Topic 31: Objections

Quick look mechanism

Recommendation 31.15: The "quick look" mechanism, which applied to only the Limited Public Interest Objection in the 2012 round, must be developed by the Implementation Review Team for all formal objection types. The "quick look" is designed to identify and eliminate frivolous and/or abusive objections.[1]

2012 AGB language

Anyone may file a Limited Public Interest Objection. Due to the inclusive standing base, however, objectors are subject to a "quick look" procedure designed to identify and eliminate frivolous and/or abusive objections. An objection found to be manifestly unfounded and/or an abuse of the right to object may be dismissed at any time.

A Limited Public Interest objection would be manifestly unfounded if it did not fall within one of the categories that have been defined as the grounds for such an objection (see subsection 3.5.3).

A Limited Public Interest objection that is manifestly unfounded may also be an abuse of the right to object. An objection may be framed to fall within one of the accepted categories for Limited Public Interest objections, but other facts may clearly show that the objection is abusive. For example, multiple objections filed by the same or related parties against a single applicant may constitute harassment of the applicant, rather than a legitimate defense of legal norms that are recognized under general principles of international law. An objection that attacks the applicant, rather than the applied-for string, could be an abuse of the right to object.

The quick look is the Panel's first task, after its appointment by the DRSP and is a review on the merits of the objection. The dismissal of an objection that is manifestly unfounded and/or an abuse of the right to object would be an Expert Determination, rendered in accordance with Article 21 of the New gTLD Dispute Resolution Procedure.

In the case where the quick look review does lead to the dismissal of the objection, the proceedings that normally follow the initial submissions (including payment of the full advance on costs) will not take place, and it is currently contemplated that the filing fee paid by the applicant would be refunded, pursuant to Procedure Article 14(e).

[1] The Working Group expects the Implementation Review Team to determine in greater detail how the quick look mechanism will identify and eliminate frivolous and/or abusive objections for each objection type. The Working Group anticipates that standing will be one of issues that the quick look mechanism will review, where applicable.

Proposed new AGB language

The “quick look mechanism” is designed to identify and eliminate objections that are manifestly unfounded and/or an abuse of the right to object~~ill-founded~~.

An objection ~~may~~ will be considered manifestly unfounded and/or an abuse of the right to object~~ill-founded~~ in the following cases:

- The objection is not filed on one of the accepted objection grounds; and/or
- The party filing the objection does not have standing; and/or
- ~~Multiple objections of the same type are filed by the same or affiliated parties against the same applicant in a manner that constitutes harassment of the applicant; and/or¶~~
- ~~The objection criticizes the applicant on grounds beyond the evaluation criteria, rather than the applied-for string; and/or¶~~
- Insufficient or no evidence is provided to support the objection; and/or
- The objection is far-fetched, clearly invented, manifestly contrary to common sense, or so ambiguous that it is objectively impossible for the DRSP to make sense of it; and/or
- The objection spreads, incites, promotes, or justifies hatred based on intolerance towards a certain group; and/or
- Other facts that may clearly show that the objection is manifestly unfounded and/or an abuse to the right to object~~ill-founded~~.

An objection may be considered manifestly unfounded and/or an abuse to the right to object in the following cases:

- Multiple objections on the same ground are filed by the same or related parties against the same applicant in a manner that constitutes harassment of the applicant; and/or
- The objection criticizes the applicant on grounds beyond the evaluation criteria, rather than the applied-for string.

The quick look is the Panel’s first task, after its appointment by the DRSP and is a review on the merits of the objection. The dismissal of an objection that is manifestly ill-founded and/or an abuse of the right to object would be an Expert Determination, rendered in accordance with [Article x] of the New gTLD Dispute Resolution Procedure.

~~*Or*¶~~

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~~*The quick look review is conducted after the administrative review, before the appointment of the Panel, given its administrative nature.*¶~~

In the case where the quick look review does lead to the dismissal of the objection, the proceedings that normally follow the initial submissions (including payment of the full advance on costs) will not take place, and it is currently contemplated that the filing fee paid by the applicant would be refunded, pursuant to [Procedure Article x].

Sources

- 2012 AGB
- ECHR, The admissibility of an application
- ECHR, Hate speech