



Whois Search

.be

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ADR PROCEDURE

Alternative dispute resolution procedure

Working in conjunction with the Belgian Centre for Arbitration and Mediation, known as CEPINA (www.cepina.be), DNS BE has developed an Alternative Dispute Resolution procedure (ADR) to deal with disputes relating to .be domain names. This procedure runs quite quickly (average of 55 days) and is carried out entirely in writing. It also involves relatively low costs. The procedure is set out in detail in article 10 of the DNS BE [General Terms and Conditions](#). A summary of the procedure follows. If the summary should conflict with what is contained in article 10, the General Terms and Conditions will apply.

Any party with an interest can lodge an application for the alternative dispute resolution with CEPINA to settle a dispute about a .be domain name. The dispute is assessed by an independent Third-Party Decision-Maker, who is a legal expert in the matter. The Third-Party Decider may decide to delete the domain name or to transfer the name to the complainant. Under normal circumstances, the domain name holder is able to reply once in writing to the complainant's arguments.

Admissibility and legitimacy of domain name disputes

A complaint from a third party against a .be domain name holder will be taken up by CEPINA on condition that the complaint is lodged in accordance with standard conditions and after depositing the procedural costs of 1620 EUR into CEPINA's account.

In order to obtain the transfer of the domain name, all three of these conditions must be demonstrated:

- ▶ the domain name holder's domain name is identical to or display significant similarity to a brand, trade name, registered name or company name, a geographic indication, a personal name or designation of a geographic entity to which the complainant has a right; and
- ▶ the domain name holder has no rights or legitimate interests with regard to the domain name; and
- ▶ the domain name holder's domain name has been registered or used in bad faith

The application to transfer the domain name in question must, of course, be expressly included in the complaint.

Length of the procedure (average)

You can find details of the official procedure at the CEPINA website.

- ▶ lodging the complaint
- ▶ the domain name holder is notified within 7 days that a complaint has been lodged
- ▶ the domain name holder has 21 days to respond
- ▶ the mediators must be appointed at the latest 7 days later
- ▶ the decision must be announced 14 days later
- ▶ 15 days after receiving the ruling, DNS BE will put it into effect, unless an appeal has been lodged with CEPINA within this period.

(In this case, "days" means "calendar days")

In some cases some of these periods can be extended.

Costs for the procedure

The fee charged for the procedure is 1620 EUR, which is paid by the complainant at the beginning of the procedure. If the Third-Party Decider rules that the complaint is justified, DNS BE will refund half of the costs to the complainant. DNS BE will then claim this amount back from the previous, unlawful domain name holder.

Appeal procedure

Regardless of the option to submit the dispute to an ordinary court, all parties have the right to lodge an appeal with CEPINA within 14 days of the ruling handed down by the Third-Party Decider.

The application for appeal must be lodged with CEPINA in accordance with the standard requirements mentioned above and payment of 4,050.00 EUR.

The defending party then has a period of 7 days to respond to the arguments submitted by the other party.

After this, an Appeal Panel of three Third-Party Deciders will be appointed by CEPINA. This panel must take a decision within 30 calendar days of the case being submitted to it. Rulings by the Appeal Panel cannot be appealed any higher.

ADR cases

The domain names subject to the ADR procedure with CEPINA can be found [here](#).

[Comparison of the ADR procedure and the Procedure act of 26th june 2003](#)