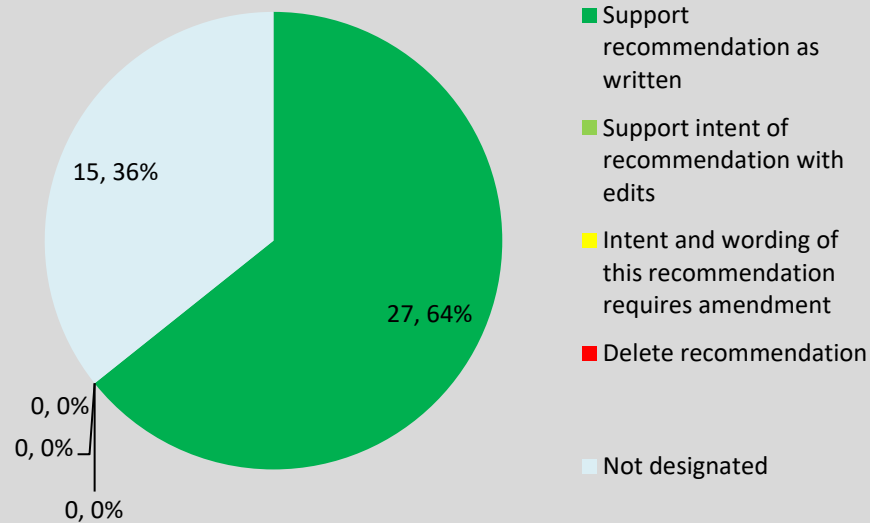


## RECOMMENDATION 16

#	Comment	Contributor	EPDP Response / Action Taken
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The EPDP Team also recommends that the GNSO Council instructs the review of all RPMs PDP WG to consider, as part of its deliberations, whether there is a need to update existing requirements to clarify that a complainant must only be required to insert the publicly-available RDDS data for the domain name(s) at issue in its initial complaint. The EPDP Team also recommends the GNSO Council to instruct the RPMs PDP WG to consider whether upon receiving updated RDDS data (if any), the complainant must be given the opportunity to file an amended complaint containing the updated respondent information.



### Support recommendation as written

1.	No comments provided in support of this recommendation	<ul style="list-style-type: none"> <li>Wim Degezelle ; RySG</li> <li>John Poole; Domain Name Registrant</li> <li>Mark Massey; Domain Name Rights Coalition</li> <li>Tucows Domains Inc.</li> <li>Michele Neylon; Blacknight Internet Solutions Ltd</li> </ul>	<p><b>Support</b></p> <p><b>EPDP Response:</b> The EPDP appreciates the support</p> <p><b>Action Taken:</b> none</p> <p><b>[COMPLETED]</b></p>
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#	Comment	Contributor	EPDP Response / Action Taken
		<ul style="list-style-type: none"> <li>• Volker Greimann; Key-Systems GmbH</li> <li>• Zoe Bonython; RrSG</li> <li>• Domain.com, LLC &amp; affiliates</li> <li>• Brian King; MarkMonitor, Inc., a Clarivate Analytics company</li> <li>• DR. JAIDEEP KUMAR MISHRA ; DIRECTOR MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY, GOVERNMENT OF INDIA</li> <li>• Sara Bockey; GoDaddy</li> <li>• Lars Steffen; eco – Association of the Internet Industry</li> <li>• Wolf-Ulrich Knoben; ISPCP Constituency</li> <li>• Monica Sanders; i2Coalition</li> <li>• Etienne Laurin</li> <li>• Ben Butler; SSAC</li> <li>• Evin Erdoğan; ALAC</li> <li>• Dean S. Marks; Coalition for Online Accountability</li> <li>• George Kirikos; Leap of Faith Financial Services Inc.</li> </ul>	

#	Comment	Contributor	EPDP Response / Action Taken
2.	<p>The BC echoes its comment as elucidated in the answer to question 108 above. According to the recommendation as currently written, at the time of filing, only publicly available registration data would be able to be used, which would result in a substantially blank filing document. In order to make more impactful and efficient use of dispute resolution procedures, and to confirm infringement, it would be far better to have pre-filing access to the data.</p> <p>This is already happening in practice, and is at least somewhat similar to what has happened historically in UDRP or URS cases involving privacy/proxy registrants. However, it would be beneficial to formalize this process in UDRP and URS proceedings through the relevant policies, rules, and supplemental rules. The issue currently has the attention of the RPM Review PDP.</p> <p>Therefore, the Temporary Specification should be modified to allow investigation of a limited number of registrants prior to filing a URS or UDRP when there is a good faith belief that the registrants are acting in bad faith and there is an demonstrable connection between the registrants.</p>	Steve DelBianco; BC	<p><b>Support</b></p> <p><b>EPDP Response:</b> The EPDP appreciates the support</p> <p><b>Action Taken:</b> none</p> <p><b>[COMPLETED]</b></p>
3.	<p>As mentioned elsewhere: according to the recommendation as currently written, at the time of filing, only publicly available registration data would be able to be used, which would result in a substantially blank filing document. In order to make more impactful and efficient use of dispute resolution procedures, and to confirm infringement, it would be far better to have a mechanism like those suggested above to provide something equivalent to pre-filing access to the data.</p> <p>This is not a new concept – the historical process in cases of UDRP or URS cases involving P/P registrants can be used as a template. However, it would be good to formalize this process in UDRP and URS proceedings through the relevant policies, rules, and supplemental rules.</p>	Jeremy Dallman, David Ladd – Microsoft Threat Intelligence Center; Amy Hogan-Burney, Richard Boscovich – Digital Crimes Unit; Makalika Naholowaa, Teresa Rodewald, Cam Gatta – Trademark; Mark Svancarek, Ben Wallace, Paul Mitchell – Internet Technology & Governance Policy; Cole Quinn – Domains and Registry; Joanne Charles – Privacy & Regulatory Affairs; Microsoft Corporation	<p><b>Support</b></p> <p><b>EPDP Response:</b> The EPDP appreciates the support</p> <p><b>Action Taken:</b> none</p> <p><b>[COMPLETED]</b></p>

#	Comment	Contributor	EPDP Response / Action Taken
4.	<p>1. Clarification of the existing policies is needed to enable the Complainant to comply with such policies and the Provider to manage domain name disputes adequately and consistently.</p> <p>2. Currently there is no URS policy provision which enables the Complainant to amend the URS Complaint after its submission. Thus, if the registrant is unidentified (Whois data redacted), the Complainant might find it gruelling to meet the strict burden of proof (especially with reference to the second and third URS elements). Review of the URS Procedure paragraph 3.3 by enabling the Complainant to modify the Complaint within few days from the disclosure of the full registration data by the URS Provider could be a solution for that challenging situation. Given the rapid nature of the URS, 3 days would be adequate to make the amendment of the Complaint (UDRP provides for 5 days for the amendment of the Complaint).</p>	Ivett Paulovics; MFSD Srl URS Provider	<p><b>Support</b></p> <p><b>EPDP Response:</b> The EPDP appreciates the support</p> <p><b>Action Taken:</b> none</p> <p><b>[COMPLETED]</b></p>
5.	<p>Forum requests amendment of UDRP complaints where updated respondent information is available. However, currently there is no URS policy provision allowing for the amendment of URS complaints. To contemplate a change to the URS policy allowing amendments may prove to be a difficult process and one best handled by the RPM PDP WG. However, it may also prove useful to request information regarding feasibility of certain changes directly from the Providers.</p>	Renee Fossen; Forum - URS and UDRP Provider	<p><b>Support</b></p> <p><b>EPDP Response:</b> The EPDP appreciates the support</p> <p><b>Action Taken:</b> none</p> <p><b>[COMPLETED]</b></p>
6.	<p>This already is happening in practice, and is not much different from what has been happening historically in cases of UDRP or URS cases involving P/P registrants. However, it would be good to formalize this process in UDRP and URS proceedings through the relevant policies, rules, and supplemental rules. The issue is already on the radar of the RPM Review PDP.</p> <p>Finally, the requirements of the Temporary Specification should be modified to allow investigation of registrants prior to filing a URS or UDRP when there is a good faith belief that the registrants are acting in bad faith and there is a demonstrable connection between the registrants.</p>	Brian King; IPC	<p><b>Support</b></p> <p><b>EPDP Response:</b> The EPDP appreciates the support</p> <p><b>Action Taken:</b> none</p> <p><b>[COMPLETED]</b></p>
7.	<p>This is a fair way to handle disjunctions between the UDRP and URS – which assumed legacy Whois – and the temporary specification regime, which redacts most personally identifiable information. This recommendation merely brings certain issues to the attention of the RPM PDP, it does not however, tell them how to resolve them.</p> <p>We note that it is our understanding that the RPM PDP WG has been reviewing this matter as part of its URS recommendation (UDRP review will not come until a later Phase 2), and is planning to make draft policy recommendations to facilitate URS processing in its upcoming Initial Report in 2019.</p>	Ayden Férdeline; NCSG	<p><b>Support</b></p> <p><b>EPDP Response:</b> The EPDP appreciates the support</p> <p><b>Action Taken:</b> none</p> <p><b>[COMPLETED]</b></p>

#	Comment	Contributor	EPDP Response / Action Taken
8.	While complainants are generally given leave to amend the complaint through jurisprudence, the UDRP and URS should include a formal rule that acknowledges the need for an amended complaint. Learning the identity of the respondent will prompt the complainant to investigate additional facts, evidence, and arguments that may apply. Therefore, the rules should permit a minimum of 30 days to amend the complaint after the identity information is communicated to the complainant. The rules should also be amended to allow a complainant to voluntarily withdraw its complaint without prejudice within five (5) days after receiving the registrant's identity if the complainant reasonably believes that further prosecution of the complaint would be in bad faith and result in a reverse domain name hijacking decision.	Lori Schulman Senior Director, Internet Policy; International Trademark Association (INTA)	<p><b>Support</b></p> <p><b>EPDP Response:</b> The EPDP appreciates the support</p> <p><b>Action Taken:</b> none</p> <p><b>[COMPLETED]</b></p>
9.	This is a fair way to handle disjunctions between the UDRP and URS - which assumed legacy Whois – and the temporary specification regime, which redacts most PII. This recommendation merely brings certain issues to the attention of the RPM PDP, it does not tell them how to resolve them.	Farzaneh Badii; Internet Governance Project	<p><b>Support</b></p> <p><b>EPDP Response:</b> The EPDP appreciates the support</p> <p><b>Action Taken:</b> none</p> <p><b>[COMPLETED]</b></p>
<b>Support intent of recommendation with edits</b>			
10.	[None]		<p><b>Concerns</b> <b>Divergence</b> <b>Support</b> <b>New Idea</b></p> <p><b>EPDP Response:</b></p> <p><b>Action Taken:</b></p> <p><b>[COMPLETED / NOT COMPLETED]</b> – [Instruction of what was done.]</p>
<b>Intent and wording of this recommendation requires amendment</b>			
11.	[None]		<p><b>Concerns</b> <b>Divergence</b> <b>Support</b> <b>New Idea</b></p> <p><b>EPDP Response:</b></p> <p><b>Action Taken:</b></p> <p><b>[COMPLETED / NOT COMPLETED]</b> – [Instruction of what was done.]</p>

#	Comment	Contributor	EPDP Response / Action Taken
<b>Delete recommendation</b>			
12.	[None]		<p>Concerns Divergence Support New Idea</p> <p><b>EPDP Response:</b></p> <p><b>Action Taken:</b></p> <p>[COMPLETED / NOT COMPLETED] – [Instruction of what was done.]</p>
<b>Not designated</b>			
13.	No selection made and no additional comments submitted	<ul style="list-style-type: none"> <li>• Sivasubramanian Muthusamy; Internet Society India Chennai</li> <li>• Greg Aaron; iThreat Cyber Group</li> <li>• David Martel</li> <li>• Tim Chen; DomainTools</li> <li>• Steve Gobin; Corporate domain name management</li> <li>• Ashley Heineman; NTIA</li> <li>• Neil Fried; The Motion Picture Association of America</li> <li>• Sajda Ouachtouki; The Walt Disney Company</li> <li>• Greg Mounier on behalf of Europol AGIS; Europol Advisory Group on Internet Security</li> <li>• Monique A. Goeschl; Verein für Anti-Piraterie der Film- und Videobranche (VAP)</li> <li>• Fabien Betremieux; GAC</li> <li>• Theo Geurts</li> <li>• Ashley Roberts; Valideus</li> <li>• Stephanie Perrin</li> </ul>	<p><b>EPDP Response:</b> none</p> <p><b>Action Taken:</b> none</p> <p>[COMPLETED]</p>

#	Comment	Contributor	EPDP Response / Action Taken
14.	<p>For the EPDP team’s background/information, as stated in section 4.4.1 of the WIPO Overview:</p> <p>“[a]s a matter of panel-endorsed practice, in cases involving a privacy or proxy registration service initially named as the respondent, on timely receipt from the registrar (or privacy or proxy service) of information relating to an underlying or beneficial registrant, further to its compliance review and case notification responsibilities, the WIPO Center will (a) provide any disclosed underlying registrant information to the complainant, and (b) invite the complainant to amend the complaint to reflect such information.”</p> <p>See also WIPO Center informal Q&amp;A concerning the GDPR as it relates to the UDRP – Will WIPO provide the registrar-confirmed Whols data to UDRP complainants?</p> <p>“In order to give effect to the UDRP, providers have a reasonable and legitimate purpose to relay registrar-provided Whols data to complainants in pending UDRP proceedings so as to provide an opportunity for complainants to make substantive and/or procedural amendments as appropriate (an accepted practice today concerning privacy/proxy services named as respondents). The provision of such data may also serve to facilitate party settlements (roughly 20% of cases filed with WIPO settle prior to panel appointment, saving the parties time and money; see below information about the WIPO’s UDRP fees).</p> <p>Accordingly, once WIPO receives relevant information from the registrar, the complainant will be invited to amend its complaint to reflect the registrant information received from the registrar.”</p> <p>The above-described privacy best practice has been successfully followed in thousands of UDRP cases, in the interests of all parties.</p>	<p>Brian Beckham; Head, Internet Dispute Resolution Section at WIPO</p>	<p><b>EPDP Response:</b> none</p> <p><b>Action Taken:</b> none</p> <p><b>[COMPLETED]</b></p>