

Out-of-court dispute resolution policy regarding the use of “.es” domain names

DRP (Dispute Resolution Policy)

Inspired by ICANN's procedures.

Order ITC 1542/2005, of 19 May, establishes its entry into force before 8 November 2005.

Advantages:

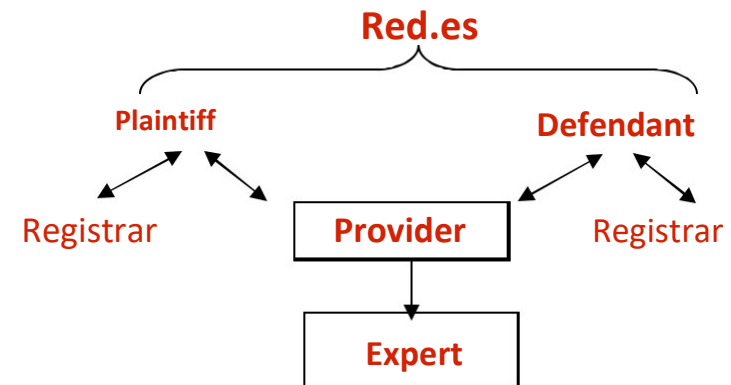
- Guarantee, expert decisions.
- Anti-cybersquatting measure.

% Initial protected rights:

- Names of entities registered in Spain, names or indications of origin, trade names, trademarks or other industrial property rights protected in Spain.
- Celebrities.
- Official or generally recognisable names of Spanish public administrations and public bodies.

Reason for the registration of the domain name by a defendant must be speculative or abusive, when:

- The domain name is identical or similar, generating confusion, and
- there are no rights or legitimate interests of the current owner, and
- the domain name is being used in bad faith.



Experts in the provision of out-of-court dispute resolution services:

- Spanish Association of Digital Economy (**Adigital**).
<http://www.adigital.org/>
- Association for the Self-Regulation of Marketing Communication (**Autocontrol**).
<http://www.autocontrol.es/>
- **Spanish Higher Council of Chambers of Commerce**, Industry and Navigation.
https://www.camaras.org/publicado/juridico/ResConflictos_1399.html
- World Intellectual Property Organization (**WIPO**) Arbitration and Mediation Centre.
<http://www.wipo.int/amc/es/domains/cctld/index.html>

Specialists in out-of-court domain name dispute resolution with proven knowledge of Spanish law.

Impartial and independent.

They may be replaced when there are doubts as to their impartiality:

- By the provider.
- Ex officio.
- At the request of a Party, by submitting allegations.
- At the request of both Parties (within 5 DAYS of their appointment).

The Expert is appointed by the Provider.

The fees fixed by the Provider shall be paid by the Plaintiff.

Notifications:

- In Spanish, if the parties agree, and under exceptional circumstances another one may be established.
- The Provider shall be responsible for sending notifications of the claim to all possible postal, e-mail or telefax addresses.
- Submission of the claim to the Provider and copy to Red.es.

The Expert, subject to Red.es's acceptance, may extend the deadlines set in a proportionate manner.

Cost per request of €1,400.

Caption

-  Plaintiff
-  Provider
-  Defendant
-  Red.es
-  Registrars
-  ALL

Plaintiff

Provider



Art. 13

- Claim submission**
- (3) printed copies of the claim or in electronic form
 - Domain name(s)
 - **Plaintiff's** details
 - Form of communication
 - **Defendant's** details
 - Registrar(s)
 - **Plaintiff's** initial rights
 - Justification of abusive registration (< 5.000 words)
 - Subject matter of the claim
 - Legal proceedings
 - Declaration to submit to Spanish jurisdiction
 - No-claim declaration
 - Documentary evidence of initial rights

Does the **Plaintiff** remedy formal defects in **5 DAYS**?



No, the claim is considered withdrawn

END



Art. 14
Has the domain name been **blocked**?



Art. 14
Submission to the provider of **the data on the plaintiff**



Art. 12
Has the **plaintiff** paid within **10 DAYS** of receipt of the claim?



Art. 15
Provider checks **formal requirements**

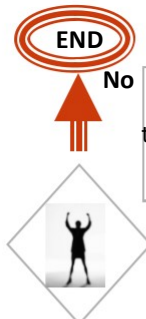
Provider submits claim to the **defendant** within **5 DAYS** of the **payment**.
Provider notifies **Red.es, defendant plaintiff** and **registrars** of the start of the proceedings

Defendant, lodges a statement of **defence** within **20 DAYS**

(3) Hard copies or electronic format
Response to the allegations (5,000 words)
Defendant's details
Form of communication
Legal proceedings
Affidavit
Documentary evidence

Notification sent to the **plaintiff, defendant** and **registrars** of withdrawn claim

NO
Submission defects to **plaintiff** and **defendant**



END

No

Yes



