**Public Comment Review Tool – EPDPSPCR-IGO – Initial Report**

Updated 27 October 2021

# RECOMMENDATION 5

| **#** | **Comment** | **Contributor** | **EPDP Response / Action Taken** |
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| **Recommendation #5: Arbitral Review following a URS Proceeding**  The EPDP team recommends that the following provisions be added to the URS to accommodate the possibility of binding arbitration to review a Determination made under the URS:   1. When submitting its complaint, an IGO Complainant shall also indicate whether it agrees that final determination of the outcome of the URS proceeding shall be through binding arbitration, in the event that the registrant also agrees to binding arbitration. 2. In communicating a URS Determination to the parties where the complainant is an IGO Complainant, the URS provider shall also request that the registrant indicate whether it agrees that any review of the URS Determination will be conducted via binding arbitration. The request shall include information regarding the applicable arbitral rules. The arbitral rules shall be determined by the Implementation Review Team which, in making its determination, shall consider existing arbitral rules such as those of the International Centre for Dispute Resolution (ICDR), the World Intellectual Property Organization (WIPO), the United Nations Commission for International Trade Law (UNCITRAL) and the Permanent Court of Arbitration (PCA). 3. *\*\* Note: The square bracketed text below describes two alternatives under consideration by the EPDP team, as to whether the option to arbitrate will remain available to the registrant after it initiates court proceedings against an IGO that has prevailed in the URS proceeding and the court declines to hear the case on its merits:*   [**OPTION 1:**  Where the registrant initiates court proceedings and the result is that the court decides not to hear the merits of the case, the relevant domain name(s) will remain suspended in accordance with the URS Determination. The registrant will not have the option to proceed to arbitration at this stage.]  [**OPTION 2:**  Where the registrant initiates court proceedings and the result is that the court decides not to hear the merits of the case, the registrant may submit the dispute to binding arbitration within ten (10) business days from the court order declining to hear the merits of the case, by submitting a request for or notice of arbitration to the competent arbitral institution, with a copy to the URS provider and IGO Complainant.]  Where a registrant that has lost in a URS proceeding files an appeal under URS Section 12 and does not prevail in the appeal, it may submit the dispute to binding arbitration within ten (10) business days from the date of the appeal panel’s decision, by submitting a request for or notice of arbitration to the competent arbitral institution, with a copy to the URS provider and the IGO Complainant. The relevant domain name(s) will remain suspended throughout the pendency of any such arbitration proceeding. | | | |
|  |  |  | Concerns  Divergence Support New Idea  **EPDP Response:**  **Action Taken:**  [**COMPLETED / NOT COMPLETED**] – [Instruction of what was done.] |
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