

# Sub Team Proposals for URS Policy Recommendations & Operational Fixes for Initial Report

Prepared by ICANN Staff - updated as of 24 October 2019

## Introductory Notes:

- Column 1 includes the original URS Sub Team proposals that incorporate suggested changes agreed by the WG during its deliberation on 5 September and 12 September 2018.
- Column 2 is staff's suggested language, for consideration by the full WG, of the revised URS Sub Team proposals and proposed questions for public comment. In the interest of time, this is staff's attempt to complete the action items related to the proposals, as noted in Column 3, and prepare these Sub Team proposals for inclusion in the RPM PDP Initial Report.
- Column 4 includes page references to the transcripts of WG discussion about these proposals in September 2018, as well as to the preliminary findings/issues in the [Super Consolidated URS Topics Table](#) (draft as of 31 August 2018) that led to the development of these proposals.

Original URS Sub Team Proposal	Revised URS Sub Team Proposal & Proposed Question for Public Comment	Action item from the WG deliberation on the proposals in September 2018	Reference
<b>A. THE COMPLAINT - 4. Administrative review</b>			
<b>OPERATIONAL FIX</b> (Providers ST) <ul style="list-style-type: none"> <li>• A URS Provider should check the websites of other URS and UDRP Providers to ensure that a disputed domain name is not already subject to an open/active URS/UDRP proceeding</li> </ul>	The Providers Sub Team recommends that public comment be sought on the following question: <ul style="list-style-type: none"> <li>• What mechanism do you suggest that allows a URS Provider to efficiently check with other URS and UDRP Providers in order to ensure that a disputed domain name is not already subject to an open and active URS/UDRP proceeding?</li> </ul>		<a href="#">05 Sep 2018</a> pp.4-9 <a href="#">SCT</a> pp.4
<b>A. THE COMPLAINT - 6. Amending the Complaint in light of GDPR/Temp Spec</b>			
<b>OPERATIONAL FIX</b> (Providers ST) <ul style="list-style-type: none"> <li>• Providers should modify their operational rules in terms of automatically populating the Complaint Form using WHOIS/RDS data consistent with applicable ICANN</li> </ul>	The Providers Sub Team recommends that URS Providers comply with current and future ICANN Consensus Policies with regard to WHOIS/RDS and adjust their practice of using WHOIS/RDS data to automatically populate the Complaint Form.	<ul style="list-style-type: none"> <li>• Providers Sub Team to rework the language. One WG member suggested revising the language to "Providers should modify their operational rules in terms of automatically populating the Complaint Form using WHOIS/RDS data consistent with current and</li> </ul>	<a href="#">05 Sep 2018</a> pp.10-14 <a href="#">SCT</a> pp.5-7

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Consensus Policies		upcoming ICANN privacy policies”.	
<p><b>OPERATIONAL FIX</b> (Providers ST)</p> <ul style="list-style-type: none"> <li>GDD, Providers, and Registries should jointly develop rules for the timely response by Registries to requests for non-public information from Providers</li> </ul>	<p>The Providers Sub Team recommends that Registries timely respond to URS Providers’ requests for non-public information of disputed domain names that are subject to URS proceedings. The Providers Sub Team also recommends the Implementation Review Team consider ways in which ICANN Org work with Providers and Registries to address this implementation issue.</p>	<ul style="list-style-type: none"> <li>Providers Sub Team to clarify the notion of developing rules, e.g., whether the general public can provide input during the rule development process.</li> <li>Reference UDRP Rules Paragraphs 4a and 4b for guidance. Clarify whether the intent is to obligate registries to timely respond to URS Providers for request for non-public information regarding the disputed domain.</li> </ul>	<p><a href="#">05 Sep 2018</a> pp.14-17 <a href="#">SCT</a> pp.5-7</p>
<p><b>POLICY RECOMMENDATION</b> (Providers ST)</p> <ul style="list-style-type: none"> <li>URS Rules 3(b) should be amended in light of GDPR and the permissible filing of a “Doe Complaint”</li> <li>URS Procedure para 3.3 should be amended to enable modification of the Complaint within 2-3 days from disclosure of the data required to advance the complaint by the URS Provider</li> <li>Outreach and education efforts should be undertaken via expert intermediaries to increase awareness and understanding of the common law concept of “Doe Complaint” in civil law jurisdictions, especially the EU</li> </ul>	<p>The Providers Sub Team recommends that the URS Rules 3(b) be amended in light of GDPR and the permissible filing of a “Doe Complaint”. Specifically, the Providers Sub Team recommends that the URS Procedure para 3.3 be amended to allow the Complainant to update the Complainant within 2-3 days after the URS Provider disclosing the registrant data related to the disputed domain name.</p> <p>The Providers Sub Team also recommends that expert intermediaries should conduct outreach and education efforts to increase the awareness on the concept of “Doe Complaint”, which is allowed under the Temporary Specification for gTLD Registration Data.</p>		<p><a href="#">12 Sep 2018</a> pp.3-8, 10-12 <a href="#">SCT</a> pp.5-7</p>

**Legend: policy recommendations in GREEN, operational fixes in ORANGE, and action items in YELLOW.**

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		(Providers ST) <ul style="list-style-type: none"> <li>WG should informally communicate with the EPDP Team about this issue: European civil law systems do not recognize the common law concept of "Doe Complaint", and the concept is not well understood in Europe</li> </ul>	<a href="#">SCT</a> pp.5-7
<b>B. NOTICE - 1. Receipt by Registrant; Notice (feedback from Complainant &amp; Respondent)</b>			
<b>OPERATIONAL FIX</b> (Providers ST) <ul style="list-style-type: none"> <li>ADNDRC should change its operational rules to comply with URS Procedure para 4.2, requiring that Notice of Complaint be transmitted to the Respondent, with translation in the predominant language of the Respondent, via email, fax, and postal mail</li> </ul>		<ul style="list-style-type: none"> <li>Staff to check that the reference to 4.2 is the intended reference               <ul style="list-style-type: none"> <li>Staff: The URS Procedure para 4.2 states the following: "...The Notice of Complaint shall be in English and translated by the Provider into the predominant language used in the Registrant's country or territory." It seems the reference to 4.2 is correct.</li> </ul> </li> <li>WG to revise the proposal text to not mention a particular provider</li> </ul>	<a href="#">05 Sep 2018</a> pp.17-19 <a href="#">SCT</a> pp.10-11
<b>POLICY RECOMMENDATION</b> (Providers ST) <ul style="list-style-type: none"> <li>For "Doe Complaints", Providers should first send notice to Respondents via the online registrant contact form, if available, and then by the required methods, as soon as relevant WHOIS data is forwarded by the Registry</li> </ul>	The Providers Sub Team recommends that a URS Provider first sends notice to the Respondent via its online registrant contact form, if available, and then by the required methods after the Registry has forwarded the relevant WHOIS/RDS data (including contact details of the registrant) to the URS Provider.		<a href="#">12 Sep 2018</a> pp.8-10, 11-12 <a href="#">SCT</a> pp.10-11
<b>B. NOTICE - 2. Effect on Registry Operator; Notice requirements for Registry Operators</b>			

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<p><b>OPERATIONAL FIX</b> (WG)</p> <ul style="list-style-type: none"> <li>ICANN, Registries, Registrars, and Providers should have access to up-to-date contact information and for interaction</li> </ul> <p>(Providers ST)</p> <ul style="list-style-type: none"> <li>ICANN’s email addresses for Registry contacts should be kept up to date for use by Providers</li> <li>GDD, Providers, and Registries should jointly develop a uniform system for interaction between the Providers and the Registries regarding Registry notice requirements</li> </ul>	<p>The Providers Sub Team recommends that the ICANN Org, Registries, Registrars, and URS Providers keep each other’s contact details up to date in order to effectively fulfill the notice requirements set forth in the URS Procedure para 4.</p>		<p><a href="#">05 Sep 2018</a> pp.19-21 <a href="#">SCT</a> pp.11-12</p>
	<p>The Documents Sub Team recommends that public comment be sought on the following question:</p> <ul style="list-style-type: none"> <li>Have Registry Operators experienced any issues with respect to receiving notices from URS Providers? Were these notices sent through appropriate channels? Did the notices contain the correct information?</li> </ul>	<p>(Documents ST)</p> <ul style="list-style-type: none"> <li>WG should contact Registry Operators to obtain feedback on qualitative experiences about receiving notices from Providers; e.g. were these sent through appropriate channels, and did they contain the correct information? NOTE: Timing TBD in light of imminent issuance of Sunrise &amp; Claims surveys</li> </ul>	<p><a href="#">SCT</a> pp.11-12</p>
<p><b>D. STANDARD OF PROOF - 2. Examiners guide</b></p>			

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<p><b>OPERATIONAL FIX</b> (Practitioners ST)</p> <ul style="list-style-type: none"> <li>● Recommends working with Providers, to hire Researchers and/or Academics who study URS decisions closely, perhaps with the help of volunteer Practitioners to create educational materials to provide more guidance to “educate or instruct practitioners on what is needed to meet the ‘clear and convincing’ burden of proof in a URS proceeding</li> <li>● Recommends working with Providers, to hire Researchers and/or Academics who study URS decisions closely, perhaps with the help of volunteer Practitioners to create an “Overview for URS Decisions” (like the WIPO Overview on UDRP Cases)</li> </ul>	<p>The Practitioners and Documents Sub Teams recommend that a uniform set of education materials be developed to provide guidance for URS practitioners and examiners on what is needed to meet the “clear and convincing” burden of proof in a URS proceeding, while ensuring consistency, precision, and completion of all steps in a URS proceeding.</p> <p>As an implementation guidance, the Practitioners and Documents Sub Teams recommend that the Implementation Review Team considers developing education materials in the form of an “Overview of URS Decision”, and/or an administrative checklist/basic template of minimum elements for a Determination, which must include examiner’s rationale.</p>	<ul style="list-style-type: none"> <li>● WG to revise the proposal text to leave out specific implementation details, such as hiring Researchers/and or Academics. In terms of what those guides would cover, how they would be developed, who would pay for them, those questions can be flagged for public comment.</li> <li>● A WG Co-Chair suggests the development of a checklist guide for examiners rather than a substantive document like the WIPO overview</li> <li>● A WG member suggested that all education materials should be translated into the six official UN languages</li> </ul>	<p><a href="#">05 Sep 2018</a> pp.22-26 <a href="#">SCT</a> pp.16-17</p>
<p><b>OPERATIONAL FIX</b> (Documents ST)</p> <ul style="list-style-type: none"> <li>● Although it may be useful to provide some guidance as to what constitutes “clear and convincing” evidence in light of the different laws around the world, the guidance should not extend to providing Examiners with specific directions as to what is, and is not, a clear-cut case</li> <li>● It may be preferable to develop a guide that is more in the nature of a</li> </ul>	<p>The Practitioners and Documents Sub Teams recommend that public comment be sought on the following questions:</p> <ul style="list-style-type: none"> <li>● Should any educational materials be developed for URS practitioners and examiners, do you have suggestions for: <ul style="list-style-type: none"> <li>○ What content and format should these education materials have?</li> <li>○ How should these education materials be developed?</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>● WG to revise the proposal text to include checklist as a companion concept, and mention that the guidance should be for the public, including registrants and complainants</li> </ul>	<p><a href="#">05 Sep 2018</a> pp. 26-27 <a href="#">SCT</a> pp.16-17</p>

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checklist (such as the one initially developed by the IRT as Appendix E of its report) rather than a substantive document like the WIPO UDRP Overview	<ul style="list-style-type: none"> <li>○ Who should bear the cost for developing these education materials?</li> <li>○ Should translations be provided?</li> </ul>		
<b>E. DEFENSES</b> - 1. Scope of Defenses; 2. Unreasonable delay in filing a complaint (i.e. laches)			
<p><b>POLICY RECOMMENDATION</b> (Providers ST)</p> <ul style="list-style-type: none"> <li>● All Providers should provide similar types and forms of guidance to their Examiners</li> <li>● Examiners should document their rationale in all issued Determinations; in particular, when an Examiner finds that a registrant has registered and used a domain in bad faith, supporting facts should be cited</li> </ul> <p>(Documents ST; see also Section G)</p> <ul style="list-style-type: none"> <li>● WG to consider recommending the development of an administrative checklist or basic template of minimum elements that should go into a Determination</li> </ul>			<a href="#">12 Sep 2018</a> pp.13-18 <a href="#">SCT</a> pp.18-22
		<p>(Providers ST)</p> <ul style="list-style-type: none"> <li>● WG should further examine the divergent practice and requirements of Providers with regard to Examiner providing reasoning in support of their Determinations</li> </ul>	<a href="#">SCT</a> pp.18-22

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		(Providers ST) <ul style="list-style-type: none"> <li>WG should deliberate on FORUM’s practice, which significantly deviates from that of ADNDRC and MFSD and consider whether it raises any compliance issue</li> </ul>	<a href="#">SCT</a> pp.18-22
<b>F. REMEDIES - 1. Scope of remedies</b>			
<b>POLICY RECOMMENDATION</b> (Documents ST) <ul style="list-style-type: none"> <li>The Documents ST suggests that the question of adequacy and scope of remedies be deliberated among the full WG</li> </ul>			<a href="#">12 Sep 2018</a> pp.18-20 <a href="#">SCT</a> pp.22-26
<b>F. REMEDIES - 2. Duration of suspension period; 3. Review of implementation</b>			
<b>POLICY RECOMMENDATION</b> (Providers ST): <ul style="list-style-type: none"> <li>URS Technical Requirements 3 and Registry Requirement 10 should be amended, and compliance efforts should be directed, to address problems with the implementation of the relief awarded following a URS decision; the implementation of a settlement (generally a domain transfer at the registrar level); and implementation of Complainant requests to extend a suspension</li> </ul>	<p>The Providers Sub Team recommends that the Implementation Review Team considers reviewing the implementation issues with respect to the Registry Requirement 10 in the “URS High Level Technical Requirements for Registries and Registrars” and amend the Registry Requirement 10, if needed. The Providers Sub Team discovered issues with respect to implementing relief awarded following a URS decision, settlement of a domain transfer at the registrar level, and Complainant’s requests to extend a suspension.</p> <p>The Providers Sub Team recommends that</p>	<ul style="list-style-type: none"> <li>WG to revise the proposal text to include a question about the option to use another Registrar to collect the Registrar renewal fee if the URS Complainant elects to renew the URS Suspended domain name with the sponsoring Registrar</li> </ul>	<a href="#">12 Sep 2018</a> pp.20-24 <a href="#">SCT</a> pp.28-30

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	<p>public comment be sought on the following question:</p> <ul style="list-style-type: none"> <li>Should the Registry Requirement 10 be amended to include the possibility for another Registrar, which is different from the sponsoring Registrar elected by the URS Complainant to renew the URS Suspended domain name, to collect the Registrar renewal fee?</li> </ul>		
<p><b>OPERATIONAL FIX</b> (Providers ST)</p> <ul style="list-style-type: none"> <li>ICANN Compliance should be responsible for monitoring URS providers to ensure that they operate in accordance with the administrative requirements of the URS and URS Rules, including, by way of example, requirements as to method, language and timing of communications and the publication of required information</li> <li>In view of the expedited nature of URS proceedings, ICANN Compliance should work with the URS Providers and relevant registries to rapidly address and resolve any incidences of registry non-compliance with obligations relating to registry locking/unlocking and suspension</li> </ul>	<p>The Providers and Practitioners Sub Team recommend that the ICANN Org establishes a compliance mechanism to ensure that URS Providers, Registries, and Registrars operate in accordance with the URS rules and requirements and fulfill their role and obligations in the URS process.</p> <p>The Providers Sub Team discovered non-compliance issues with URS Providers and Registries. For example, one of the URS Providers did not translate the Notice of Compliant “into the predominant language used in the Registrant’s country or territory [and transmit] via email, fax, and postal mail” per URS Procedure para 4.2 and URS Rules 9. The same URS Provider did not list the backgrounds of all of their examiners as required by URS Rule 6(a). Some Registries did not carry out their obligations relating to locking, unlocking, and suspension of disputed domains.</p>	<ul style="list-style-type: none"> <li>Providers ST to revise the proposal text with respect to either proactive or reactive monitoring by ICANN, and to clarify where should Providers go in order to resolve problems they have encountered in their operations</li> </ul>	<p><a href="#">05 Sep 2018</a> pp.27-33 <a href="#">SCT</a> pp.26-28</p>

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<p><b>OPERATIONAL FIX</b> (Providers ST)</p> <ul style="list-style-type: none"> <li>There should be efforts undertaken to better inform and enhance the understanding by Registry Operators and Registrars of their role in the URS process</li> </ul> <p>(Practitioners ST)</p> <ul style="list-style-type: none"> <li>Sub Team recommends an enhanced education to help Registrars understand how to implement relief and gain better awareness of URS procedures</li> </ul>	<p>The Providers and Practitioners Sub Team recommend that such compliance mechanism should include an avenue for any party in the URS process to file complaints and seek resolution of noncompliance issues.</p> <p>As an implementation guidance, the Providers and Practitioners Sub Teams recommend that the Implementation Review Team considers:</p> <ul style="list-style-type: none"> <li>Investigating different options for a potential compliance mechanism, such as ICANN Compliance, other relevant department(s) in ICANN Org, a URS commissioner at ICANN Org, a URS standing committee, etc.</li> <li>Developing metrics for measuring performance of URS Providers, Registries, and Registrars in the URS process.</li> </ul> <p>The Providers and Practitioners Sub Teams recommend that public comment be sought on the following question:</p> <ul style="list-style-type: none"> <li>Do you have suggestions for how to enhance compliance of URS Providers, Registries, and Registrars in the URS process?</li> </ul>	<ul style="list-style-type: none"> <li>Sub Teams to revise the proposal text to capture the compliance concept (e.g., provide the ability for third parties to register complaints, or for ICANN Compliance to be involved, an idea for a URS/UDRP commissioner at ICANN, a standing committee, suggest metrics for measuring performance/compliance, etc.) while leaving the implementation details open, but seek community feedback</li> <li>Staff to inquire and then inform the WG which ICANN body is responsible for enforcing URS Provider MOUs -- GDD Compliance, ICANN Legal, or both?</li> </ul>	<p><a href="#">05 Sep 2018</a> pp.33-40 <a href="#">SCT</a> pp.26-28</p>

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	<p>The Documents Sub Team recommends that public comment be sought from Registries and Registrars on the following question:</p> <ul style="list-style-type: none"> <li>What compliance issues have you discovered in URS processes, if any?</li> </ul>	<p>(Documents ST)</p> <ul style="list-style-type: none"> <li>WG should contact Registry Operators and Registrars about the compliance issues - Timing TBD in view of Sunrise &amp; Claims surveys that are about to be launched</li> </ul>	<p><a href="#">SCT</a> pp.26-28</p>
<b>F. REMEDIES - 4. Other topics</b>			
	<p>The Providers Sub Team recommends that public comment be sought from Registries on the following question:</p> <ul style="list-style-type: none"> <li>What issues have you encountered with respect to implementing the HSTS-preloaded domain suspension remedy, if any?</li> </ul>	<p>(Providers ST)</p> <ul style="list-style-type: none"> <li>WG should solicit input from Registry Operators with regard to the HSTS-preloaded domain suspension issue - Timing TBD in view of Sunrise &amp; Claims surveys that are about to be launched</li> </ul>	<p><a href="#">SCT</a> pp.31</p>
<b>G. APPEAL - 1. Appeals process</b>			
<p><b>POLICY RECOMMENDATION</b> (Documents ST)</p> <ul style="list-style-type: none"> <li>Develop uniform template/form to be used for all Determinations; purpose is to ensure consistency and precision in terminology and format as well as ensure that all steps in a proceeding are recorded (e.g. Default, Appeal)</li> </ul>			<p><a href="#">12 Sep 2018</a> pp.24-26 <a href="#">SCT</a> pp.29-30</p>
<b>G. APPEAL - 2. De novo review</b>			

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<p><b>POLICY RECOMMENDATION</b> (Documents ST; see also Section H)</p> <ul style="list-style-type: none"> <li>WG to discuss if substantive policy recommendations are needed in light of: (1) current response periods as prescribed in the URS; and (2) the various possible points of determination during a proceeding (i.e. as a Default Determination if no responses is received within the initial 14-day period, a De Novo Review if a response is received after Default, Appeal)</li> </ul>	<p>The Documents Sub Team recommends that the full RPM Working Group considers whether there is a need to: 1) change the duration of response period (including that for de novo review and appeal); and 2) modify the points of determination during a URS proceeding (including the number of instances where a de novo examination can occur).</p> <p>The Documents Sub Team recommends that the full RPM Working Group assesses Individual Proposals #8 and #36 and determine whether any of them can rise to the level of Working Group recommendation.</p>		<p><a href="#">12 Sep 2018</a> pp.26-31 <a href="#">SCT</a> pp.30</p>
<p><b>H. POTENTIALLY OVERLAPPING PROCESS STEPS</b> - 1. Potential overlap concerning duration of respondent appeal, review and extended reply periods along the URS process timeline</p>			
<p><b>POLICY RECOMMENDATION</b> (Documents ST)</p> <ul style="list-style-type: none"> <li>WG to discuss whether to make a policy recommendation based on a discussion of: (1) the number of instances in the course of a URS proceeding where a de novo examination can occur (i.e. as a Default Determination if no responses is received within the initial 14-day period, a De Novo Review if a response is received after Default, Appeal); and (2) the current duration of response</li> </ul>			<p><a href="#">12 Sep 2018</a> pp.32-33 <a href="#">SCT</a> pp.31</p>

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periods for de novo review and appeal			
I. COST - 1. Cost allocation model			
	<p>The Providers Sub Team recommends that public comment be sought on the following question:</p> <ul style="list-style-type: none"> <li>● Are the non-refundable, late Response fees paid by Respondent reasonable? <ul style="list-style-type: none"> <li>○ ADNDRC: <ul style="list-style-type: none"> <li>■ 1 to 5 domain names: US \$180</li> <li>■ 6 to 14 domain names: US \$200</li> <li>■ 15 to 29 domain names: US \$225</li> <li>■ 30 domain names or more: To be determined by the Relevant Office of ADNDRC</li> </ul> </li> <li>○ FORUM: <ul style="list-style-type: none"> <li>■ Re-examination Fee (more than 30 days late): \$200</li> <li>■ Re-examination Extension Fee: \$100</li> </ul> </li> <li>○ MFSD: <ul style="list-style-type: none"> <li>■ Paid by the Respondent who is natural person/sole proprietorship/public body/non-profit entity <ul style="list-style-type: none"> <li>● 1-15 domain names: 175 Euros</li> <li>● 16-50 domain names: 200 Euros</li> </ul> </li> </ul> </li> </ul> </li> </ul>	<p>(Providers ST)</p> <ul style="list-style-type: none"> <li>● WG should discuss whether any of the late Response fees create a burden for the Respondent</li> </ul>	<p><a href="#">SCT</a> pp.31-32</p>

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	<ul style="list-style-type: none"> <li>● 50 domain names or more: To be decided with MFSD</li> <li>■ Paid by the Respondent who is partnership/corporation/public company/private limited/limited liability company</li> <li>● 1-15 domain names: 190 Euros</li> <li>● 16-50 domain names: 225 Euros</li> <li>● 50 domain names or more: To be decided with MFSD</li> </ul>		
<b>J. LANGUAGE ISSUES</b> - 1. Language issues, including current requirements for complaint, notice of complaint, response, determination			
<p><b>OPERATIONAL FIX</b> (Providers ST)</p> <ul style="list-style-type: none"> <li>● ICANN should enforce the URS Rules 9 and URS Procedure para 4.2 with respect to Providers communicating with the Registrant in the predominant language of the Registrant. In particular, as the WG has found that ADNDRC is not in compliance with URS Procedure para 4.2 and URS Rules 9, ICANN should request ADNDRC to change their operational rules and to translate the Notice of Complaint “into the predominant language used in the</li> </ul>			<p><a href="#">05 Sep 2018</a> pp.40-41 <a href="#">SCT</a> pp.32-36</p>

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Registrant's country or territory"			
<p><b>POLICY RECOMMENDATION</b> (Documents ST)</p> <ul style="list-style-type: none"> <li>WG to consider whether, in light of all three Providers' feedback that it may not be feasible to mandate the sending of Registry and Registrar notices in the same languages, not to recommend any additional policy work on this suggestion</li> </ul>		<ul style="list-style-type: none"> <li>Background of this recommendation: registries were not getting the same translation information as the registrars, so the Providers don't know what language is used by the registrant until they get the verification back from the registries, and that's when the translation of notices is implemented.</li> <li>Translation issues for registries and registrars are minor.</li> <li>Documents Sub Team should consider withdrawing this recommendation.</li> </ul>	<a href="#">12 Sep 2018</a> pp.33-37 <a href="#">SCT</a> pp.32-36
<p><b>POLICY RECOMMENDATION</b> (Documents ST)</p> <ul style="list-style-type: none"> <li>WG to consider recommending that guidance be developed for Examiners to assist them with deciding what language to use in going ahead with a URS proceeding and Determination</li> </ul>	<p>The Documents Sub Team recommends that as an implementation guidance, the Implementation Review Team considers developing guidance to assist examiners in deciding what language to use during a URS proceeding and when issuing Determination. Such guidance should take into account the impact by GDPR as Providers may not be able to rely on the WHOIS information to determine Respondent's language.</p>		<a href="#">12 Sep 2018</a> pp.33-37 <a href="#">SCT</a> pp.32-36
		<p>(Providers ST)</p> <ul style="list-style-type: none"> <li>WG should consider whether, in light of FORUM and MFSD feedback on the use of WHOIS to help determine Respondent language, policy</li> </ul>	<a href="#">SCT</a> pp.32-36

**Legend: policy recommendations in GREEN, operational fixes in ORANGE, and action items in YELLOW.**

Original URS Sub Team Proposal	Revised URS Sub Team Proposal & Proposed Question for Public Comment	Action item from the WG deliberation on the proposals in September 2018	Reference
		recommendations should be developed to handle language and related GDPR concerns	
<b>K. ABUSE OF PROCESS</b> - 1. Misuse of the process, including by trademark owners, registrants and “repeat offenders”; 2. Forum shopping; 3. Other documented abuses			
	<p>The Providers Sub Team recommends that public comment be sought on the following question:</p> <ul style="list-style-type: none"> <li>• Are penalties for Complainant or Respondent who abuses the URS process sufficient? If not, should they be expanded? If so, how? Per Section 11.4 and 11.5 of the URS Procedure, the penalties for abusive complaints are: <ul style="list-style-type: none"> <li>○ 11.4 In the event a party is deemed to have filed two (2) abusive Complaints, or one (1) “deliberate material falsehood,” that party shall be barred from utilizing the URS for one-year following the date of issuance of a Determination finding a complainant to have: (i) filed its second abusive complaint; or (ii) filed a deliberate material falsehood.</li> <li>○ 11.5 Two findings of “deliberate material falsehood” shall permanently bar the Complainant from utilizing the URS.</li> </ul> </li> </ul>	<p>(Providers ST)</p> <ul style="list-style-type: none"> <li>• WG should consider whether to include the following question in the Initial Report for the purpose of soliciting public comments: “Are penalties for abuse of the process by the Complainant or Respondent sufficient? If not, should they be expanded, and how?”</li> </ul>	<p><a href="#">SCT</a> pp.36-37</p>

**Legend: policy recommendations in GREEN, operational fixes in ORANGE, and action items in YELLOW.**

Original URS Sub Team Proposal	Revised URS Sub Team Proposal & Proposed Question for Public Comment	Action item from the WG deliberation on the proposals in September 2018	Reference
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**L. EDUCATION & TRAINING - 1. Responsibility for education and training of complainants, registrants, registry operators and registrars**

<p><b>POLICY RECOMMENDATION</b> (Providers ST)</p> <ul style="list-style-type: none"> <li>ICANN should develop easy-to-understand, multilingual, and linkable guidance (e.g., basic FAQs linked from Providers’ websites, Notice of Complaint, and Complaint/Response/Appeal forms) for reference and informational purposes of both URS parties (Complainants and Respondents)</li> <li>URS Providers, and ADNDRC in particular, should develop additional clear and concise reference and informational materials specific to their service, practice, and website for the use and benefit of both URS parties</li> </ul> <p>(Documents ST)</p> <ul style="list-style-type: none"> <li>Supports Providers ST recommendation for the creation of a basic, multilingual FAQ for Complainants and Respondents; suggests that WG discuss who should compile the FAQ and where it should be hosted/published</li> </ul>	<p>The Documents and Providers Sub Teams recommend that clear, concise, easy-to-understand informational materials should be developed, translated into multiple languages, and published on the URS Providers’ websites to assist the Complainants and Respondents in a URS proceeding. Such information materials should include, but not limited to: 1) a uniform set of basic FAQs, 2) links to Complaint, Response, and Appeal forms, and 3) reference materials that explain URS Providers’ services and practices.</p> <p>The Documents and Providers Sub Teams recommend that public comment be sought on the following question:</p> <ul style="list-style-type: none"> <li>Should a uniform set of basic FAQs be developed for URS Complainants and Respondents, who has the responsibility of compiling such FAQs?</li> </ul>	<ul style="list-style-type: none"> <li>WG to revise the proposal text to include a question about who should compile the FAQ and where it should be hosted/published</li> </ul>	<p><a href="#">12 Sep 2018</a> pp.38-41 <a href="#">SCT</a> pp.37-38</p>
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**M. URS PROVIDERS - 1. Evaluation of URS providers and their respective processes (including training of panelists)**

**Legend: policy recommendations in GREEN, operational fixes in ORANGE, and action items in YELLOW.**



Original URS Sub Team Proposal	Revised URS Sub Team Proposal & Proposed Question for Public Comment	Action item from the WG deliberation on the proposals in September 2018	Reference
<p><b>OPERATIONAL FIX</b> (Providers ST)</p> <ul style="list-style-type: none"> <li>Provider compliance with URS Rule 6(a) should be enforced. ADNDRC, in particular, should be required to list the backgrounds of all of their Examiners so that Complainants and Respondents can check for conflicts of interest</li> </ul>		<ul style="list-style-type: none"> <li>WG to revise the proposal text so that it is not specific to ADNDRC</li> </ul>	<p><a href="#">05 Sep 2018</a> pp.41-43 <a href="#">SCT</a> pp.39-41</p>
		<p>(Providers ST)</p> <ul style="list-style-type: none"> <li>WG should consider explicit standards for the sanction and removal of Examiners [not finalized due to some support with opposition]</li> </ul>	<p><a href="#">SCT</a> pp.39-41</p>

**Legend: policy recommendations in GREEN, operational fixes in ORANGE, and action items in YELLOW.**