

dotAmsterdam B.V.
Complaints Regulations
for the registration and maintenance
of .amsterdam domain names

This document regulates the composition, working methods and procedures of the Complaints Board.

In the context of these Complaints Regulations, the Registry for .amsterdam uses the services of SIDN and the Complaints and Appeals Board established by SIDN for domain names with the .nl extension. Therefore, wherever these regulations refer to SIDN, SIDN should be understood to be acting on behalf of the Registry.

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Definitions

General Terms and Conditions	The Terms & Conditions for the registration and maintenance of .amsterdam domain names;
Board	The Complaints Board, as referred to in the General Terms and Conditions;
Registry	The Registry for .amsterdam;
Registrant	The party in whose name a .amsterdam domain name is registered, as recorded in the Register;
Complainant	A party who makes a complaint, or on whose behalf a complaint is made, in accordance with the procedure referred to in article 4 of these Regulations, alleging that a domain name is inconsistent with public order or morality;
Regulations	These Regulations on the composition, working methods and procedures of the Complaints Board;
Register	The .amsterdam Domain Name Register;
SIDN	Stichting Internet Domeinregistratie Nederland (Foundation for Internet Domain Registration in the Netherlands).

Part I General provisions

Article 1: Composition of the Board

- 1.1 The Board shall consist of at least five people, each appointed by SIDN for a term of three years. A Board member may be re-appointed once for a further three-year term.
- 1.2 If, before the end of his or her membership term, a Board member steps down or ceases to be able to perform his/her duties, SIDN shall appoint a replacement for the remainder of the term. Following his or her term as a replacement, such a Board member may twice be re-appointed for a further three-year term.
- 1.3 The Board shall choose a chairman from amongst its own members.
- 1.4 Every Board member shall be paid an annual fee for his or her services. The size of the fee shall be set annually by SIDN. Board members shall also be reimbursed for travel expenses incurred within the Netherlands.

Article 2: The secretary

- 2.1 The secretary to the Board shall be appointed by SIDN, following consultation with the Board's members, and shall be remunerated by SIDN.
- 2.2 The secretary shall act as the Board's contact person for outsiders.
- 2.3 The secretary shall be responsible for:
 - arranging accommodation for the Board's sessions;
 - sending prompt written confirmation of the receipt of a complaint to the Complainant;
 - inviting anyone who, under the Regulations, is entitled to give evidence to do so;
 - sending out case documentation;
 - undertaking administrative tasks relating to the Board's activities, including the provision of information to Board members;
 - drafting statements of the Board's decisions and reasoning;
 - monitoring the payment of appeal fees by Complainants;
 - sending statements of the Board's decisions to directly interested parties;
 - preparing an annual report to the Registry and the Registrant community concerning the cases considered by the Board, the Board's finances and any significant developments discernible in the nature and volume of cases referred to the Board;
 - electronically archiving all relevant documentation submitted to the Board.

Article 3: Working methods

- 3.1 The frequency of the Board's sessions shall be dependent on the volume of complaints submitted.
- 3.2 Sessions shall be chaired by the chairman of the Board, unless he or she is indisposed, in which case the Board members present shall appoint a session chairman from among their number.

- 3.3 At least five working days before the session, the secretary shall send session papers to all Board members. The session papers shall include at least the following for each case:
 - the text of the complaint;
 - the registration details of the domain name that is the subject of the complaint;
 - the names of the people who will be giving evidence on behalf of the Complainant and/or Registrant.
- 3.4. The Board shall produce a written statement of its decision regarding each case considered and its reasoning.
- 3.5. At sessions of the Board, decisions shall be arrived at by a simple majority of votes cast. If the voting is tied, the session chairman shall have the casting vote.
- 3.6. A session of the Board shall be considered quorate for decision-making purposes if three or more members are present.
- 3.7. In a complaint case, the Board shall consider whether, in the light of Dutch jurisprudence concerning the concepts 'public order' and 'morality' (openbare orde en goede zeden), the registration of a domain name is, as a consequence of the name's use, inconsistent with public order and morality.
- 3.8. Board members shall arrive at their decisions without interference or consultation.
- 3.9. Following the conclusion of each session, the secretary shall produce a draft statement of the Board's decision in each case. The secretary shall submit the draft statements for review to the session chairman and the other Board members present. The chairman shall finalise the decision statements, taking account of any feedback from the other Board members present at the session.
- 3.10. All decision statements shall be signed by the session chairman and the secretary.
- 3.11. The secretary shall ensure that decision statements are published on the Board's website. Either of the parties to a case may request that the published version of a decision statement be anonymised. Provided that such a request is made no later than the conclusion of the session at which the case is considered, the secretary shall act upon it.

Part II – The complaints procedure

Article 4: Submission of a complaint

- 4.1. Anyone who considers that the registration of a domain name is, as a consequence of the name's use, inconsistent with public order and morality (openbare orde en goede zeden) according to Dutch law may submit a complaint for consideration by the Board. By submitting a complaint, the Complainant submits to these Regulations.
- 4.2. The complaint must be delivered both in paper form (preferably by registered post) and in electronic form (by e-mail) to following addresses:
 - Complaints and Appeals Board Attn. the Secretariat Reply number 1800 6800 VR Arnhem The Netherlands
 - e-mail: secretariaat@cvkb.nl
- 4.3. The complaint must contain the following information: a. the domain name to which the complaint relates and the contact details published for the domain name in the Register; b. the name and contact details (including a postal address) of the Complainant; c. a statement from the Complainant, as to whether he/she wishes to give evidence in person; d. a statement of the basis of the complaint; e. any other documentation that the Complainant considers relevant to his/her complaint.
- 4.4. A complaint fee is payable to cover the cost of processing the complaint, as specified in the Schedule of Appeal and Complaint Fees published at the Board's website.
- 4.5. The complaint fee must be paid (by transfer to SIDN's nominated account) no later than fourteen days after the secretary's confirmation of receipt of the complaint.
- 4.6. If any of the conditions set out in this article, clauses 4.1 to 4.5 is not satisfied, the complaint may be deemed inadmissible.
- 4.7. If several complaints are submitted regarding the same registered domain name, the Board may rule that complaints of a similar nature or purport as a previously submitted complaint will not be considered or will be considered in conjunction with a complaint that has already been admitted for consideration.

Article 5: Consideration procedure

- 5.1. The consideration procedure shall begin once the complaint has been received in both paper and electronic form and the complaint fee has been paid.
- 5.2. If the chairman considers that the complaint is evidently inadmissible or evidently unfounded, or the Complainant is evidently unqualified, the chairman may process the complaint summarily and arrive at an immediate decision. If, under such circumstances, the Complainant believes that the chairman was wrong to process the complaint summarily, the Complainant may resubmit the complaint (amended or unamended) within fourteen days of the decision being made. The resubmitted complaint shall then be considered in accordance with the normal procedure. A further complaint fee shall be payable by the Complainant in respect of a resubmitted complaint. If the complaint is subsequently upheld, both the original complaint fee and the further complaint fee shall be repaid.

- 5.3. If the complaint is not processed summarily, as provided for in article 5.2, a copy of the complaint shall be forwarded to the Registrant of the domain name to which the complaint relates, without delay. As soon as practicable, the Complainant and the Registrant shall be notified as to the proposed date for the session at which the complaint will be considered by the Board. The Complainant and the Registrant shall additionally be informed by the secretary about the subsequent procedure and its implications.
- 5.4. The Registrant shall have thirty days from dispatch of the copy of the complaint, as referred to in article 4.1, in which to submit to the Board a written response, incorporating full supporting documentation. If the Registrant makes such a response, he or she must at the same time post a copy of the response, including all supporting documentation, to the Complainant.
- 5.5. The Board may subsequently give the Complainant and the Registrant the opportunity to respond in writing to the various documents sent to them, providing additional explanations or supporting documentation. Under such circumstances, the Board shall specify the period within which a response may be made.
- 5.6. The Board shall not be obliged to consider any documentation or other information that neither forms part of the complaint or the written response, nor has been submitted in accordance with article 5.5.
- 5.7. No later than fourteen days before the session at which the case is to be considered, the Complainant and the Registrant shall write to the Board with the names and contact details of the people who are to represent them at the session.
- 5.8. The Board may undertake any other action, investigations or checks that it considers necessary.
- 5.9. The Board may defer consideration of a complaint to a later session of the Board's choosing, if it considers this necessary to allow the investigations provided for above to be made, or for other pressing reasons. Under such circumstances, the Board shall determine when the case will be heard and shall inform the Complainant and the Registrant at the earliest practicable opportunity.

Article 6: Consideration of the case in session

- 6.1. Each party is entitled to third-party representation when the case is considered in session.
- 6.2. The Board shall give each party the opportunity to make an oral presentation of his/her case.
- 6.3. Following consideration of the case in session, the Board shall indicate when it intends to make its decision known. This shall ordinarily be within six weeks.
- 6.4. Board sessions shall normally be public. However, if either party believes that consideration of the case in public would be seriously prejudicial to his/her interests and can present a compelling argument to that effect, the Board may choose to consider a case in closed session.

Article 7: The Board's decision

- 7.1. If the Board requires more time to arrive at a decision, it may defer its decision to a date of

- its choosing. The secretary shall inform the parties of any such deferral as soon as practicable.
- 7.2. Having arrived at a decision, the Board shall send a decision statement by post and by e-mail to each of the parties.
 - 7.3. If the Board upholds the complaint, the Registry shall, on receipt of the decision statement, terminate the registration of the domain name to which the complaint related and temporarily exclude it from registration.
 - 7.4. If the Board dismisses the complaint, the domain name to which the complaint related is allowed to remain registered to the Registrant.
 - 7.5. A decision of the Board is binding on the Registry. The decision is also binding on the Complainant and the Registrant, unless either of them refers the matter to a competent Dutch court of law within six weeks of the issue date borne by the decision statement sent to the Complainant or, as the case may be, the Registrant.

Part III Concluding provisions

Article 8: Availability of the Board's decisions to third parties

8.1 Any decision of the Board may be made available to third parties in its entirety or in summary form. At the request of one of the parties, a decision may be anonymised prior to being made available.

Article 9 Confidentiality

9.1 Board members and the secretary to the Board are obliged, both while serving (on) the Board and thereafter, to respect the confidentiality of all information to which they are party in the context of their service on/to the Board.

Article 10: Representation by a Board member

10.1 No member of the Board may act as an adviser to or representative of a party to a case considered by the Board.

Article 11: Liability

11.1 Neither the Board (including its individual members and the secretary), the Registry nor SIDN shall have any liability towards any Complainant or other party directly or indirectly involved in a procedure provided for in these Regulations, for damages arising out of any act or omission associated with the application of these Regulations.

Article 12: Effective date

12.1 These Regulations shall come into effect on <date>. This version of the Regulations and any amended version, as referred to in article 13.1, shall bear a version identifier containing the date on which the Regulations came into effect.

Article 13: Revision and/or supplementation

13.1 These Regulations may be revised by the Registry at any time, following appropriate consultation with the Board. A revision shall take immediate effect, unless provision to the contrary is made.

13.2. In any circumstance not foreseen by these Regulations and any circumstance concerning which these Regulations are unclear, the Board shall decide how to proceed, following consultation with the Registry.