

.nz Dispute Resolution Scheme

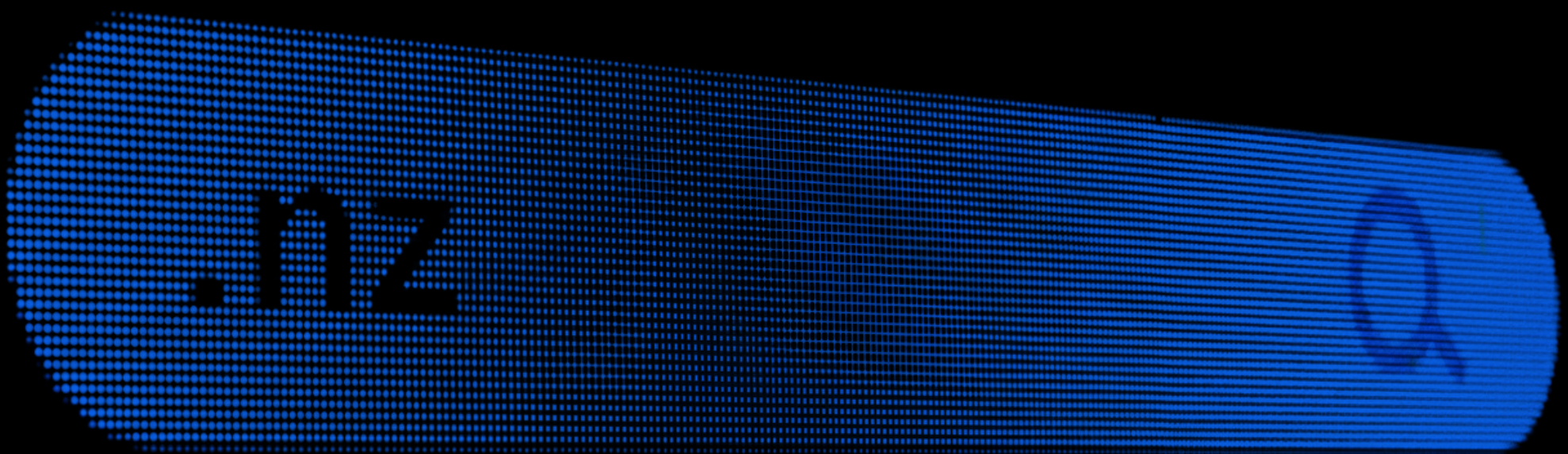
ANNUAL REPORT

For the year ending 31 March 2026



NEW ZEALAND
DISPUTE RESOLUTION
CENTRE

Te Pokapū Whakatau Tautōhe o Aotearoa



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INTRODUCTION

On 1 October 2024, the Domain Name Commission (**DNC**) appointed the New Zealand Dispute Resolution Centre (**NZDRC**) to administer the .nz Dispute Resolution Scheme (**Scheme**).

DNC manages aspects of the .nz domain name space, including providing a dispute-resolution scheme for domain name holders to resolve complaints about rights to a .nz domain name.

At the same time, DNC amended the Scheme Rules to:

- (a) remove mediation as a mandatory step before expert determination, giving claimants more choice; and
- (b) include a Tikanga-based approach to dispute resolution services which recognises the principles envisaged in Te Tiriti o Waitangi (the Treaty of Waitangi) and affirms the commitment of NZDRC, DNC and InternetNZ to Te Tiriti o Waitangi and its principles, including those of partnership, protection and participation.

About the Scheme

The .nz Dispute Resolution Scheme (www.domainnamedispute.co.nz) is a formal process for resolving disputes about .nz domain names. It is designed to resolve disagreements about who has the right to hold or use certain .nz domain names or .nz sub-domains, without the need to go to court.

Purpose of the Scheme

The purpose of the Scheme is to provide dispute resolution processes that are:

- (a) culturally responsive, independent, fair, prompt, efficient, and effective;
- (b) provide a proportionate response to the complexity of the issues involved; and
- (c) are a cost-effective and timely alternative to court or other proceedings.

What the Scheme does

The Scheme provides a fair, cost-effective, and efficient alternative to legal proceedings for resolving .nz domain name disputes. It allows parties to challenge the registration or use of a domain name where they believe it is unfair or infringes their rights.

About the Scheme (cont)

It operates on the principle that, while .nz domain names are allocated on a “first-come, first-served” basis, registration can still be challenged if it amounts to an ‘unfair registration’ as defined in the [Scheme rules](#).

What the Scheme applies to

The Scheme applies only to the .nz country code top-level domain.

The [.nz Rules](#) and its schedules (including the Scheme rules) govern the rights and obligations of parties involved in the .nz domain name space exclusively.

What the Scheme does not apply to

The Scheme does not apply to:

- any other country code top-level domain, or
- any global top-level domain such as .com, .org, or .net, administered by the World Intellectual Property Office (WIPO).

Scheme options

The Scheme offers two dispute resolution options – mediation and expert determination.

Mediation

Mediation is a voluntary, confidential process that gives the parties an opportunity to resolve their dispute collaboratively. An independent, neutral mediator assists the parties in discussing the issues and exploring whether a mutually agreed-upon outcome can be reached.

Mediation is an opportunity for parties to resolve disputes in a non-adversarial way, without committing to a formal determination process or court proceedings. The parties explore fair and reasonable outcomes while retaining full control over whether they reach an agreement.

An agreement reached through mediation is enforceable, but no party is compelled to settle, preserving autonomy and fairness throughout the process.

Mediations usually take place within **10 working days** from the appointment of a mediator.

If mediation does not resolve the dispute, or if the respondent chooses not to participate, the claimant may elect to proceed to expert determination. Alternatively, a claimant may elect to initiate expert determination without attempting mediation.

Expert Determination

Expert determination is a formal process in which an independent expert considers the parties’ written submissions and evidence and makes a binding decision. The expert will determine whether the domain name should be transferred to the claimant or whether the claim should be dismissed. This process is designed to be significantly faster and more cost-effective than court proceedings.

For the expert to order the domain name to be transferred to them, broadly, claimants need to establish:

1. They have rights in the domain name or an identical or similar name or trade mark; and
2. The domain name, in the hands of the respondent (the domain name holder), is an ‘unfair registration’.

(If the dispute is over a sub-domain attached to a domain name registered directly at the second level of .nz, the claimant must also establish that the sub-domain has the appearance of a domain name registered at the third level of .nz.)

About the Scheme (cont)

Our case studies below demonstrate how this can play out in practice.

Our target is to issue all determinations within 45 working days of a valid claim being submitted.

The average time for determinations issued in 2025/2026 was **27.7 working days**.

Expert determinations can be viewed at: <https://www.nzlii.org/nz/cases/NZDNC/>.

Appeals

In addition, the parties have a right to appeal the outcome of the expert determination. Appeals are dealt with by a panel of three independent experts who revisit the case afresh. The expert who issued the determination being appealed cannot be on the appeal panel. There have been only four appeals in the Scheme's history. NZDRC did not administer any appeals in 2025/2026.

Appeal decisions can be viewed at: <https://www.nzlii.org/nz/cases/NZDNCA/>.

Funding by DNC and fees payable by parties

Mediation continues to be fully funded by the DNC, ensuring that costs do not act as a barrier to early resolution and reinforcing the Scheme's emphasis on fairness and accessibility.

Expert fees are paid by the claimant and are currently \$2,300, including GST.

Appeal fees are paid by the appellant (the person challenging the expert determination) and are currently \$8,337.50, including GST, for the three-person appeal panel.

DNC provides funding for Tikanga-based cultural support when requested by a party to a claim. NZDRC's Tikanga framework document Te Korowai Kākahu o Te Pokapū Whakatau Tautohe o Aotearoa is available here: [NZDRC-Tikanga-Framework.pdf](#).

DNC pays NZDRC's fee for administering the Scheme on its behalf.

Scheme operations

This report covers the year from 1 April 2025 to 31 March 2026. It marks an important period of consolidation and development for the Scheme under NZDRC's administration over the last 18 months.

The Scheme has operated effectively and in accordance with its purpose and objectives of fairness, accessibility, efficiency, and accountability. NZDRC is pleased to be providing the service to its users on behalf of DNC, and with the progress made during this period, while recognising the importance of continuous review and improvement.

Application volumes and trends

During the year, NZDRC received a total of 38 applications under the Scheme: 22 applications for mediation and 16 applications for expert determination.

A notable trend over the past year has been the reduction in mediations compared to previous years. This is likely due to the new Scheme rules, which enable domain name holders to apply for an expert determination that is binding on the parties without first attempting mediation. In contrast, applications for expert determination remained steady.

Only one claimant had attempted to engage in mediation first. This indicates that claimants are increasingly electing to proceed directly to expert determination where the dispute is clearly framed or where early engagement by respondents appears unlikely.

The next sections discuss expert determinations (including case studies) and mediations in more detail.

Expert Determination

Expert Determination summary

Applications Received	Applications Accepted	Applications Declined	Applications Withdrawn	Status	Comments
16	13	3	-	12 of the 13 matters were completed at year end	One matter was pending at year end – completed in April. The Applications Declined were due to non-payment of the expert fee.
Determinations Issued	Transfer Ordered	Claim Dismissed	Tikanga	Outcome	Average Process Cycle Working Days
17	16	1	-	-	27.7 (Target ≤45)
Total Active Matters	Awaiting Response	Awaiting Reply	Awaiting Appointment	Determination Stage	Comments
1	-	-	-	1	Awaiting payment of the expert's fee

Expert Determination (cont)

Expert Determination commentary

Expert determination volumes remained steady during this financial year, with a total of 16 applications received. Of these, three applications were declined because the expert's fees were not paid. The remaining 13 applications were valid and progressed under the Scheme.

One application was resolved administratively by DNC after the domain name was identified as likely having been hijacked. In that case, no expert was appointed by NZDRC, and the claimant received a full refund of the fees.

In total, 17 expert determinations were issued during the year: 12 determinations related to applications received in the current financial year, while the remaining five related to applications received in the previous financial year. Of those 17 claims, 16 resulted in transfer orders, and one was dismissed. At year-end, one matter was waiting for payment of the expert's fees.

The average process cycle time was **27.7 working days**, compared to the target of 45 working days. The shortest process cycle was 13 working days, while the longest was 39 working days (extended at the claimant's request).

Meet the Experts

We only appoint experts from the panel on the Scheme website.

During the year, Kevin Glover was appointed as a King's Counsel, and we acknowledge his achievement.

Otherwise, the panel has not changed during the year and comprises the following experts:

- Andrew Brown KC
- Clive Elliot KC
- Hon Robert Fisher KC
- Kevin Glover KC
- Jane Glover
- Rebecca Scott
- Sheana Wheeldon

You can read more about the Scheme experts [here](#).

Case studies

As in previous years, the expert determinations issued during the reporting period addressed a wide range of factual and legal scenarios. Several cases raised novel procedural and substantive issues, including respondent consent to transfer, ambiguous intentions to retain domain names, and claims involving descriptive or recently adopted trading names.

Three case studies are provided below to illustrate how the Scheme rules are applied in practice and provide guidance for future parties and their advisers.

Also, expert determinations and appeal decisions are published via the [New Zealand Legal Information Institute \(NZLII\)](#). In contrast, mediations are private and confidential.

CASE STUDY: 1

Marvell.co.nz

Respondent did not respond in time, but later consented to transfer – transfer ordered

Claimant: Marvell Asia Pte, Limited

Respondent: E-Marketplace Pty Limited

In April 2025, Marvell Asia Pte Limited filed a claim for the domain names marvell.nz and marvell.co.nz. The respondent did not file a response within the 10-working-day window required under Rule 10.17, but subsequently emailed NZDRC to confirm it had no interest in retaining the domain names and consented to their transfer.

This created an unusual procedural question: whether an expert could act on an informal consent given outside the formal response window, or whether the matter had to proceed as an uncontested determination in the usual way.

The Expert, Kevin Glover KC, resolved this by reference to the broad powers conferred under Rules 11.2 and 12.8, which allow an expert to conduct proceedings in any manner consistent with the Scheme’s purpose – efficiency, proportionality, and avoiding unnecessary cost and delay. Forcing a reasoned determination where both parties’ wishes were clear would have served none of those purposes.

The Expert ordered the transfer accordingly. **Click [here](#) to access the decision.**

CASE STUDY: 2

Caffèborbone.co.nz

Respondent responded, but seemed to have no interest in retaining the name – transfer ordered

Claimant: Caffè Borbone S.r.l.

Respondent: Harvey King

Caffè Borbone S.r.l. is an Italian company that has traded under the name ‘Caffè Borbone’ for 25 years, with trademark registrations across multiple jurisdictions since 2000. The respondent, Harvey King, had registered caffèborbone.co.nz in 2017 while operating Coffee Pods & Caps Limited, which he described as New Zealand’s sole distributor of Caffè Borbone products. By the time of the claim, he had closed that business and was no longer selling the claimant’s products.

The respondent did not contest the claim on its merits. He noted that the domain name’s registration was due to expire in May 2026 and described it as “available” for the claimant – a statement the Expert, Clive Elliot KC, found somewhat ambiguous but insufficient to resolve the matter without a determination.

The Expert found that the claimant had established the three elements required for a transfer. The claimant had clear rights in the name through long-standing trade and registration. The name was not generic or descriptive – while ‘caffè’ alone might be considered descriptive, ‘Borbone’ (a reference to the House of Bourbon) gave the combination a distinctive character. And with the respondent having ceased the business that originally justified his registration, continued ownership would likely mislead the public into thinking there was a relationship between the parties, amounting to an unfair registration.

The Expert ordered the transfer of the domain name. **Click [here](#) to access the decision.**

CASE STUDY: 3

Easypay.co.nz

**No response by the respondent,
but claim dismissed.**

Claimant: Easypay Limited

Respondent: Shailen Vandeyar

This case is notable because the respondent neither responded nor defended the claim, yet the Expert dismissed it. The outcome turned entirely on the claimant’s failure to establish the rights required for a transfer.

Easypay Limited was incorporated in August 2025 and operates a payment gateway platform for small retailers. It had not registered “EasyPay” as a trademark but argued it had acquired common law rights through active commercial use. The respondent had registered easypay.co.nz in 2023 – before the claimant existed – and did not engage with the proceedings. Prior to filing, the claimant had attempted to purchase the domain name from the respondent but rejected the respondent’s asking price.

The Expert, Jane Glover, found that the claimant had not established rights in the name. There was no evidence that a substantial portion of the public associated “EasyPay” with the claimant’s services, no evidence of sales or advertising, and no use in trade prior to the claimant’s incorporation. The respondent’s willingness to sell was not evidence of bad faith – the text exchange between the parties showed the respondent intended to use the name if the sale did not proceed.

The Expert also noted, without formally determining the point, that “EasyPay” has inherently descriptive qualities – it alludes to an easy way to pay – with no evidence of a distinctive secondary meaning. Descriptive names carry a higher burden to protect.

The claim was dismissed. Each party bore its own costs, with the claimant responsible for the Expert’s fee. **Click [here](#) to access the decision.**

Mediation

Mediation summary

FOR THE YEAR					
Applications Received	Applications Accepted	Applications Declined	Applications Withdrawn / Not Proceeding	Tikanga	Status/Comment
22	9	-	13	1	A mediator with tikanga knowledge was appointed. A tikanga-accredited mediator was not required.
Mediations Held	Claims Settled	Partially Settled	Claims Withdrawn	No settlement	Average Process Cycle
7	1	0	1	5	11 working days and 6.07 hours
AS AT THE END OF THE YEAR					
Total Active Matters	Awaiting Response	Awaiting Appointment	Mediator Appointed	Other	Status/Comments
2	2	-	-	-	At year-end, responses were awaited.

Mediation (cont)

Mediation commentary

NZDRS received 22 applications for mediation during the year. Of these, 13 applications did not proceed to mediation due to the respondent's non-engagement or refusal to mediate.

Of the remaining nine applications, seven proceeded to mediation. Of the mediations conducted, one claim was settled, five did not settle, and one claim was withdrawn after mediation.

In the settled claim, the parties agreed to transfer the domain name to the claimant.

The majority of mediations were completed within the required timeframe under the Scheme Rules – 10 working days. However, the mediation timeframes were extended for the following reasons:

1. In one case, the respondent was overseas at the time and as a result, the mediation was delayed by six working days.
2. In another case, the mediation timeframe was extended by the parties' consent due to the mediator's illness.

3. In the mediation that settled, a short delay in signing the settlement agreement took the process time to 12 working days, but the mediation was held within 10 working days.

These exceptions pushed the average process time frame out of band. On average, mediations were completed within 11 working days and required 6 hours of mediator time.

However, excluding these three exceptions, the average process cycle time was 8.5 working days and required 5 hours of mediation time. The shortest process cycle was 7 days, and the longest process cycle was 20 days (case 2 above).

At year-end, two mediation matters remained at the response stage, with response deadlines of 10 April 2026 and 16 April 2026, respectively. No responses were received within those deadlines.

During the year, one matter involved a request for Tikanga-based support. By agreement between the parties, this was addressed by a mediator whom the parties accepted had sufficient understanding of tikanga. While

tikanga considerations were relevant, they were not central to the dispute, and a fully accredited tikanga mediator was not required on this occasion.

Meet the Mediators

We only appoint mediators from the panel on the Scheme website.

The panel has not changed during the year and comprises the following mediators:

- Mark Beech
- Trish Blyth
- Deborah Clapshaw
- Tim Clarke
- Penny Mudford

You can read more about the .nz Dispute Resolution Scheme mediators [here](#).

Feedback and enquiries

Customer experience surveys

Feedback from parties during the year was broadly positive. Respondents frequently highlighted the accessibility and responsiveness of NZDRC staff, the clarity of the process, and the quality of support provided throughout proceedings.

Several noted they were kept well informed at every stage, with one describing the process as easy to follow and expressing gratitude for the assistance provided. Another highlighted that staff were helpful and always available to answer questions – a sentiment echoed across multiple responses. Where registrar services were involved, feedback highlighted capable, knowledgeable support, with one respondent specifically noting the helpfulness of the answers they received.

A small number of responses expressed strong dissatisfaction. On closer review, this feedback largely reflected frustration with the outcome of proceedings rather than with NZDRC's administration of the Scheme – a distinction that is important in the context of a binding dispute resolution process.

NZDRC takes all feedback seriously and continues to look for ways to improve wherever possible.

Expert and Mediator surveys

NZDRC also surveys experts and mediators for their feedback, as part of continuous improvement. Their rating of NZDRC's services averaged 8.8 out of 10, ranging from 7 to 10.

Feedback over the year reflects strong confidence in NZDRC's services, with high satisfaction ratings and consistent praise for administrative support and templates.

Enquiries

We received nine enquiries during this year. Three related to existing matters, while the remaining six were from individuals seeking general information about the Scheme.

Scheme performance and operational improvements

NZDRC continues to focus on delivering a robust, well administered dispute resolution process that is proportionate and user focused. During the year, the Alternative Dispute Resolution Centre that NZDRC is part of has worked on developing enhanced internal case management systems, including developing a dedicated portal for experts, mediators, and customers and their representatives.

When these new systems are launched later this year, they will streamline applications and submissions, improve transparency and accessibility for parties and experts, and support more efficient case management. Feedback indicates strong support for these developments.

NZDRC also continues to identify potential improvements to the Scheme Rules for DNC's consideration and develops procedural guidance in light of emerging issues identified through case management and expert and mediator feedback. Matters such as respondents' consent to transfer outside the formal response window and procedural inefficiencies caused by incorrect party identification have highlighted potential areas for clearer guidance or future rule amendments.

Looking ahead

Key priorities for the coming year include further improving digital systems, enhancing guidance for parties and representatives, and continuing to support experts and mediators through strong administrative processes.

Through ongoing review and stakeholder engagement, NZDRC aims to strengthen confidence in the Scheme and support the integrity of the .nz domain name space.

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