,000 per complaint that progresses into formal dispute resolution.



resulting in a domain transfer Court costs avoided in 2021





The Complainant was Upfield Europe B.V., who own various plant-base foods brands, including the Flora spread. The Complainant claimed that there is no

flora.co.uk

acquire, or use, a domain name solely comprised of the term "Flora". The Respondent had had control of the domain name for over 20 years, and had previously traded as "Flora Products International", supplying floristry wholesalers in the UK and other countries. Whilst the Expert acknowledges that "flora" can be a generic term associated with horticulture, they found that as a result of the advertising and marketing activity for the Flora mark and the success of the Flora product, the term has transcended this generic or descriptive

reasonable justification as to why the Respondent would

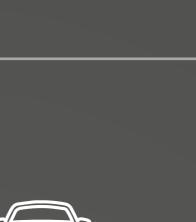
meaning, and that it has come to be associated with the Complainant's products in the minds of a significant proportion of the UK public. The original Transfer decision was appealed by the Respondent, and the Appeal panel overturned the Transfer decision, stating: "...in all the circumstances the Panel considers that on the balance of probabilities the available evidence does not support a finding that the Respondent's original registration of flora.co.uk took unfair advantage of or was unfairly detrimental to the Complainants' Rights." COMMON INDUSTRIES

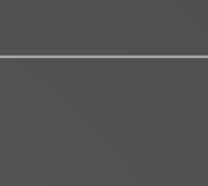


fragrance products. The Domain Name resolved to an escort website which the Complainant argued

conflicts with its premium brand. The Complainant claimed that the false association with its brand was likely to damage its reputation and bring the Chanel name into disrepute. The Respondent failed to submit a response, and the Expert stated: "By reproducing the Complainant's distinctive mark in the Domain Name, the Respondent's website suggests that it is affiliated with or endorsed by the Complainant. Considering the

nature of the content found at the Domain Name, such an association is likely to tarnish the Complainant's trade mark."





.plc.uk

.ltd.uk

0

0

()

.net.uk

0



.uk .sch.uk .me.uk .co.uk .org.uk

529

687

2021

2018

20

34

The most common industries for complaints. Note this is only for full decisions.

30 2020 525 71 2019 628 33 136

0

DISPUTED DOMAIN NAMES BY SUFFIX

2017	687	46	4	46	0	0	0
2016	716	34	3	32	0	0	0
2015	686	30	3	26	0	0	0
2014	685	37	0	12	0	0	0
Please note, a DRS complaint may involve more than one domain name.							
GEOGRAPHICAL DISTRIBUTION OF COMPLAINANTS AND RESPONDENTS							

In 2021 the DRS saw cases brought by complainants from 23 countries, with respondents

from 40 countries. Here are the top ranking countries for complainants and respondents:

74

41

COMPLAINANTS

UK (429) UK (389) US (45) US (34) 3 France (20) Panama (25)

Ireland (4) Luxembourg (3) CASE OUTCOMES **Mediation Summary** by parties decision 2021 46 48 132

61

99

97

106

71

93

2020

2019

2018

2017

2016

2015

90

80

70

60

50

Switzerland (10)

Denmark & Italy (6)

Germany (7)

5



Netherlands & Turkey (5) Uganda (4)

India (8)

Canada & Nigeria (9)

Germany & Pakistan (6)

Australia, China,

RESPONDENTS

Withdrawn Fee not paid

96

104

40

47

45

38

49

70

75

72

49

73

5

4

Open

55*

1**

0

0

0

79

60

52

81 130 0 0 64 117

73

99

122

121

93

2014 | 127 | 145 | 99 Total

66

94

96

77

110

160

143

150

136

184

187

168

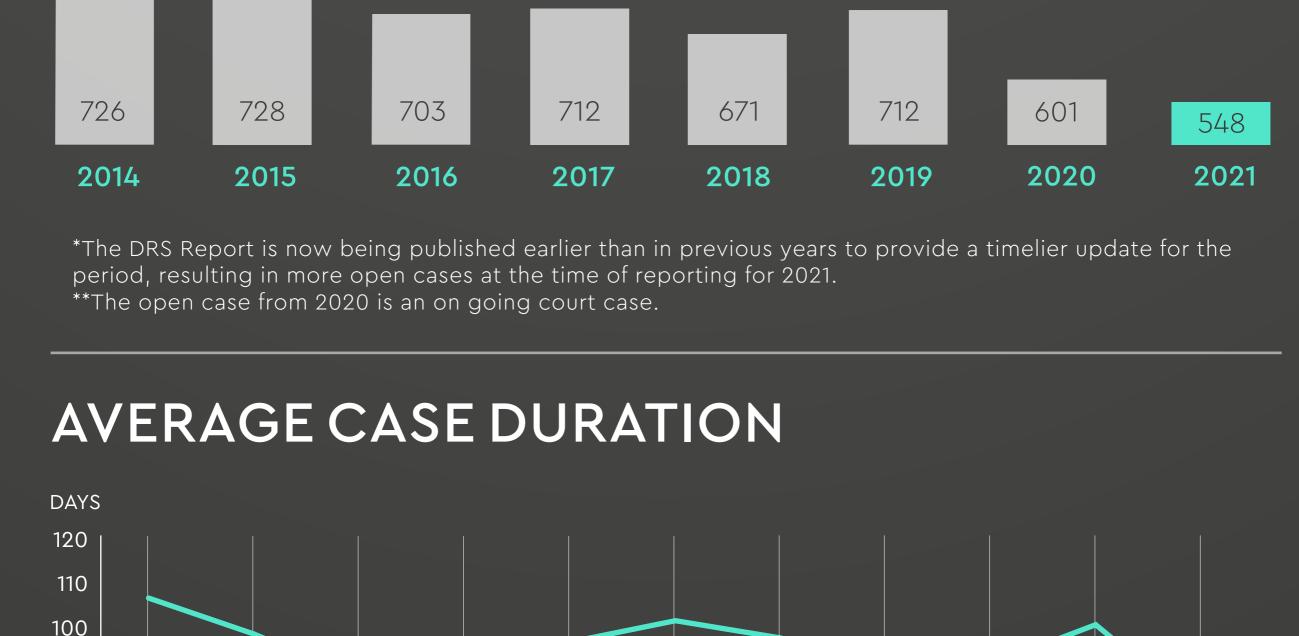
112

90

6

6

2



40 30

20 0 2014 2015 2016 2017 2018 2019 2020 2021 2011 2012 2013 Full decision Summary decision Mediated **ABOUT NOMINET**

Nominet is driven by a commitment to use technology to improve connectivity, security and inclusivity online. For 25 years, Nominet has run the .UK internet infrastructure, developing an expertise in the Domain Name System (DNS) that now underpins sophisticated network detection and response solutions that are used by governments to mitigate cyber threats. A dedicated public benefit programme aims to improve the lives of one

young people today. www.nominet.uk

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ABOUT THE DISPUTE RESOLUTION SERVICE

Nominet's Dispute Resolution Service has addressed over 13,000 .UK domain disputes since being established in 2001. To make a complaint through the DRS, you need to have rights (such as a trade mark) in a name which is the same or similar to the domain name you are concerned about. The DRS can usually provide a quicker and cheaper resolution to disputes than going through the courts as this service is based on free, confidential mediation. In the event of deadlock, complainants can pay to appoint independent experts from a panel to make a binding adjudication. Nominet does not profit from running the DRS, the fee for decisions is paid to the Expert for their time adjudicating disputes.

million people, providing support and opportunities to tackle some of the most important digital issues facing