

Dispute Resolution Policy

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In summary, if one party (the Complainant) believes that a domain has been wrongly registered to another party (the Registrant) then the Complainant can start an action (an Administrative Proceeding) under this Policy. The Complainant must be able to show that he or she has a right to the domain and the incumbent Registrant does not.

As a condition of registration of their domain, Registrants must participate in the Administrative Proceeding. If they fail to successfully defend their right to a domain it may either be transferred to the Complainant or cancelled without refund of fees.

Complaints are not decided on by the IE Domain Registry CLG, trading as .ie (.ie), but by an independent and impartial panel of one to three experts appointed by the World Intellectual Property Organisation (WIPO).

A Complaint is only valid if it complies with this Policy and the Rules of Procedure for initiating and the hearing of a Complaint – which can be found at <http://arbiter.wipo.int/domains/rules/ie.html>. Fees are payable (to WIPO and not to .ie) and you should refer to <http://arbiter.wipo.int/domains/fees/cctlds/ie/index.html> for the applicable costs.

It is a condition of this policy that .ie will implement the decision of a Panel in respect of a .ie domain. However neither this Policy, the Rules, an Administrative Proceeding or a Panel Decision affect or restrict the legal right to commence court proceedings at any time against a domain holder or a party to an Administrative Proceeding.

.ie denies all liability for loss or damage occasioned by the application of this Policy or the consequences of a Panel decision. In the event that a party commences proceedings against .ie in relation to a matter that falls within the scope of this Policy then .ie will rely fully on the existence and terms of this Policy and any decision given there-under.

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1. Mandatory Administrative Proceeding

- 1.1 The Registrant agrees to submit to a mandatory administrative proceeding before an independent and impartial panel (“the Administrative Panel”). The Administrative Panel shall be appointed by the World Intellectual Property Organization (“WIPO”) Arbitration and Mediation Center (“the Provider”) in accordance with the WIPO Dispute Resolution Rules of Procedure for .ie Domain Name Registrations in the event a Complainant claims that:
 - 1.1.1 a domain name is identical or misleadingly similar to a protected identifier in which the Complainant has rights; and
 - 1.1.2 the Registrant has no rights in law or legitimate interests in respect of a domain name; and
 - 1.1.3 a domain name has been registered or is being used in bad faith.
- 1.2. The fact that the Registrant has registered the domain name, the subject of the dispute, does not constitute evidence of rights in law or legitimate interests in accordance with Paragraph
- 1.3. Protected identifiers for the purpose of this Policy are:

- 1.3.1. Trade and service marks protected in the island of Ireland.
 - 1.3.2. Personal names (including pseudonyms) in which the Complainant has acquired a reputation in the island of Ireland.
 - 1.3.3. Geographical indications that can prima facie be protected in the island of Ireland. Geographical indications are, for the purposes of this Policy, indications which identify a good as originating in a territory, region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin. A Complainant is deemed to have rights in a geographical indication for the purposes of this Policy, if it has standing to bring an action based on the alleged infringement of the geographical indication before the courts of Ireland.
- 1.4. The Complainant carries the burden of proving, prima facie, that the three conditions specified in Paragraph 1.1. are met.
 - 1.5. Unless otherwise agreed between .ie, all Parties and the Panel, .ie cannot be joined as a party to and shall not participate in any way in the Administrative Proceeding.

2. Evidence of Registration or Use in Bad Faith

- 2.1 Any of the following factors, in particular but without limitation, may be considered as evidence of registration or use of a domain name in bad faith:
 - 2.1.1. Where the domain name has been registered, or is used, primarily for the purpose of selling, renting, licensing or otherwise transferring the registration to the Complainant or to a competitor of the Complainant, for valuable consideration in excess of the Registrant's documented expenses which are directly related to the registration of the domain name.
 - 2.1.2. Where the domain name has been registered or is used primarily in order to prevent the Complainant from reflecting a protected identifier in which it has rights in a corresponding domain name.
 - 2.1.3. Where the Registrant has registered or is using the domain name primarily for the purpose of interfering with or disrupting the business of the Complainant.
 - 2.1.4. Where the Registrant has, through its use of the domain name, intentionally attempted to attract Internet users to a web site or other on-line location by creating confusion with a protected identifier in which the Complainant has rights.
 - 2.1.5. Where the domain name is used in a way that is likely to dilute the reputation of a trade or service mark in which the complainant has rights.
 - 2.1.6. Where the Registrant has intentionally provided misleading or false information when applying for the domain name registration.

3. Evidence of Legitimate Rights

- 3.1. Any of the following factors, in particular but without limitation, may be considered as evidence of rights to, or legitimate interests, in the domain name:
 - 3.1.1. Where the Registrant can demonstrate that, before being put on notice of the Complainant's interests in the domain, it had made demonstrable good faith preparations to use the domain name in

connection with a good faith offering of goods or services, or operation of a business.

- 3.1.2. Where the domain name corresponds to the personal name or pseudonym of the Registrant.
- 3.1.3. Where the domain name which is identical or misleadingly similar to a geographical indication has been used, in good faith, by the Registrant before such geographical indication was protected in the Island of Ireland.

4. Initiation of Proceeding and Process

- 4.1. The requirements and process for initiating and conducting a proceeding and for the selection of an Administrative Panel are set out in the WIPO Dispute Resolution Rules of Procedure for .ie Domain Name Registrations, which can be found at <http://arbiter.wipo.int/domains/rules/ie.html>.

5. Decisions and Remedies

- 5.1. The decisions which an Administrative Panel can take in respect of a dispute shall be limited to either:
 - 5.1.1. Confirmation of the registration.
 - 5.1.2. Cancellation of the registration.
 - 5.1.3. Transfer of the registration to the Complainant.
- 5.2. The fact that a Complainant is deemed to have rights in a geographical indication for the purpose of submitting a complaint under this Policy is without prejudice to the Panel's determination of whether the Complainant is entitled to a transfer of the registration, should the complaint be found by the Panel to meet the conditions specified in Paragraph 1.1. of this Policy.

6. Implementation of Decisions by the IE Domain Registry CLG, trading as .ie

- 6.1. A Panel decision to transfer a domain name registration shall be subject to the prevailing party meeting the registration conditions for .ie domain names at the time of implementation of the decision. If such conditions are not met, the domain name registration subject to the dispute shall be cancelled.
- 6.2. A Panel decision to cancel or transfer a domain name registration shall be automatically stayed for a period of 21 working days from the date of notification by the Provider to the Parties and .ie. If within 21 days of notification .ie is put on actual notice of the commencement of proceedings before the courts of Ireland by a Party in relation to the domain name registration the subject of the decision, the decision shall be stayed and not implemented by .ie until court order or agreement with and between the parties.
- 6.3. Otherwise, .ie shall implement the Panel decision in so far as it reasonably can.

7. Court Proceedings

- 7.1. This Policy is without prejudice to and shall not prevent any party to the proceeding from submitting the dispute to a court of law for independent resolution at any time.

8. Transfers During a Dispute

- 8.1. The Registrant may not transfer a domain name registration:
 - 8.1.1. During a pending administrative proceeding initiated pursuant to Paragraph 1 or for a period of 21 working days after their conclusion.

- 8.1.2. During a pending court proceeding or arbitration in respect of the domain name registration.

.ie reserves the right to cancel any transfer of a .ie domain name registration which does not comply with the above.

- 8.2. A Registrant may not transfer the hosting of a domain name to another registrar during a pending Administrative Proceeding initiated pursuant to Paragraph 1 or for a period of 21 working days after their conclusion.

9. Limitation of Liability

- 9.1. .ie, its directors, members, agents, employees and representatives shall not be liable to a Registrant, a Complainant or any other person for any loss or damages (whether or not foreseeable) including special, indirect, exemplary, punitive or consequential damages resulting from loss of use, lost business revenue, lost profits or third party damages arising in any way from:
 - 9.1.1. The application of this Policy and the WIPO Dispute Resolution Rules of Procedure for .ie domain name registrations.
 - 9.1.2. Any decision or resulting action taken on foot of a decision of a Panel.

10. Policy Modifications

- 10.1. .ie reserves the right to modify this Policy at any time. Any revised policy will be posted on .ie's Website. Modifications shall take effect 30 calendar days following posting of the new policy.

Complaint or Response Filing with WIPO

The below links are provided to for further information relating to the .ie Dispute Resolution Policy.

General

- WIPO Domain Name Panelists: .ie Dispute Resolution Policy (<https://www.wipo.int/amc/en/domains/cctld/ie/index.html>)
- Schedule of Fees (<https://www.wipo.int/amc/en/domains/fees/cctlds/ie/index.html>)