## Policy Change Impact Analysis

The EPDP team believes that its recommendations, if approved and adopted, will facilitate access to and use of the UDRP and URS by IGOs while preserving existing registrant rights. In addition, the EPDP team has developed specific rationale for its recommendations that it believes demonstrates how its proposed solutions are appropriate and proportionate to the problem it was tasked to solve, without modifying the essential structure or scope of the UDRP or URS, both of which have been or will be reviewed by the GNSO’s RPM PDP in its Phase 2 work.

The EPDP team proposes the following metrics as useful starting points for measuring the effectiveness of its recommendations over time:

* Number of UDRP [and URS] complaints filed by IGOs, showing whether IGOs that may previously have had difficulty using the UDRP or URS due to the requirement to have (registered) trademarks are able to fulfill the requirement to demonstrate requisite unregistered rights through the Work Track’s proposed eligibility requirements
* Number of UDRP [and URS] panel decisions in favor of IGO Complainants: (i) implemented by a registrar after ten (10) business days, without a court or arbitral proceeding; and (ii) stayed (i.e., not implemented) by a registrar as a result of the commencement of arbitration proceedings
* Number of UDRP [and URS] panel decisions involving IGO Complainants where there was no response from the registrant, and their outcomes
* If the final recommendation includes the possibility of a losing registrant filing a request for arbitration following an unsuccessful attempt to file a court proceeding against an IGO Complainant prior to entering arbitration: number of court proceedings filed and their outcomes (e.g., whether the court assumed or declined jurisdiction)
* Number of arbitration proceedings between an IGO Complainant and losing registrant, the applicable law in all cases, and their outcomes

The EPDP team recognizes that while some of these suggested metrics may be obtained from the relevant UDRP [and URS] service providers and ICANN-accredited registrars, it will likely be very difficult to obtain accurate counts and reports regarding post-UDRP/URS court proceedings. Similarly, obtaining accurate numbers and outcomes of arbitration proceedings will be extremely difficult, especially where these are not public. In these cases, it may be necessary to attempt to obtain illustrative data via registrant and IGO surveys, although the IGO Work Track acknowledges that the data obtained via such means are likely to be incomplete.