

REGULATIONS OF THE COMPLAINTS BOARD FOR DOMAIN NAMES

The Ministry of Industry, Business and Financial Affairs has established the Complaints Board for Domain Names pursuant to Article 26 of the Danish Act No. 164 of 26 February 2014 on Internet Domains (the Domain Names Act). The Complaints Board's organization, competence and financing etc. is regulated in Articles 27-31 of the Domain Names Act. Under Article 29(1) of the Domain Names Act, the Complaints Board shall establish a regulation for its functions and case management, which shall contain rules regarding 1) the payment and repayment of fees for cases processed by the Complaints Board, 2) deadlines for filing a complaint regarding a decision made by the administrator, 3) drafting of Rules of Procedure, 4) the Complaints Board's Secretariat and 5) online publication of the decisions of the Complaints Board.

The Complaints Board for Domain Names has laid down the following regulations under Article 29(1) of the Danish Act No. 164 of 26 February 2014 on Internet Domains (Domain Names Act):

1. Fee and costs

(1) The complainant must pay a fee for the hearing of a complaint before the Complaints Board for Domain Names. For complainants and registrants who use or intend to use the disputed domain name in a non-commercial manner, the complaint fee is DKK 160. In all other cases, the complaint fee is DKK 500. If the complaint concerns a dispute about a domain name, cf. the Domain Names Act Article 28(1), as well as a decision made by the administrator, cf. the Domain Names Act Article 28(2), a fee is paid for each complaint. If the complaint concerns several domain names, a fee is paid for each individual domain name. If the complaint concerns several decisions made by the administrator, a fee is paid for each decision. The Complaints Board does not charge any other fees for the hearing of the case.

(2) The complaint fee, cf. sub-clause 1, can be paid by payment card (debit card, MasterCard, Visa, JCB) when a complaint is filed via the Complaint Board's case portal or via wire transfer to the bank account stated in the Complaints Board's case management portal. Guidance on payment of the complaint fee can be obtained from the Complaints Board's secretariat.

(3) If the Complaints Board allows the complainant's claim in full or in part or if the case is settled on terms in this respect, the complaint fee is refunded to the complainant. The same applies if a complaint is withdrawn before the Complaints Board has made a decision in the case.

(4) Neither party pays costs relating to the hearing of the complaint by the Complaints Board to the other party.

2. Deadline for submitting a complaint concerning the decisions of the administrator

A complaint concerning a decision made by the administrator must be submitted no later than four weeks after the person in question was notified of the decision. The Complaints Board can dispense with non-observance of this deadline for complaints, when special circumstances so warrant.

3. Rules of procedure

The Complaints Board lays down its own Rules of Procedure, which are available on the Complaints Board's website www.domaeneklager.dk.

4. The Complaints Board's secretariat

(1) The Complaints Board's secretariat consists of a Head of Secretariat, as well as one or more secretaries, who are all members of the legal profession and who are employed and dismissed by the administrator according to agreement with the chairman of the Complaints Board. The Complaints Board's secretariat further consists of a number of administrative staff members, who are employed and dismissed by the administrator according to agreement with the chairman of the Complaints Board. The Complaints Board's secretariat is in its activities for the Complaints Board solely governed by the Complaints Board's instructions.

(2) The Complaints Board's secretariat answers written inquiries, inquiries by telephone and personal inquiries to the Complaints Board, prepares cases for processing by the Complaints Board, participates in meetings and possible conciliation procedures etc. according to the rules of the Complaints Board's Rules of Procedure. The complaints Board's secretariat maintains the Complaints Board's website www.domaeneklager.dk and publishes the Complaints Board's decisions, cf. Article 5.

(3) The Head of Secretariat organizes the work of the Complaints Board's secretariat. The Head of Secretariat must ensure that the Complaints Board is administrated in accordance with the guidelines imposed on the Complaints Board as well as in accordance with the at any given time applicable rules concerning the functions of the Complaints Board. Decisions of significant importance or of extraordinary character must be presented to the Complaints Board for approval.

(4) The administrator of .dk-domains funds the costs of establishment and operation of the Complaints Board, including financing of the secretariat, cf. the Domain Names Act Article 31. The Head of Secretariat conducts the ongoing dialogue with the administrator about the Complaints Board's budget, accounts and audit. Questions concerning these matters, which are of significant importance or extraordinary character, the Head of Secretariat will present to the Complaints Board.

(5) The Complaints Board's secretariat represents the Complaints Board in its external affairs. The Complaints Board is bound by joint signatures of the Complaints Board's chairman and the Head of Secretariat, or by the joint signatures of the Head of Secretariat and the Administrator's CEO.

5. Publication of the decisions of the Complaints Board in electronic format

(1) The decisions of the Complaints Board whereby a case before the Complaints Board is closed are published on the website of the Complaints Board (www.domaeneklager.dk). Other decisions of the Complaints Board may be published in the same way.

(2) If a decision contains information on the purely private affairs of individuals or the business secrets of enterprises, the chairman or vice-chairman of the Complaints Board may decide that this information should be anonymised in the version of the decision that is published on the Board's website. The chairman or vice-chairman of the Complaints Board may decide that other information should also be anonymised if, on the basis of the special nature of the information, this is found necessary in consideration of private or public interests.

6. Annual report

Each year before 1 March, a report is prepared on the Complaints Boards functions in the previous year. The report is sent to the Administrator and published on the Complaints Board's website www.domaeneklager.dk.

7. Entry into force

(1) This regulation will become effective on 1 November 2018 and will replace the regulation of the Complaints Board for Domain Names of the 2 August 2017.

(2) Cases brought before the Complaints Board before the entry into force of this regulation will be processed after the previous regulation.

Copenhagen, 31 October 2018

On behalf of the Complaints Board for Domain Names
