

Day 1 (3 September 2007): Advanced ADR workshop presented by WIPO

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| 08h00 – 08h30 | Registration |
| 08h45 – 09h00 | <i>Opening and Welcome:</i> Mr. Vika Mpisane (.za DNA) and Mariette Viljoen President (SAIPL) |
| 09h00 – 10h45 | <i>Session 1:</i> Origins and Legal Framework of the Uniform Domain Name Dispute Resolution Policy (Francisco Rios) |
| 10h45 – 11h00 | Morning Tea |
| 11h00 – 11h45 | <i>Session 2:</i> WIPO Arbitration and Mediation Center's Perspective (Francisco Rios) |
| 11h45 – 13h00 | <i>Session 3:</i> ccTLD Dispute Resolution (Francisco Rios) |
| 13h00 – 14h00 | Lunch |
| 14h00 – 16h00 | <i>Session 4:</i> Trends of WIPO Panel Decisions I / Interactive - Questions and Discussion (Tony Willoughby / Francisco Rios) |
| 16h00 – 16h15 | Afternoon Tea |
| 16h15 – 17h00 | <i>Session 5:</i> Trends of WIPO Panel Decisions II / Interactive - Questions and Discussion (Tony Willoughby / Francisco Rios) |
| 17h00 – 17h45 | <i>Session 6:</i> Decision - Drafting Tips / Interactive - Questions and Discussion (Tony Willoughby) |
| 17h45 – 18h00 | <i>Closing:</i> (Francisco Rios) |

**Day 2 (4 September 2007): Advanced ADR workshop
presented by Nominet**

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| 08h00 – 08h30 | Registration |
| 08h45 – 09h00 | <i>Opening day 2 and Welcome:</i> Mr. Tony Willoughby (Nominet) and Mariette Viljoen President (SAIIPL) |
| 09h00 – 10h45 | <p><i>Session 1:</i> UK case law background and key aspects of Nominet's DRS policy and procedure (Nick Wenban-Smith & Tony Willoughby)</p> <p>A: Background (Legal and Administrative)</p> <ol style="list-style-type: none"> 1. Nominet - its origins and its functions (NW-S) 2. The legal background in outline (TW) 3. The first Nominet ADR scheme (TW) 4. The rationale behind the 'new' Nominet DRS (TW) 5. The Mediation process (NW-S) 6. Selecting the adjudicators (known as Experts) (TW) 7. Updating and amending the DRS Policy (NW-S) 8. UK case law relating to Domain Names: <p><u>Case List (Reading Materials):</u></p> <ul style="list-style-type: none"> • Harrods Ltd v. UK Network Services Ltd (9.12.96 - unreported) • Pitman Training v. Nominet UK Ltd & anor [1997] FSR 797 • Dixons Group plc v. Triton Tek Ltd (2.12.97 – unreported) • Prince plc v. Prince Sports Group Inc [1998] FSR 21 • BT plc v. One In A Million [1999] FSR 1 • Montblanc Simplo GmbH v. Just Results plc [1.12.00 - unreported] • Easyjet Airline Company Ltd v. Dainty [2002] FSR 111 • Global Projects Management Ltd v. Citigroup Inc [2005 EWHC 2663] • Phones4u Ltd v. phone4u.co.uk Ltd & ors [2006 EWCA Civ. 244] <p>B: DRS Statistics. (Nick Wenban-Smith)</p> |

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| 10h45 – 11h00 | Morning Tea |
| 11h00 – 13h00 | <p><i>Session 2:</i></p> <p>A: Common Areas of Dispute (TW and NW-S)</p> <ol style="list-style-type: none"> 1. Business fallout disputes, most of which are settled at the mediation stage (DRS2265 fabritrak.co.uk). 2. Commercial disputes between businesses having competing rights to a name (DRS4662 fireplacetraders.co.uk) 3. Retailers/distributors making use of the names of brands in which they deal (DRS0248 seiko-shop.co.uk; DRS3027 epon-ink-ink.co.uk) 4. 'Innocent' individuals adopting a company's name or mark (DRS2201 vikingdirect.co.uk) 5. Gripe site/fan site operators (DRS0389 scoobydoo.co.uk; DRS4285 knightslettings.co.uk)) 6. Innocent registrants making subsequent abusive use of the domain name (DRS1515 almay.co.uk; DRS2223 itunes.co.ukI; DRS3117 wichitaclutch.co.uk) 7. Cybersquatters <ul style="list-style-type: none"> - making no real use of the domain name (DRS0001 xigris.co.uk) - using it to earn click-per-view revenue (DRS2464 aldershotcarspares.co.uk; DRS3021 lintran.co.uk) - offering the domain name for sale (DRS2415 colgate-palmolive.co.uk;) - making a more or less 'ostensible fair use (DRS4478 bandq.co.uk) |
| 13h00 – 14h00 | Lunch |
| 14h00 – 16h00 | <p><i>Session 3:</i> Controversial / problematic decisions and comparison to ZA decisions to date (Nick Wenban-Smith & Tony Willoughby)</p> <p>A: Selected DRS issues for UK Panelists</p> <ol style="list-style-type: none"> 1. Inadequate complaints – differing approaches: <ul style="list-style-type: none"> • Dismissal (DRS2735, DRS2917, DRS4635) • 'Saving' of complaint by adjudicator by |

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| | <p>(a) conducting his own investigation (DRS0658) (b) making assumptions in favour of complainant (DRS1988) (c) by using his powers to seek further information from the parties</p> <p>2. Adjudicators conducting personal enquiries (DRS2426 & DRS3857)</p> <p>3. How crucial to a finding of Abusive Registration is (a) knowledge of the existence of the Complainant's Rights and (b) an intention to exploit or cause damage to the Complainant's Rights? (DRS3733, DRS4149 and DRS4331)</p> <p>4. Domain Name dealing – selling and offering for sale domain names at a profit (DRS2223 & DRS3078)</p> <p>5. Initial Interest Confusion – differing approaches (DRS3027 & DRS3044)</p> <p>6. Are adjudicators tied to the Complainant's allegation? Suppose they see abuse on another basis? (DRS2830)</p> <p>7. False contact details (DRS4882)</p> <p>B: Comparing the Nominet and the '.co.za' DRS Policies</p> <p>1. no mediation process in '.co.za'</p> <p>2. no 'offensive registration' in Nominet</p> <p>3. 12 month period in 'co.za' (as opposed to 24 in Nominet) for the rebuttable presumption provision to apply</p> <p>4. differing 'rights' definitions. No reference to descriptive names in the '.co.za' definition</p> <p>5. compare Nominet's 3(a)(i)A and '.co.za's 4(1)(a)(i)</p> <p>6. '.co.za' has adopted the old Nominet provision in relation to gripe/fan sites</p> <p>7. the differing consequences of a finding of Reverse Domain Name Hijacking</p> <p>8. in '.co.za' adjudicators are encouraged to take into account foreign decisions</p> |
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| | <p>C: Observations on the early '.co.za' decisions – a UK perspective</p> <ol style="list-style-type: none"> 1. mrplastic.co.za ZA2007-0001 2. telkommedia.co.za ZA2007-0003 3. telkombusiness.co.za ZA2007-0004 |
| 16h00 – 16h15 | Afternoon Tea |
| 16h15 – 17h45 | <p>Session 4: Current hot topics and trends, future direction of the DRS. (Nick Wenban-Smith & Tony Willoughby)</p> <p>A: Current hot topics and trends, future direction of the DRS</p> <ol style="list-style-type: none"> 1. Current consultation (NWS) 2. PAB feedback (NWS) 3. Further consultation in relation to Default Transfer (NWS) 4. Comment so far and activists reaction (NWS) 5. ERG review process and quality control (TW) 6. Annual review and guidance on divisive issues (TW) 7. Expert recruitment (NWS) <p>B: References:</p> <ul style="list-style-type: none"> • http://www.nominet.org.uk/policy/consultations/previous/updatedrs/ • http://www.nominet.org.uk/digitalAssets/21237_PAB_meeting_report_51.pdf • www.drsconsultation.co.uk |
| 17h45 – 18h00 | Closing: (Tony Willoughby) |