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Eligibility restriction for Slovak domain names lifted and ADR introduced

Michal Havlik (SAK ALO) · Sunday, May 8th, 2016

Slovak domain name registry administering .sk top level domain names SK-NIC published new Registration Rules and Dispute Resolution Rules effective as of 9 January 2017. The Registration Rules newly allow to hold a .sk domain name to any individual or legal entity having an address of service in any EU, EEA or EFTA Member State. The Dispute Resolution Rules introduce a new ADR procedure to enable quick resolution of domain name disputes.

Under the existing rules, the eligibility to hold a .sk domain name is restricted to legal entities with registered office in Slovakia or individuals over 18 years who are Slovak citizens. Such eligibility restrictions seemingly violate EU non-discrimination principles. However, registration in proxy has become common in practice. Foreign companies register and hold .sk domain names in proxy through a registrar incorporated in Slovakia acting as nominal holder vis-à-vis SK-NIC. Consequently, the restrictive eligibility criteria do not create substantial difficulties to foreign IP owners wishing to hold and use a .sk domain name.

On the other hand, the current absence of any ADR procedure poses more serious difficulties, because it is combined with notoriously slow civil courts. First instance proceedings on trademark infringement normally take 3 years or more despite the designation of three IP specialized courts, which also serve as Slovak EUTM courts.

An ADR complainant will be able seek revocation or transfer of a domain name on grounds similar to those under Commission Regulation No 874/2004 on .eu top level domain name, i.e. infringement of a third party right and registration without rights or legitimate interest or registration or use in bad faith. Decisions will be delivered by experts from the list of the ADR Centre, which is the European Information Society Institute, a Slovak non-governmental organization. There is no possibility to award damages or complainant's costs including ADR fees, which have not been fixed yet. An ADR decision will not constitute res iudicata and SK-NIC will refrain from implementing the ADR decision if it is contested in court within 10 days.

Update 14 January 2017

The entry into force of the new registration rules was delayed. Currently, they are envisaged to be effective as of 1 June 2017.

Update 3 July 2017

The new Registration and ADR Rules will enter into force as of 1 September 2017

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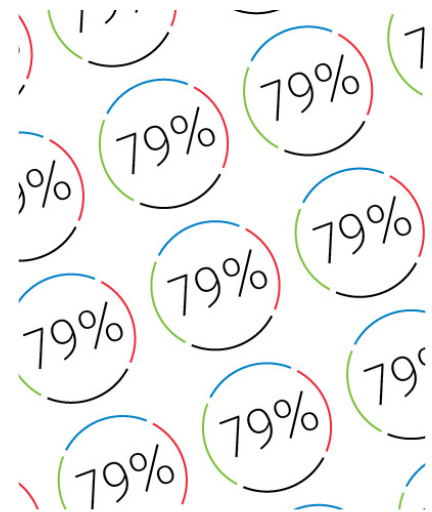
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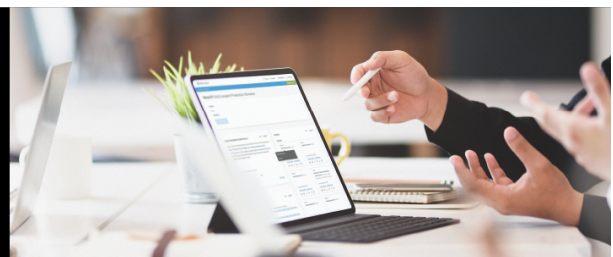


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