

Recommendation #3: Exemption from Agreement to Submit to Mutual Jurisdiction for IGO Complainants

The EPDP team recommends that an IGO Complainant (as defined under Recommendation #1, above) be exempt from the requirement to state that it will “submit, with respect to any challenges to a decision in the administrative proceeding canceling or transferring the domain name, to the jurisdiction of the courts in at least one specified Mutual Jurisdiction”.

i. ”.

- **Suggested Amendment from BC (07 Jan 2022):**
- A Respondent may challenge a decision (from the administrative proceeding canceling or transferring the domain name) in a court in at least one Mutual Jurisdiction specified by the Complainant in the Complaint, however in such a court proceeding an IGO may raise its claimed privileges and immunities. For greater clarity, nothing in this provision abrogates or diminishes an IGO's right to claim privileges and immunities as a defense to a challenged administrative proceeding's decision, nor does the IGO's agreement to this provision constitute a waiver of any of its claimed privileges and immunities.

- **Suggested Amendment from BC (07 Jan 2022):**

- A Respondent may challenge a decision (from the administrative proceeding canceling or transferring the domain name) in a court in at least one **Mutual Jurisdiction** specified by the Complainant in the Complaint, however in such a court proceeding an IGO may raise its claimed privileges and immunities. For greater clarity, nothing in this provision abrogates or diminishes the ability of the Registrar or Registered Name holder to claim privileges and immunities as a defendant in a court proceeding's decision, nor do the provisions of this provision constitute a waiver of any of its claimed privileges and immunities.

The principal office of the Registrar or Registered Name holder's address

- **Suggested Amendment from BC (07 Jan 2022):**

- A Respondent may challenge a decision (from the administrative proceeding canceling or transferring the domain name) in a court in at least one **Mutual Jurisdiction** specified by the Complainant in the Complaint, however in such a court proceeding an IGO may raise its claimed privileges and immunities. For greater clarity, nothing in this provision abrogates or diminishes the right of an IGO to claim privileges and immunities as a defendant in an administrative proceeding's decision, nor do the provisions of this provision constitute a waiver of any of its claimed privileges and immunities.

Some IGO's can be sued only in one specific court, eg. those of World Bank group only in the 1st District Court, Washington DC, as per a federal statute

Rec 3, 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 relevant registrar, UDRP provider and the IGO Complainant.