



Regulations governing Complaints and Appeals Board

Regulations governing the composition, working methods and procedures of the Complaints and Appeals Board.

Definitions

SIDN:	the Netherlands Foundation for Internet Domain Name Registration [Stichting Internet Domeinregistratie Nederland];
Board:	the Complaints and Appeals Board as referred to in Articles 8, 14, 20 and 23 of the Regulations;
Registration Regulations:	the Regulations for Registration of .nl Domain Names;
Participant:	a business or institution participating in SIDN which deals with the registration of the Domain Name which is the object of an appeal or complaint;
Appellant:	the Holder of a Domain Name or Applicant for a Domain Name that has instituted an appeal, or caused an appeal to be instituted, against a decision as referred to in Articles 8, 14, and 23 of the Regulations;
Holder of a Domain Name:	the party in whose name a Domain Name or Personal Domain Name is registered with SIDN, as shown by the Register;
Applicant for a Domain Name:	the intended Holder of a Domain Name or Personal Domain Name;
Register:	the (electronic) Register of Domain Names and Personal Domain Names;
Regulations:	The present Regulations governing the composition, working methods and procedures of the Complaints and Appeals Board.

Section 1 General Provisions

Article 1 Composition of the Board

- 1.1 The Board shall consist of five persons appointed for a period of three years by SIDN. In selecting candidates, SIDN may request the advice of appropriate organisations.
- 1.2 If a member of the Board resigns or is unable to continue to carry out his/her duties, SIDN shall appoint a replacement after gaining advice on potential candidates.
- 1.3 The members of the Board may be re-appointed once, for a period of three years.
- 1.4 The Board shall choose a Chairperson from among its members.



- 1.5 The members of the Board shall receive an annual fee for their work; this shall be determined annually by SIDN.
- 1.6 In addition to receiving the said fee, the members of the Board shall be reimbursed for the cost of travel within the Netherlands.

Article 2 The Secretary

- 2.1 The Secretary to the Board shall be appointed and financed by SIDN in consultation with the members of the Board.
- 2.2 The Secretary shall act as the contact person for the Board vis-à-vis third parties.
- 2.3 The Secretary shall be responsible for:
 - a. the venue for the hearing;
 - b. the dispatch of invitations to those who wish to be heard in accordance with the Regulations;
 - c. the dispatch of the documents;
 - d. the administrative handling of cases, including informing the members of the Board;
 - e. the drafting of the rulings made by the Board (including the grounds for the rulings);
 - f. the monitoring of the payments to be made by Appellants and Complainants;
 - g. the dispatch of rulings to those directly involved ;
 - h. the drafting of the annual report;
 - i. the electronic storage of all documents relating to an appeal or complaint that have been submitted to the Board.

Article 3 Working methods

- 3.1 Depending on the number of complaints and/or appeals submitted, the Board shall in principle hold a hearing once a month.
- 3.2 The members of the Board who are present shall appoint one of their number to act as chairperson for the hearing.
- 3.3 The Secretary shall dispatch the documents to the members of the Board at least five working days prior to the hearing. The documents shall consist of at least the following:
 - the complaint or appeal document;
 - the complete dossiers regarding the Domain Name registration concerned;
 - the names of the representatives of the Appellant or Complainant and/or of the Holder of the Domain Name who wish to be heard.
- 3.4 The Board shall render a written ruling, with reasons, on each case submitted to it.
- 3.5 The Secretary shall draw up a report on the matters dealt with during the hearing and shall draft the ruling on each case subsequently to the hearing. The Secretary shall submit the draft ruling to the chairperson of the hearing and to the other members present at the hearing. The chairperson shall determine the definitive text of the ruling, taking into account the comments made by his/her fellow Board members.
- 3.6 The chairperson for the hearing shall sign all the rulings rendered.



- 3.7 The Secretary shall ensure that each ruling is published on the SIDN website. Should any of the parties involved so request, their names shall be deleted from the text of the ruling before it is published on the SIDN website. A request to that effect shall be made known no later than during the hearing.

Article 4 Decision-making

- 4.1 Decisions shall be made during the hearing of the Board by an absolute majority of the votes cast. If the votes be tied, the chairperson's vote shall be decisive.
- 4.2 For a decision to be taken, there shall be a quorum of at least three members of the Board present at the hearing.
- 4.3 The Board shall arrive at its decision on the basis of the following (in this order):
- the current Regulations;
 - previous rulings with respect to application of the Regulations;
 - general legal principles;
 - the personal judgment of the members of the Board.
- 4.4 The members of the Board shall take their decisions without being bound by a mandate and without being required to consult other parties.

Section II The appeals procedure within the meaning of Article 14 of the Registration Regulations

Article 5 The institution of an appeal

- 5.1 Any Holder of a Domain Name may submit an appeal to the Board against an adverse decision as referred to in Article 14 of the Registration Regulations according to the provisions set out below, or have such appeal instituted by his/her/its Participant.
- 5.2 The Appellant shall submit the appeal to the Board within 30 days after notification of the decision which is the object of the appeal, doing so by registered mail; the Appellant's Participant may submit such appeal in electronic form.
- 5.3 The appeal document shall include the following:
- a. a copy of the decision taken by SIDN;
 - b. the grounds for the appeal;
 - c. a statement by the Appellant as to whether he/she/it wishes to be heard;
 - d. contact details for the Appellant and his/her/its Participant;
 - e. all relevant documentation which the Appellant considers will support his/her/its appeal.
- 5.4 Consideration of the appeal shall be subject to the payment of an appeal fee notified in the Fee Arrangements as published on the SIDN website.



- 5.5 The appeal fee shall be transferred to SIDN's account before the appeal can be considered and must have been received by SIDN no less than 14 days after the appeal has been instituted.
- 5.6 Should the Appellant not have complied with all of the provisions set out in the present Article, he/she/it shall be declared to have no case.

Article 6 Procedure

- 6.1 Should the Board decide to consider the appeal, a copy of the appeal document shall be forwarded to SIDN without delay. The Appellant and SIDN shall receive notification as soon as possible of the date of the hearing determined by the Board for consideration of the appeal.
- 6.2 SIDN shall be at liberty to submit a response within 30 days of receiving the copy of the appeal referred to in Article 6.1, with all supporting documentation being submitted. Should SIDN decide to submit a response in writing, the Appellant will receive a copy of SIDN's response.
- 6.3 The Board may then allow the Appellant and SIDN the opportunity to submit a response in writing, provide further information or submit further documentation, this being within a period set by the Board.
- 6.4 In considering the case, the Board shall take no account of unsolicited documents and statements forwarded to it.
- 6.5 The Appellant and/or SIDN shall inform the Board in writing no less than 14 days prior to the hearing of the names and contact details of those persons who are to represent them at the hearing.
- 6.6 In addition, the Board may take any measures to investigate and/or check the case under consideration which it considers necessary.
- 6.7 In order to allow for the responses referred to above to be submitted and/or for the purposes of the above-mentioned investigation, or for other weighty reasons, the Board may postpone the hearing for consideration of an appeal by no more than two periods of 30 days. In such cases, the Board shall set a new date for the hearing and shall inform the Appellant and SIDN as soon as possible.

Article 7 The hearing

- 7.1 Each of the parties shall have the right to be assisted by counsel at the hearing.
- 7.2 The Board shall provide each of the parties with the opportunity to explain its position orally at the hearing, if it so wishes.
- 7.3 At the end of the hearing, the Board shall indicate when it intends to give its ruling.



- 7.4 The hearing shall be public. Should the Appellant so request and should the Board consider that the serious interests of the Appellant make this necessary, the appeal hearing may be held behind closed doors.

Article 8 The ruling

- 8.1 Should the Board require more time to consider its ruling, it shall be empowered to extend the period for doing so.
- 8.2 After giving its ruling, the Board shall send a written copy of the ruling to the parties, together with an electronic version of the text.
- 8.3 Should the Board declare the appeal to be groundless, SIDN, on receipt of the ruling, shall have the right to prohibit use of the Domain Name concerned, under the terms of Article 14 of the Registration Regulations, and to cancel the registration of the Domain Name in the Register.
- 8.4 Should the Board declare the appeal to be well-founded, the Domain Name concerned shall continue to be registered in the Register in the name of the Holder of the Domain Name and it may continue to be used as provided for in the Regulations.
- 8.5 The ruling by the Board shall not be open to appeal.

Section III The complaint procedure within the meaning of Article 20 of the Registration Regulations

Article 9 The submission of the complaint

- 9.1 Anyone who considers that one or more Domain Names is contrary to public order or decency may submit a complaint to the Complaints and Appeals Board.
- 9.2 The complaint shall be submitted in writing and, should the Complainant so wish, also electronically, and shall include the following information:
- a. the Domain Name/Names which is/are the object of the complaint and the relevant contact details included in the Register;
 - b. the name and contact details of the Complainant;
 - c. the grounds for the complaint;
 - d. all relevant documentation which the Complainant considers will support his/her/its appeal.
- 9.3 Consideration of the complaint shall be subject to the payment of a complaint fee notified in the Fee Arrangements as published on the SIDN website.
- 9.4 The complaint fee shall be transferred to SIDN's account before the complaint can be considered and must have been received by SIDN no less than 14 days after the complaint has been instituted.
- 9.5 Should the Complainant not have complied with all of the provisions set out in the present Article, the complaint shall not be considered.



- 9.6 Should more than one complaint be submitted regarding a registered Domain Name, the Board may determine that complaints that are of the same nature or intent as complaints which have already been submitted shall not be considered or that they shall be considered jointly with a complaint which is already under consideration.

Article 10 Procedure

- 10.1 Should the Board decide to consider the complaint, a copy of the complaint shall immediately be forwarded to the Holder of the Domain Name which is the object of the complaint, with the name of the Complainant being given (in principle). The Complainant and the Holder of the Domain Name shall receive notification as soon as possible of the date of the hearing determined by the Board for consideration of the complaint.
- 10.2 The Holder of a Domain Name which is the object of the complaint shall be at liberty to submit a response within 30 days of receiving the copy of the complaint referred to in Article 10.1, with all supporting documentation being submitted. The Board shall be at liberty to extend this period should it consider that the nature or extent of the complaint, or the documentation submitted in connection with the complaint, justifies its doing so. Should the Holder of the Domain Name which is the object of a complaint decide to submit a defence, a copy of that defence shall be sent to the Complainant.
- 10.3 In considering the case, the Board shall take no account of unsolicited documents and statements forwarded to it.
- 10.4 The Complainant and/or the Holder or Holders of the Domain Name shall inform the Board in writing no less than 14 days prior to the hearing of the names and contact details of those persons who are to represent them at the hearing.
- 10.5 In addition, the Board may take any measures which it considers necessary to investigate and/or check the case under consideration.

Article 11 The hearing

- 11.1 Each of the parties shall have the right to be assisted by counsel at the hearing.
- 11.2 The Board shall provide the Complainant and the Holder of the Domain Name with the opportunity to explain its position orally at the hearing, if it so wishes.
- 11.3 At the end of the hearing, the Board shall indicate when it intends to give its ruling.
- 11.4 The hearing shall be public. Should one of the two parties so request and should the Board consider that the serious interests of the one of the two parties make this necessary, the complaint hearing may be held behind closed doors.

Article 12 The ruling

- 12.1 Should the Board require more time to consider its ruling, it shall be empowered to extend the period for doing so.



- 12.2 After giving its ruling, the Board shall send a written copy of the ruling to the parties, together with an electronic version of the text.
- 12.3 Should the Board declare the complaint to be well-founded, SIDN, on receipt of the ruling, shall disqualify the Holder from using the Domain Name concerned, under the terms of Article 20.2 of the Registration Regulations, and shall cancel the registration of the Domain Name in the Register.
- 12.4 Should the Board declare the complaint to be groundless, the Domain Name concerned shall continue to be registered in the Register in the name of the Holder of the Domain Name and it may continue to be used as provided for in the Regulations.
- 12.5 The ruling by the Board shall not be open to appeal.

Section IV The appeals procedure within the meaning of Article 23 of the Registration Regulations

Article 13 The institution of an appeal

- 13.1 Any Applicant for a Domain Name or Holder of a Domain Name may submit an appeal to the Board against an adverse decision as referred to in Article 23.8 of the Registration Regulations according to the provisions set out below, or have such appeal instituted by his/her/its Participant.
- 13.2 The Appellant shall submit the appeal to the Board within 30 days after notification of the decision which is the object of the appeal, doing so by registered mail; the Appellant's Participant may submit such appeal in electronic form.
- 13.3 The appeal document shall include the following:
 - a. a copy of the decision taken by SIDN;
 - b. the grounds for the appeal, including the special circumstances referred to in Article 23.4 of the Registration Regulations;
 - c. a statement by the Appellant as to whether he/she/it wishes to be heard;
 - d. contact details for the Appellant and his/her/its Participant;
 - e. all relevant documentation which the Appellant considers will support his/her/its appeal.
- 13.4 Consideration of the appeal shall be subject to the payment of an appeal fee notified in the Fee Arrangements as published on the SIDN website.
- 13.5 The appeal fee shall be transferred to SIDN's account before the appeal can be considered and must have been received by SIDN no less than 14 days after the appeal has been instituted.
- 13.6 Should the Appellant not have complied with all of the provisions set out in the present Article, he/she/it shall be declared to have no case.



Article 14 Procedure

- 14.1 Should the Board decide to consider the appeal, a copy of the appeal document shall be forwarded to SIDN without delay. The Appellant and SIDN shall receive notification as soon as possible of the date of the hearing determined by the Board for consideration of the appeal. The Secretary shall inform the Appellant as to the further course and consequences of the procedure.
- 14.2 SIDN shall be at liberty to submit a response within 30 days of receiving the copy of the appeal referred to in Article 14.1, with all supporting documentation being submitted. Should SIDN decide to submit a response in writing, the Appellant will receive a copy of SIDN's response.
- 14.3 The Board may then allow the Appellant and SIDN the opportunity to submit a response in writing, provide further information or submit further documentation, this being within a period set by the Board.
- 14.4 In considering the case, the Board shall take no account of unsolicited documents and statements forwarded to it.
- 14.5 The Appellant and/or SIDN shall inform the Board in writing no less than 14 days prior to the hearing of the names and contact details of those persons who are to represent them at the hearing.
- 14.6 In addition, the Board may take any measures which it considers necessary to investigate and/or check the case under consideration.
- 14.7 In order to allow for the responses referred to above to be submitted and/or for the purposes of the above-mentioned investigation, or for other weighty reasons, the Board may postpone the hearing for consideration of an appeal by no more than two periods of 30 days. In such cases, the Board shall set a new date for the hearing and shall inform the Appellant and SIDN as soon as possible.

Article 15 The hearing

- 15.1 Each of the parties shall have the right to be assisted by counsel at the hearing.
- 15.2 The Board shall provide each of the parties with the opportunity to explain its position orally at the hearing, if it so wishes.
- 15.3 At the end of the hearing, the Board shall indicate when it intends to give its ruling.
- 15.4 The hearing shall not be open to the public.

Article 16 The ruling

- 16.1 Should the Board require more time to consider its ruling, it shall be empowered to extend the period for doing so.



- 16.2 After giving its ruling, the Board shall send a written copy of the ruling to the parties, together with an electronic version of the text.
- 16.3 Should the Board declare the appeal to be groundless, SIDN, on receipt of the ruling, shall include the Domain Name or Personal Domain Name concerned in the .nl zone file and the public section of the Register, unless the Applicant for a Domain Name indicates that it wishes to withdraw the application for registration which it has submitted.
- 16.4 Should the Board declare the appeal to be well-founded, SIDN, on receipt of the ruling, shall replace the Appellant's details in the public section of the Register with those of the Appellant's Participant.
- 16.5 The ruling by the Board shall not be open to appeal.

Section V The appeals procedure within the meaning of Article 8 of the Registration Regulations

Article 17 The institution of an appeal

- 17.1 Any Applicant for a Domain Name may submit an appeal to the Board against an adverse decision as referred to in Article 8.2 of the Regulations according to the provisions set out below, or have such appeal instituted by his/her/its Participant.
- 17.2 The Appellant shall submit the appeal to the Board within 30 days after notification of the decision which is the object of the appeal, doing so by registered mail; the Appellant's Participant may submit such appeal in electronic form.
- 17.3 The appeal document shall include the following:
 - a. a copy of the decision taken by SIDN;
 - b. the grounds for the appeal;
 - c. a statement by the Appellant as to whether he/she/it wishes to be heard;
 - d. contact details for the Appellant and his/her/its Participant;
 - e. all relevant documentation which the Appellant considers will support his/her/its appeal.
- 17.4 Consideration of the appeal shall be subject to the payment of an appeal fee notified in the Fee Arrangements as published on the SIDN website.
- 17.5 The appeal fee shall be transferred to SIDN's account before the appeal can be considered and must have been received by SIDN no less than 14 days after the appeal has been instituted.
- 17.6 Should the Appellant not have complied with all of the provisions set out in the present Article, he/she/it shall be declared to have no case.

Article 18 Procedure

- 18.1 Should the Board decide to consider the appeal, a copy of the appeal document shall be forwarded to SIDN without delay. The Appellant and SIDN shall receive notification as soon as possible of the date of the hearing determined by the Board for consideration of the appeal.



- 18.2 SIDN shall be at liberty to submit a response within 30 days of receiving the copy of the appeal referred to in Article 18.1, with all supporting documentation being submitted. Should SIDN decide to submit a response in writing, the Appellant will receive a copy of SIDN's response.
- 18.3 The Board may then allow the Appellant and SIDN the opportunity to submit a response in writing, provide further information or submit further documentation, this being within a period set by the Board.
- 18.4 In considering the case, the Board shall take no account of unsolicited documents and statements forwarded to it.
- 18.5 The Appellant and/or SIDN shall inform the Board in writing no less than 14 days prior to the hearing of the names and contact details of those persons who are to represent them at the hearing.
- 18.6 In addition, the Board may take any measures which it considers necessary to investigate and/or check the case under consideration.
- 18.7 In order to allow for the responses referred to above to be submitted and/or for the purposes of the above-mentioned investigation, or for other weighty reasons, the Board may postpone the hearing for consideration of an appeal by no more than two periods of 30 days. In such cases, the Board shall set a new date for the hearing and shall inform the Appellant and SIDN as soon as possible.

Article 19 The hearing

- 19.1 Each of the parties shall have the right to be assisted by counsel at the hearing.
- 19.2 The Board shall provide each of the parties with the opportunity to explain its position orally at the hearing, if it so wishes.
- 19.3 At the end of the hearing, the Board shall indicate when it intends to give its ruling.
- 19.4 The hearing shall be public. Should the Appellant so request and should the Board consider that the serious interests of the Appellant make this necessary, the appeal hearing may be held behind closed doors.

Article 20 The ruling

- 20.1 Should the Board require more time to consider its ruling, it shall be empowered to extend the period for doing so.
- 20.2 After giving its ruling, the Board shall send a written copy of the ruling to the parties, together with an electronic version of the text.
- 20.3 Should the Board declare the appeal to be groundless, SIDN, on receipt of the ruling, shall not consider the application for registration any further.
- 20.4 Should the Board allow the appeal, SIDN, shall deal with the application for registration.



20.5 The ruling by the Board shall not be open to appeal.

Section VI Concluding provisions

Article 21 Provision of rulings to third parties

21.1 All rulings may be made available to third parties, whether or not in an abbreviated form. Should any of the parties involved so request, their names shall be deleted from the ruling before being made available to third parties.

Article 22 Confidentiality

22.1 The members of the Board shall be obliged to observe confidentiality, including after they have ceased to be members, with respect to all matters of which they have become aware in carrying out their duties.

Article 23 Representation by a member of the Board

23.1 Members of the Board shall not act as counsel or as representatives of parties to a procedure being considered by the Board.

Article 24 Liability

24.1 Neither the Board, including its members and its Secretary, nor SIDN shall be liable vis-à-vis any Complainant or Appellant or any other party that is directly or indirectly involved in any proceedings as referred to in the present Regulations for any damage whatsoever resulting from any action or failure to act in connection with these Regulations.

Article 25 Date Regulations take effect

25.1 These Regulations shall take effect on 29 January 2003 and shall replace the Regulations dating from 15 November 2000 as of that date.

Article 26 Interim amendment and/or addition

26.1 SIDN may amend these Regulations at any time after consulting the Board with respect to the proposed amendment. Such amendment shall take effect immediately, unless determined otherwise.

26.2 SIDN shall decide in all cases not provided for in these Regulations, or in cases where these Regulations are not clear, after consulting the Board.

Complaints and Appeals Board Fee Arrangements

Article 1 Appeal fee

1.1 An appeal fee shall be payable for consideration of an appeal within the meaning of Articles 5, 13 and 17 of the Regulations governing the composition, working methods and procedures of the Complaints and Appeals Board, in accordance with the following provisions.



- 1.2 Before the appeal is considered, a Holder of a Domain Name who institutes an appeal shall transfer the sum of EUR 150 to the Foundation.
- 1.3 Should an Appellant withdraw his/her/its appeal before the Complaints and Appeals Board has heard it, the said Appellant shall be required to pay EUR 75 of the EUR 150 payable in accordance with section 1.2 of this Article to the Foundation to cover administration costs.

Article 2 Complaint fee

- 2.1 A complaint fee shall be payable for consideration of a complaint within the meaning of Article 9 of the Regulations governing the composition, working methods and procedures of the Complaints and Appeals Board, in accordance with the following provisions.
- 2.2 Before a complaint is considered, a Complainant who submits a complaint shall transfer the sum of EUR 50 to the Foundation.
- 2.3 Should a Complainant withdraw his/her/its complaint before the Complaints and Appeals Board has heard it, the said Complainant shall be required to pay EUR 25 of the EUR 50 payable in accordance with section 3 of this Article to the Foundation to cover administration costs.
- 2.4 Should the Board allow the complaint, the full amount of the complaint fee shall be transferred back to the Complainant's account within 14 days of the ruling by the Board.