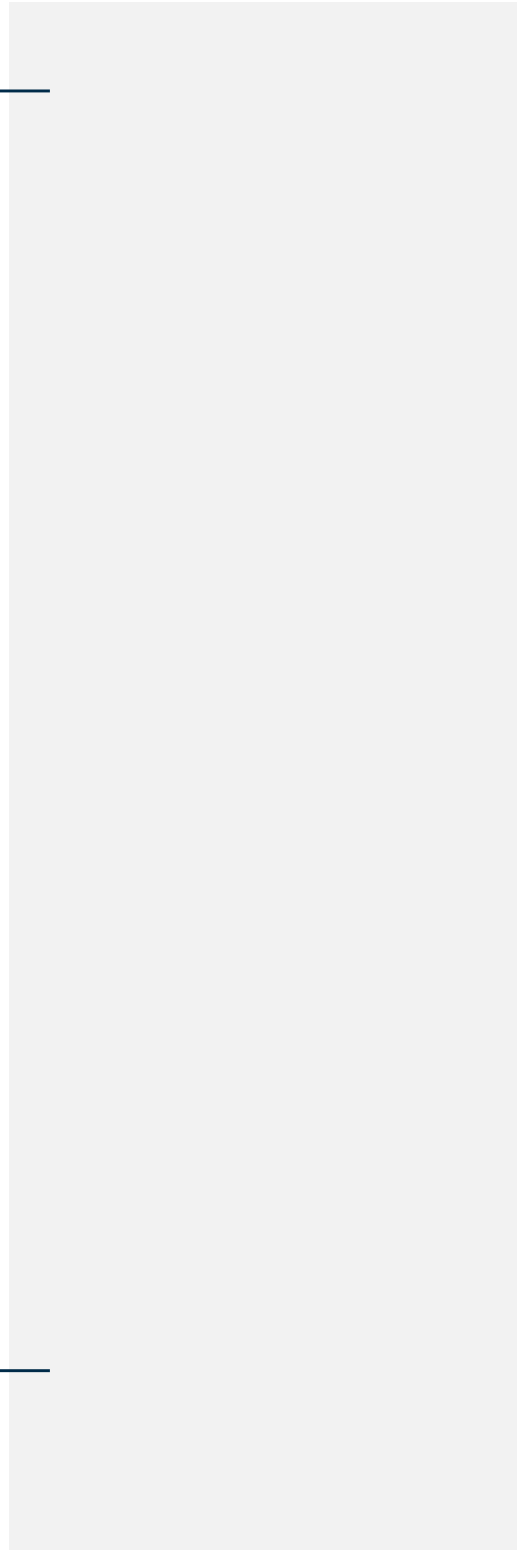

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1. Objections

1.1 Objections and Dispute Resolution Overview

3.2 Public Objection and Dispute Resolution Process

The independent dispute resolution process is designed to protect certain interests and rights. The process provides a path for formal objections during evaluation of the applications. It allows a party with standing to have its objection considered before a panel of qualified experts.

A formal objection can be filed only on four enumerated grounds, as described in this module. A formal objection initiates a dispute resolution proceeding. In filing an application for a gTLD, the applicant agrees to accept the applicability of this gTLD dispute resolution process.

Similarly, an objector accepts the applicability of this gTLD dispute resolution process by filing its objection.

As described in section 3.1 above, ICANN's Governmental Advisory Committee has a designated process for providing advice to the ICANN Board of Directors on matters affecting public policy issues, and these objection procedures would not be applicable in such a case. The GAC may provide advice on any topic and is not limited to the grounds for objection enumerated in the public objection and dispute resolution process.

The dispute resolution process provides a path for Parties with standing to file Objections during evaluation of the applications and have them considered before a Panel of qualified experts. In this context, all applicants should be aware that third Parties, including other applicants, have the opportunity to file Objections to any application on specific grounds. Applicants whose applications are the subject of an Objection will have an opportunity to file a Response. All applied-for gTLDs and applied-for allocatable gTLD variant strings will be subject to the Objection processes. Additionally, for String Confusion Objections only, blocked variant labels will also be subject to the Objection processes.

Applicants are therefore encouraged to identify possible regional, cultural, property interests, or other sensitivities regarding TLD strings and their uses before applying and, where possible, consult with interested Parties to mitigate any concerns in advance.

The New gTLD Program includes mechanisms that allow for relevant Parties to appeal an Expert Determination of an objection. Please refer to the section on Evaluation Challenges and Objection Appeals for further details.

In filing an application for a gTLD, the Applicant agrees to accept the applicability of these gTLD dispute resolution processes. Similarly, an Objector accepts the applicability of the relevant gTLD dispute resolution process by filing their Objection.¹

¹ As described in section [GAC Advice], ICANN's Governmental Advisory Committee (GAC) has a designated process for providing advice to the ICANN Board of Directors on matters affecting public

Commented [1]: IDN EPDP Rec 5.1
All applied-for allocatable gTLD variant labels must be subject to the objection processes.

Commented [2]: IDN EPDP Rec 5.2

Commented [3]: Was included in general introduction.

Information on the criteria and procedures for filing and responding to Objections, as well as on the dispute resolution process, can be found in this section of the AGB and in the relevant Dispute Resolution Service Provider (DRSP)'s rules, which will be published [\[here\]](#).

A high level overview of the objection grounds, Parties with standing, and dispute resolution outcomes can be found in the table below. [\[placeholder for overview table and text\]](#)

1.1.1 Grounds for Objection

A formal objection may be filed on any one of the following four grounds:

String Confusion Objection – The applied-for gTLD string is confusingly similar to an existing TLD or to another applied-for gTLD string in the same round of applications.

Legal Rights Objection – The applied-for gTLD string infringes the existing legal rights of the objector.

Limited Public Interest Objection – The applied-for gTLD string is contrary to generally accepted legal norms of morality and public order that are recognized under principles of international law.

Community Objection – There is substantial opposition to the gTLD application from a significant portion of the community to which the gTLD string may be explicitly or implicitly targeted.

[The rationales for these objection grounds are discussed in the final report of the ICANN policy development process for new gTLDs. For more information on this process, see <http://gns0.icann.org/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>.]

An objection may be filed only on the four grounds described below.

1.1.1.1 Ground for Objection: String Confusion

A Party with standing who believes that the **applied-for primary gTLD string**, its **allocatable variant label**, or its **blocked variant label** is confusingly similar either visually, aurally, or in meaning to an **existing TLD** and/or **another applied-for primary gTLD string** and/or **any of its allocatable or blocked variant strings** may file a String Confusion Objection.

[The only exception to the above that cannot form the basis of a String Confusion Objection is that of a blocked variant label being claimed as confusingly similar to the blocked variant label of an existing TLD or another applied-for primary gTLD string.]

As mentioned above, String Confusion Objections may be filed not only based on visual similarity, but also aural similarity and similarity in meaning, as described in the [\[String Confusion Principles\]](#); the Objector will need to clearly describe how they believe the strings are confusingly similar. It should be noted that for the case of visual similarity, the Objector must refer to the Guidelines for visual String Similarity.]

policy issues, and these objection procedures would not be applicable in such a case. The GAC may provide advice on any topic and is not limited to the grounds for objection enumerated in the public objection and dispute resolution process.

Commented [4]: Will be created later.

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Commented [6]: IDN EPDP Rec 5.2

A String Confusion Objection may be filed based on confusing similarity between combinations of applied-for primary gTLD strings and their variant labels established by Final Recommendations 4.1-4.2. The possible combinations are as follows:

- 5.2.1 Applied-for primary gTLD string is confusingly similar to the primary string of an existing gTLD/ccTLD or another applied-for primary gTLD string
- 5.2.2 Applied-for primary gTLD string is confusingly similar to an allocatable variant label of an existing gTLD/ccTLD or another applied-for primary gTLD string
- 5.2.3 Applied-for primary gTLD string is confusingly similar to a blocked variant label of an existing gTLD/ccTLD or another applied-for primary gTLD string
- 5.2.4 An allocatable variant label of an applied-for primary gTLD string is confusingly similar to the primary string of an existing gTLD/ccTLD or another applied-for primary gTLD string
- 5.2.5 An allocatable variant label of an applied-for primary gTLD string is confusingly similar to an allocatable variant label of an existing gTLD/ccTLD or another applied-for primary gTLD string
- 5.2.6 An allocatable variant label of an applied-for primary gTLD string is confusingly similar to a blocked variant label of an existing gTLD/ccTLD or another applied-for primary gTLD string
- 5.2.7 A blocked variant label of an applied-for primary gTLD string is confusingly similar to the primary string of an existing gTLD/ccTLD or another applied-for primary gTLD string

Commented [7]: 5.2.8 A blocked variant label of an applied-for primary gTLD string is confusingly similar to an allocatable variant label of an existing gTLD/ccTLD or another applied-for primary gTLD string
The only combination of strings that cannot form the basis of a String Confusion Objection is that of a blocked variant label of an applied-for primary gTLD string being claimed as confusingly similar to the blocked variant label of an existing gTLD/ccTLD or another applied-for primary gTLD string. In its objection, the objector must specify the confusing similarity [\[...\]](#)

Commented [8]: IDN EPDP Rec 5.2

[...] The only combination of strings that cannot form the basis of a String Confusion Objection is that of a blocked variant label of an applied-for primary gTLD string being claimed as confusingly similar to the blocked variant label of an existing gTLD/ccTLD or another applied-for primary gTLD string. [...]

Commented [9]: IDN EPDP Rec 5.2

[...] In its objection, the objector must specify the confusing similarity between the combination of strings within the limits of String Similarity Review in accordance with Final Recommendations 4.1-4.2.

A String Confusion Objection may, if successful, change the configuration of the contention sets in that the two applied-for gTLD strings will be considered in direct contention with one another, as described in the [String Contention Procedures]. The Objection process will not result in the removal of an application from a contention set. Should an applicant believe that their applied-for string should not be part of a contention set, following the String Similarity Review, they will have the opportunity to challenge such review as described in [Challenge section]. More information on the possible outcomes can be found in [Expert Determination].

1.1.1.2 Ground for Objection: Legal Rights

A Party with standing who believes that an applied-for gTLD string and/or one or more applied-for allocatable variant string(s) infringes their **existing legal rights** may file a legal rights objection. The Objection cannot be filed against non-applied-for allocatable variant strings or blocked variant strings.

1.1.1.3 Ground for Objection: Limited Public Interest

A Party with standing who believes that the applied-for gTLD string and/or one or more applied-for allocatable variant string(s) are **contrary to generally accepted legal norms of morality and public order that are recognized under principles of international law** may file a Limited Public Interest objection. The Objection cannot be filed against non-applied-for allocatable variant strings or blocked variant strings.

1.1.1.4 Ground for Objection: Community

There is **well-substantiated opposition to the gTLD application from a significant portion of the community which the gTLD string may be explicitly or implicitly targeting**. Opposition can be expressed against the applied-for gTLD string and/or one or more applied-for allocatable variant string(s). The Objection cannot be filed against non-applied-for allocatable variant strings or blocked variant strings.

1.1.2 Standing to Object

Objectors must satisfy standing requirements to have their objections considered. As part of the dispute proceedings, all objections will be reviewed by a panel of experts designated by the applicable Dispute Resolution Service Provider (DRSP) to determine whether the objector has standing to object. Standing requirements for the four objection grounds are:

Commented [10]: IDN EPDP Rec 5.4
With respect to the Limited Public Interest Objection, Legal Rights Objection, and Community Objection, an objection may be filed against only the applied-for primary gTLD strings and/or the applied-for allocatable variant labels. For avoidance of doubt, the objection cannot be filed against non-applied-for allocatable variant labels or blocked variant labels. Specifically, the objection can be filed against one of the following options:

- 5.4.1 Only the applied-for primary gTLD string, or
- 5.4.2 One or more of the applied-for allocatable variant label(s), or
- 5.4.3 A combination of the applied-for primary gTLD string and one or more applied for allocatable variant label(s)

Commented [11]: IDN EPDP Rec 5.4

Commented [12]: IDN EPDP Rec 5.4

Objection ground	Who may object
String confusion	Existing TLD operator or gTLD applicant in current round. In the case where an IDN ccTLD Fast Track request has been submitted before the public posting of gTLD applications received, and the Fast Track requestor wishes to file a string confusion objection to a gTLD application, the Fast Track requestor will be granted standing.
Legal rights	Rightsholders
Limited public interest	No limitations on who may file – however, subject to a “quick look” designed for early conclusion of frivolous and/or abusive objections
Community	Established institution associated with a clearly delineated community

As part of the dispute proceedings, all Objections will be reviewed by a Panel of experts designated by the applicable DRSP to determine whether the Objector has standing to object. This review will occur as part of the Quick Look review². Standing requirements for the four Objection grounds are described below.

1.1.2.1 Standing to Object: String Confusion

Two types of entities have standing to object:

- An existing TLD operator may file a string confusion objection to assert string confusion between an applied-for gTLD and the TLD that it currently operates.
- Any gTLD applicant in this application round may file a string confusion objection to assert string confusion between an applied-for gTLD and the gTLD for which it has applied, where string confusion between the two applicants has not already been found in the Initial Evaluation. That is, an applicant does not have standing to object to another application with which it is already in a contention set as a result of the Initial Evaluation.

In the case where an existing TLD operator successfully asserts string confusion with an applicant, the application will be rejected.

In the case where a gTLD applicant successfully asserts string confusion with another applicant, the only possible outcome is for both applicants to be placed in a contention set and to be referred to a contention resolution procedure (refer to Module 4, String Contention Procedures). If an objection by one gTLD applicant to another gTLD application is unsuccessful, the applicants may both move forward in the process without being considered in direct contention with one another.

The following entities have standing to object on the basis of String Confusion, where string confusion has not already been determined during the String Similarity Review³. This means that an applicant would not have standing to object to another application with which it is already in a contention set.

- An **existing gTLD operator** may file a String Confusion Objection to assert that the applied-for primary gTLD string, an allocatable variant string of an applied-for primary gTLD string, and/or a blocked variant label of an applied-for primary gTLD string to be

² See [Quick Look Review] for more information.

³ See [String Similarity Review] for more information.

confusingly similar to **its existing gTLD string** and/or **its allocatable or blocked variants**.

- An **existing ccTLD operator** or a **Significantly Interested Party⁴** in the respective **country or territory** may file a String Confusion Objection to assert that the applied-for primary gTLD string, an allocatable variant label of an applied-for primary gTLD string, and/or a blocked variant label of an applied-for primary gTLD string to be confusingly similar to an **existing ccTLD string** or **its allocatable or blocked variants**.
- A **gTLD applicant⁵** in this application round may file a String Confusion Objection to assert that the applied-for primary gTLD string, an allocatable variant label of an applied-for primary gTLD string, and/or a blocked variant label of an applied-for primary gTLD string to be confusingly similar to **another primary gTLD string they applied for** or **another primary gTLD string they applied for or their allocatable or blocked variants**.

1.1.2.2 Standing to Object: Legal Rights

A rightsholder has standing to file a legal rights objection. The source and documentation of the existing legal rights the objector is claiming (which may include either registered or unregistered trademarks) are infringed by the applied-for gTLD must be included in the filing.

An intergovernmental organization (IGO) is eligible to file a legal rights objection if it meets the criteria for registration of a .INT domain name:

- An international treaty between or among national governments must have established the organization; and
- The organization that is established must be widely considered to have independent international legal personality and must be the subject of and governed by international law.

The specialized agencies of the UN and the organizations having observer status at the UN General Assembly are also recognized as meeting the criteria.

The entities that have standing to object on the basis of Legal Rights are described below.

- A **rights holder⁶** may have standing to file a Legal Rights Objection. The source and documentation of the existing legal rights the objector is claiming are infringed by the

⁴ For reference, the definition of Significantly Interested Parties reflects the one in [Final Report ccPDP4](#), which is in turn derived from [RFC 1591](#). Significantly Interested Parties “include, but [are] not be limited to: a) the government or territorial authority for the country or territory associated with the ccTLD and b) any other individuals, organizations, companies, associations, educational institutions, or others that have a direct, material, substantial, legitimate, and demonstrable interest in the operation of the ccTLD(s) including the incumbent manager. To be considered a Significantly Interested Party, any party other than the manager or the government or territorial authority for the country or territory associated with the ccTLD must demonstrate that it [...] has a direct, material, and legitimate interest in the operation of the ccTLD(s).”

⁵ Please note that the gTLD Applicant could be an existing TLD operator for other strings.

⁶ A rights holder could be a trademark holder, a trademark holder’s licensee, or a party claiming rights to an unregistered trademark.

applied-for gTLD must be included in the filing (for example, documentation regarding either registered or unregistered trademarks). For more information on which legal rights are covered, refer to [\[Legal Rights Principles\]](#).

- An **intergovernmental organization** (IGO) is eligible to file a Legal Rights Objection if it meets the criteria for registration of a .INT domain name as described in IANA's [.INT Policy & Procedures](#). The **specialized agencies of the UN and the organizations having observer status** at the UN General Assembly are also recognized as meeting the criteria.

1.1.2.3 Standing to Object: Limited Public Interest

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).

Commented [13]: Included in Quick Look section.

Anyone may file a Limited Public Interest Objection. Limited Public Interest Objections may only be brought on if the relevant string(s)⁷ is contrary to generally accepted legal norms of morality and public order that are recognized under principles of international law; objections brought on other grounds will be dismissed for lack of standing.

⁷ For the sake of readability, in this section, “relevant string(s)” refers to the string or strings a party files an objection against.

1.1.2.3 Standing to Object: Community

Established institutions associated with clearly delineated communities are eligible to file a community objection. The community named by the objector must be a community strongly associated with the applied-for gTLD string in the application that is the subject of the objection. To qualify for standing for a community objection, the objector must prove both of the following:

It is an **established institution** – Factors that may be considered in making this determination include, but are not limited to:

- Level of global recognition of the institution;
- Length of time the institution has been in existence; and
- Public historical evidence of its existence, such as the presence of a formal charter or national or international registration, or validation by a government, inter-governmental organization, or treaty. The institution must not have been established solely in conjunction with the gTLD application process.

It has an ongoing relationship with a clearly delineated community – Factors that may be considered in making this determination include, but are not limited to:

- The presence of mechanisms for participation in activities, membership, and leadership;
- Institutional purpose related to the benefit of the associated community;
- Performance of regular activities that benefit the associated community; and
- The level of formal boundaries around the community.

The panel will perform a balancing of the factors listed above, as well as other relevant information, in making its determination. It is not expected that an objector must demonstrate satisfaction of each and every factor considered in order to satisfy the standing requirements.

Established institutions associated with clearly delineated communities are eligible to file a Community Objection. The community named by the Objector must be a community strongly associated with the applied-for gTLD string in the application that is the subject of the Objection.

To qualify for standing for a Community Objection, the Objector must show both of the following:

- **It is an established institution.** Factors that may be considered in making this determination include, but are not limited to:
 - Level of global recognition of the institution;
 - Length of time the institution has been in existence; and
 - Public historical evidence of its existence, such as the presence of a formal charter or national or international registration, or validation by a government, inter-governmental organization, or treaty. The institution must not have been established solely in conjunction with the gTLD application process.
- **It has an ongoing relationship with a clearly delineated community.** Factors that may be considered in making this determination include, but are not limited to:
 - The presence of mechanisms for participation in activities, membership, and leadership;
 - Institutional purpose related to the benefit of the associated community;
 - Performance of regular activities that benefit the associated community; and
 - The level of formal boundaries around the community.

The panel will perform a balancing of the factors listed above, as well as other relevant information, in making its determination. It is not expected that an objector must demonstrate satisfaction of each and every factor considered in order to satisfy the standing requirements.

1.1.3 Dispute Resolution Service Providers

To trigger a dispute resolution proceeding, an objection must be filed by the posted deadline date, directly with the appropriate DRSP for each objection ground.

- The International Centre for Dispute Resolution has agreed to administer disputes brought pursuant to string confusion objections.
- The Arbitration and Mediation Center of the World Intellectual Property Organization has agreed to administer disputes brought pursuant to legal rights objections.
- The International Center of Expertise of the International Chamber of Commerce has agreed to administer disputes brought pursuant to Limited Public Interest and Community Objections.

ICANN selected DRSPs on the basis of their relevant experience and expertise, as well as their willingness and ability to administer dispute proceedings in the new gTLD Program. The selection process began with a public call for expressions of interest followed by dialogue with those candidates who responded. The call for expressions of interest specified several criteria for providers, including established services, subject matter expertise, global capacity, and operational capabilities. An important aspect of the selection process was the ability to recruit panelists who will engender the respect of the Parties to the dispute.

Commented [14]: This information will be available in the Program Manual.

To trigger a dispute resolution proceeding, an objection must be filed by the posted deadline date, directly with the appropriate DRSP for each objection ground:

- String Confusion: [placeholder]
- Legal Rights: [placeholder]
- Limited Public Interest: [placeholder]
- Community: [placeholder]

Before the opening of the application submission period, each DRSP will publish a schedule of costs or statement of how costs will be calculated for the proceedings that it administers under this procedure. These costs cover the fees and expenses of the members of the panel and the DRSP's administrative costs.

Commented [15]: Implementation Guidance 31.13: Information about fees and refunds for the dispute resolution processes should be readily available prior to the commencement/opening of the application submission period.

Links to the respective DRSP webpages, including information on the fees, will be published on the [Next Round website].

1.1.4 Independent Objectors

A formal objection to a gTLD application may also be filed by the Independent Objector (IO). The IO does not act on behalf of any particular persons or entities, but acts solely in the best interests of the public who use the global Internet.

In light of this public interest goal, the Independent Objector is limited to filing objections on the grounds of Limited Public Interest and Community.

Neither ICANN staff nor the ICANN Board of Directors has authority to direct or require the IO to file or not file any particular objection. If the IO determines that an objection should be filed, he or she will initiate and prosecute the objection in the public interest.

Mandate and Scope – The IO may file objections against “highly objectionable” gTLD applications to which no objection has been filed. The IO is limited to filing two types of objections: (1) Limited Public Interest objections and (2) Community objections. The IO is granted standing to file objections on these enumerated grounds, notwithstanding the regular standing requirements for such objections (see subsection 3.1.2).

The IO may file a Limited Public Interest objection against an application even if a Community objection has been filed, and vice versa.

The IO may file an objection against an application, notwithstanding the fact that a String Confusion objection or a Legal Rights objection was filed.

Absent extraordinary circumstances, the IO is not permitted to file an objection to an application where an objection has already been filed on the same ground.

The IO may consider public comment when making an independent assessment whether an objection is warranted. The IO will have access to application comments received during the comment period.

In light of the public interest goal noted above, the IO shall not object to an application unless at least one comment in opposition to the application is made in the public sphere.

Selection – The IO will be selected by ICANN, through an open and transparent process, and retained as an independent consultant. The Independent Objector will be an individual with considerable experience and respect in the Internet community, unaffiliated with any gTLD applicant.

Although recommendations for IO candidates from the community are welcomed, the IO must be and remain independent and unaffiliated with any of the gTLD applicants. The various rules of ethics for judges and international arbitrators provide models for the IO to declare and maintain his/her independence.

The IO’s (renewable) tenure is limited to the time necessary to carry out his/her duties in connection with a single round of gTLD applications.

Budget and Funding – The IO’s budget would comprise two principal elements: (a) salaries and operating expenses, and (b) dispute resolution procedure costs – both of which should be funded from the proceeds of new gTLD applications.

As an objector in dispute resolution proceedings, the IO is required to pay filing and administrative fees, as well as advance payment of costs, just as all other objectors are required to do. Those payments will be refunded by the DRSP in cases where the IO is the prevailing party.

In addition, the IO will incur various expenses in presenting objections before DRSP panels that will not be refunded, regardless of the outcome. These expenses include the fees and expenses of outside counsel (if retained) and the costs of legal research or factual investigations.

Commented [16]: Will be included in Program Manual.

An objection to a gTLD application may also be filed by one of the three Independent Objectors (IOs). The IOs do not act on behalf of any particular persons or entities, but solely in the best interests of the public who use the global Internet. The IOs will file objections at the same time as all other Parties.

To mitigate possible conflict of interest issues that may arise from having a single panelist serving as the IO, ICANN has established a standing panel of three IOs. Neither ICANN org nor the ICANN Board has authority to direct or require the IOs to file or not file any particular objection.

Commented [17]: Implementation Guidance 31.9: A mechanism should be established (e.g., standing panel of multiple IO panelists) that mitigates the possible conflict of interest issues that may arise from having a single panelist serving as the IO.

If an individual IO determines that an objection should be filed, the IO will initiate and pursue the objection in the public interest. The IO may file objections against highly objectionable gTLD applications to which no objection has been filed. The IO may only file objections on the grounds of Limited Public Interest and Community, notwithstanding the regular standing requirements for such objections.⁸

The IOs:

- Shall not object to an application unless at least one comment in opposition to the application is made in the public sphere or in a confidential manner (should the comment relate to a confidential portion of the application), in light of the public interest goal noted above.
- Will not have their objection considered if another objection on the same ground has passed the Quick Look review, absent extraordinary circumstances.⁹
- Must consider application comments when making an independent assessment whether an objection is warranted. The IOs will have access to application comments received during the comment period.

1.1.5 Options in the Event of an Objection

Applicants whose applications are the subject of an objection have the following options:

- The Applicant can contact the Objector via the DRSP and work to reach a settlement with them as described in the [\[Settlement\]](#), resulting in withdrawal of the Objection or the application¹⁰;
- The applicant can file a response to the Objection within the set timeframe as specified in [\[Responding to an Objection\]](#) and enter the dispute resolution process¹¹; or
- The applicant can withdraw, in which case the objector will prevail by default and the application will not proceed further.¹²

⁸ See [\[Standing to Object\]](#).

⁹ The IO will describe such extraordinary circumstances in their objection.

¹⁰ The Applicant and Objector may agree on a settlement requiring the Applicant to submit an Application Change Request. There is no guarantee that the change request will be approved, and ICANN org will not be involved in the settlement. For more information, refer to [\[Application Change Requests in the Objections Process\]](#).

¹¹ See [\[Dispute Resolution\]](#) for more information on Dispute Resolution.

¹² See [\[Fees\]](#) for more information on Refund and Withdrawal.

If for any reason the applicant does not file a response to an objection within the set timeframe, the objector will prevail by default.

1.1.6 Objections and Dispute Resolution Costs

The Dispute Resolution Procedure will require up to three different payments to be submitted at different times. Both Objectors and Applicants will pay:

- Filing fee (mandatory):
 - The Objector will pay a filing fee at the time of submitting their Objection. Should the Objector fail to pay the fee as described in the respective DRSP Rules, the Objection shall be dismissed. The Objection filing fee will not be refunded under any circumstances.
 - The Applicant will pay a filing fee at the time of submitting their Response to the Objection. Should the Applicant fail to pay the fee as described in the respective DRSP Rules, the Objector will prevail. The Response filing fee will not be refunded under any circumstances.
- Advance payment (mandatory):
 - Both Parties will make an advance payment as instructed by the DRSP if the relevant Objection passes the Quick Look Review. Should one of the Parties fail to make the advance payment as described in the respective DRSP Rules, the other Party will prevail and will be refunded the advance payment. Should neither Party make the advance payment, the Objection will be dismissed.
- Additional fees (conditional):
 - In extraordinary circumstances, the DRSP may require the payment of additional fees. Should one of the Parties fail to make the additional fee payment as described in the respective DRSP Rules, the other Party will prevail and will be refunded the advance payment. Should neither Party make the advance payment, the Objection will be dismissed.

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1.2 Objection Filing and Processing

The information below provides an overview of the process by which objectors can file and respond to objections, as well as by which DRSPs administer dispute proceedings that have been initiated. For comprehensive information, please refer to the New gTLD Dispute Resolution Procedure ("Procedure"). In the event of any discrepancy between the information presented in this module and the Procedure, the Procedure shall prevail. Note that the rules and procedures of each DRSP specific to each Objection ground, which will be published [\[here\]](#), must also be followed.

Deleted: The Objection period will open [\[x\]](#) days after reveal day and will close after 120 days. An additional String Confusion objection window will open for 30 days after the final contention sets are published.

Commented [18]: Recommendation 24.7: The deadline for filing a String Confusion Objection must be no less than thirty (30) days after the release of the String Similarity Evaluation results. This recommendation is consistent with Program Implementation Review Report recommendation 2.3.a. [PIRR Recommendation 2.3.a states: "Review the relative timing of the String Similarity evaluation and the Objections process."]

1.2.1 Objections Filing Window

ICANN will announce the opening of the Objection filing window for all applications on all Objection grounds. It is expected that the window will open when the String Similarity Evaluation results are published and close after [30] days.

Additional Objection filing windows will open as follows, upon ICANN's announcement:

- For [30] days following ICANN's acceptance of a .brand application's string change request, when ICANN officially opens the Objection window, as described in the [Application Change Requests section], for String Confusion Objections only; should no String Confusion Objections against the string be filed, a [30]-day window will be opened for the other Objection grounds;
- For [30] days as a consequence to the determination that one or more strings that were initially prevented from proceeding following the String Similarity Review can actually proceed, after an Applicant successfully challenged the outcome of the Review, as described in section [Challenge].

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1.2.2 Filing an Objection

The information included in this section provides a summary of procedures for filing:

- Objections; and
- Responses to objections.

For a comprehensive statement of filing requirements applicable generally, refer to the New gTLD Dispute Resolution Procedure ("Procedure") included as an attachment to this module. In the event of any discrepancy between the information presented in this module and the Procedure, the Procedure shall prevail.

Note that the rules and procedures of each DRSP specific to each objection ground must also be followed. See <http://newatlds.icann.org/en/program-status/objection-dispute-resolution>.

3.3.1 Objection Filing Procedures

The procedures outlined in this subsection must be followed by any party wishing to file a formal objection to an application that has been posted by ICANN. Should an applicant wish to file a formal objection to another gTLD application, it would follow these same procedures.

- All objections must be filed electronically with the appropriate DRSP by the posted deadline date. Objections will not be accepted by the DRSPs after this date.
- All objections must be filed in English.
- Each objection must be filed separately. An objector wishing to object to several applications must file a separate objection and pay the accompanying filing fees for each application that is the subject of an objection. If an objector wishes to object to an application on more than one ground, the objector must file separate objections and pay the accompanying filing fees for each objection ground.

Each objection filed by an objector must include:

- The name and contact information of the objector.
- A statement of the objector's basis for standing; that is, why the objector believes it meets the standing requirements to object.
- A description of the basis for the objection, including:
 - A statement giving the specific ground upon which the objection is being filed.
 - A detailed explanation of the validity of the objection and why it should be upheld.
- Copies of any documents that the objector considers to be a basis for the objection.

Objections are limited to 5000 words or 20 pages, whichever is less, excluding attachments.

An objector must provide copies of all submissions to the DRSP associated with the objection proceedings to the applicant.

The DRSP will publish, and regularly update a list on its website identifying all objections as they are filed. ICANN will post on its website a notice of all objections filed once the objection filing period has closed.

3.3.2 Objection Filing Fees

At the time an objection is filed, the objector is required to pay a filing fee in the amount set and published by the relevant DRSP. If the filing fee is not paid, the DRSP will dismiss the objection without prejudice. See Section 1.5 of Module 1 regarding fees.

Funding from ICANN for objection filing fees, as well as for advance payment of costs (see subsection 3.4.7 below) is available to the At-Large Advisory Committee (ALAC).

Funding for ALAC objection filing and dispute resolution fees is contingent on publication by ALAC of its approved process for considering and making objections. At a minimum, the process for objecting to a gTLD application will require: bottom-up development of potential objections, discussion and approval of objections at the Regional At-Large Organization (RALO) level, and a process for consideration and approval of the objection by the At-Large Advisory Committee.

Funding from ICANN for objection filing fees, as well as for advance payment of costs, is available to individual national governments in the amount of USD 50,000 with the guarantee that a minimum of one objection per government will be fully funded by ICANN where requested. ICANN will develop a procedure for application and disbursement of funds.

Funding available from ICANN is to cover costs payable to the dispute resolution service provider and made directly to the dispute resolution service provider; it does not cover other costs such as fees for legal advice.

The procedures outlined in this subsection must be followed by any party wishing to file an objection to a gTLD application.

- All Objections must be filed electronically with the appropriate DRSP by the posted deadline date. Objections will not be accepted by the DRSPs after this date.
- All objections must be filed in English.
- Each Objection must be filed separately. An Objector wishing to object to several applications must file a separate objection and pay the accompanying filing fees for each application that is the subject of an objection, unless the objector is filing several Objections against Applications for the same string, as described in [\[Filing an Objection\]](#). If an objector wishes to object to an application on more than one ground, the Objector must file separate objections and pay the accompanying filing fees for each Objection ground.
- Objections are limited to 5000 words excluding attachments.
- An Objector must provide copies of all submissions to the DRSP associated with the objection proceedings to the applicant.

Each Objection filed by an objector must include:

- The name and contact information of the Objector.
- A statement of the objector's basis for standing; that is, why the Objector believes it meets the standing requirements to object.
- A description of the basis for the objection, including:
 - A statement giving the specific ground upon which the objection is being filed.
 - A detailed explanation of the validity of the objection and why it should be upheld.
- Copies of any documents that the objector considers to be a basis for the Objection.

At the time an objection is filed, the Objector is required to pay a filing fee in the amount set and published by the relevant DRSP.¹³ If the filing fee is not paid, the DRSP will dismiss the Objection without prejudice.

Should a Party with standing wish to file a String Confusion Objection against an application for a string for which several applicants have applied, they must file an Objection against all applications for that string. In such a case, each Applicant for that identical string must file a Response to the Objection; if they fail to do so, their application shall not proceed. The same Panel will review all documentation associated with the Objection, and each Response will be reviewed on its own merits. The Panel will issue a single determination identifying which applications are in contention, where applicable.

To support the multistakeholder model, certain funding possibilities are offered to the At-Large Advisory Committee (ALAC) and national governments, as described below:

- Funding for **ALAC** Objection filing and dispute resolution fees is contingent on publication by ALAC of its approved process for considering and making Objections. At a minimum, the process for objecting to a gTLD application will require: bottom-up development of potential objections, discussion and approval of objections at the Regional At-Large Organization (RALO) level, and a process for consideration and approval of the Objection by the At-Large Advisory Committee.
- Funding from ICANN for Objection filing fees, as well as for advance payment of costs, is available to individual **national governments** in the amount of USD 50,000 with the guarantee that a minimum of one objection per government will be fully funded by ICANN where requested. Funding available from ICANN is to cover costs payable to the dispute resolution service provider and made directly to the dispute resolution service provider; it does not cover other costs such as fees for legal advice. More information will be published on [\[this page\]](#).

1.2.3 Administrative Review

Each DRSP will conduct an administrative review of each objection for compliance with all procedural rules within 14 calendar days of receiving the objection. Depending on the number of objections received, the DRSP may ask ICANN for a short extension of this deadline.

If the DRSP finds that the objection complies with procedural rules, the objection will be deemed filed, and the proceedings will continue. If the DRSP finds that the objection does not comply with procedural rules, the DRSP will dismiss the objection and close the proceedings without prejudice to the objector's right to submit a new objection that complies with procedural rules. The DRSP's review or rejection of the objection will not interrupt the time limit for filing an objection.

Each DRSP will conduct an administrative review of each Objection for compliance with all procedural rules within [\[14\]](#) days of receiving the Objection. Depending on the number of Objections received, the DRSP may ask ICANN for a short extension of this deadline. The

Commented [19]: 31.19 reads:

[...] Any outcome that results in indirect contention should be explained as part of the DRSP's determination.

[Per Applicant Guidebook Module 4 (p 4-3): "Two strings are in direct contention if they are identical or similar to one another. More than two applicants might be represented in a direct contention situation: if four different applicants applied for the same gTLD string, they would all be in direct contention with one another. Two strings are in indirect contention if they are both in direct contention with a third string, but not with one another."]

Note for the IRT: This might be complex to implement.

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¹³ Information on the objection fees in the 2012 round is available here: [WIPO](#), [ICDR](#), [ICC](#).

administrative review includes the determination whether the Objection was filed with the correct DRSP.

The possible outcomes of the administrative review are described below.

- If the DRSP finds that the objection complies with [the Procedure, and the applicable DRSP Rules](#) the objection will be deemed filed, and the proceedings will continue;
- If the DRSP finds that the objection does not comply with procedural rules, the DRSP will notify the objector, who will have [5] days to rectify the issue(s) identified.
 - If the objector rectifies the issue(s) within the specified timeframe, the objection will be deemed filed.
 - If the objector does not rectify the objection within the specified timeframe, the objection will be dismissed.

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Commented [20]: Suggested improvement to the process compared to 2012.

1.2.4 Notification

The DRSP will publish, and regularly update, a list on its website identifying all Objections that have passed the administrative review, and notify ICANN. ICANN will then post on [\[this page\]](#) a notice of all Objections that pass the administrative review. After an Applicant has been notified that an Objection is filed against its application, they may decide to withdraw their application for a new gTLD, in which case the objection would be dismissed.

1.2.5 Consolidation of Objections

Once the DRSP receives and processes all objections, at its discretion the DRSP may elect to consolidate certain objections. The DRSP shall endeavor to decide upon consolidation prior to issuing its notice to applicants that the response should be filed and, where appropriate, shall inform the Parties of the consolidation in that notice.

An example of a circumstance in which consolidation might occur is multiple objections to the same application based on the same ground.

In assessing whether to consolidate objections, the DRSP will weigh the efficiencies in time, money, effort, and consistency that may be gained by consolidation against the prejudice or inconvenience consolidation may cause. The DRSPs will endeavor to have all objections resolved on a similar timeline. It is intended that no sequencing of objections will be established.

New gTLD applicants and objectors also will be permitted to propose consolidation of objections, but it will be at the DRSP's discretion whether to agree to the proposal.

ICANN continues to strongly encourage all of the DRSPs to consolidate matters whenever practicable.

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New gTLD applicants and objectors also will be permitted to propose consolidation of objections, but it will be at the DRSP's discretion whether to agree to the proposal.

ICANN continues to strongly encourage all of the DRSPs to consolidate matters whenever practicable.

1.2.6 Appointment of the Panel

A panel will consist of appropriately qualified experts appointed to each proceeding by the designated DRSP. Experts must be independent of the Parties to a dispute resolution proceeding. Each DRSP will follow its adopted procedures for requiring such independence, including procedures for challenging and replacing an expert for lack of independence.

There will be one expert in proceedings involving a string confusion objection.

There will be one expert, or, if all Parties agree, three experts with relevant experience in intellectual property rights disputes in proceedings involving an existing legal rights objection.

There will be three experts recognized as eminent jurists of international reputation, with expertise in relevant fields as appropriate, in proceedings involving a Limited Public Interest objection.

There will be one expert in proceedings involving a community objection.

Neither the experts, the DRSP, ICANN, nor their respective employees, directors, or consultants will be liable to any party in any action for damages or injunctive relief for any act or omission in connection with any proceeding under the dispute resolution procedures.

The DRSP will appoint a panelist or panel for each objection that passes the Administrative Review. The Parties to a proceeding will be given the opportunity to mutually agree upon a single panelist or a three-person panel, bearing the costs accordingly. Absent agreement from all Parties to have a three-expert panel, the default will be a one-expert panel.

A panel will consist of appropriately qualified experts appointed to each proceeding by the designated DRSP. Experts must be independent of the Parties to a dispute resolution proceeding. Each DRSP will follow its adopted procedures for requiring such independence, including procedures for challenging and replacing an expert for lack of independence.

The Panel will consist of one or three experts:

- String Confusion Objections: Experience in legal rights disputes; at least one of the Panelists should have knowledge of the relevant script(s).
- Legal Rights Objections: Experience in intellectual property rights disputes.
- Limited Public Interest Objections: Recognized as eminent jurists of international reputation, with expertise in relevant fields as appropriate.

Commented [21]: Recommendation 31.10: For all types of formal objections, the parties to a proceeding must be given the opportunity to mutually agree upon a single panelist or a three-person panel, bearing the costs accordingly. Following the model of the Limited Public Interest Objection in the 2012 round, absent agreement from all parties to have a three-expert panel, the default will be a one-expert panel.

- Community Objections: At least one Panelist should have experience in the relevant academic field of study.

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Neither the experts, the DRSP, ICANN, nor their respective employees, directors, or consultants will be liable to any party in any action for damages or injunctive relief for any act or omission in connection with any proceeding under the dispute resolution procedures.

Upon notification of the appointment of the Panel by the DRSP, the Parties will be given the chance to express any conflicts of interest concerns on its member(s) within [x] days of the appointment of the Panel. Should the DRSP assess that there is indeed a conflict of interest, a new Panel will be appointed within 30 days.

1.2.7 Quick Look Review

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

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

1. The Objection is not filed on one of the accepted Objection grounds; and/or
2. The Party filing the objection does not have standing; and/or
3. Insufficient or no evidence is provided to support the Objection; and/or
4. 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
5. The Objection spreads, incites, promotes, or justifies hatred based on intolerance towards a certain group; and/or
6. Multiple Objections on the same ground are filed by the same or affiliated Parties against the same applicant in a manner that constitutes harassment of the applicant; and/or
7. The Objection criticizes the applicant solely on grounds beyond the evaluation criteria, rather than the applied-for string; and/or
8. Other facts that may clearly show that the Objection is manifestly unfounded and/or an abuse to the right to object.

The Quick Look Review is the Panel’s first task and is dispositive 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 x]** 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.

Commented [22]: New section.

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. [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.]

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.

[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.]

1.2.8 Payment of the Fees

1.1.7 Dispute Resolution Costs

Before acceptance of objections, each DRSP will publish a schedule of costs or statement of how costs will be calculated for the proceedings that it administers under this procedure. These costs cover the fees and expenses of the members of the panel and the DRSP's administrative costs.

ICANN expects that string confusion and legal rights objection proceedings will involve a fixed amount charged by the panelists while Limited Public Interest and community objection proceedings will involve hourly rates charged by the panelists.

Within ten (10) calendar days of constituting the panel, the DRSP will estimate the total costs and request advance payment in full of its costs from both the objector and the applicant. Each party must make its advance payment within ten (10) calendar days of receiving the DRSP's request for payment and submit to the DRSP evidence of such payment. The respective filing fees paid by the Parties will be credited against the amounts due for this advance payment of costs.

The DRSP may revise its estimate of the total costs and request additional advance payments from the Parties during the resolution proceedings.

Additional fees may be required in specific circumstances; for example, if the DRSP receives supplemental submissions or elects to hold a hearing.

If an objector fails to pay these costs in advance, the DRSP will dismiss its objection and no fees paid by the objector will be refunded.

If an applicant fails to pay these costs in advance, the DRSP will sustain the objection and no fees paid by the applicant will be refunded.

After the hearing has taken place and the panel renders its expert determination, the DRSP will refund the advance payment of costs to the prevailing party.

Commented [23]: Removed. To be determined with DRSPs/included in procedure.

Within ten (10) calendar days of completing the Quick Look Review, the DRSP will estimate the total costs and request advance payment in full of its costs from both the Objector and the Applicant. Each Party must make its advance payment within ten (10) calendar days of receiving the DRSP's request for payment and submit to the DRSP evidence of such payment. The respective filing fees paid by the Parties will be credited against the amounts due for this advance payment of costs.

The DRSP may revise its estimate of the total costs and request additional advance payments from the Parties during the resolution proceedings. Additional fees may be required in specific circumstances; for example, if the DRSP receives supplemental submissions or elects to hold a hearing.

If an Objector fails to pay these costs in advance, the DRSP will dismiss its Objection and no fees paid by the objector will be refunded. If an applicant fails to pay these costs in advance, the DRSP will sustain the objection and no fees paid by the applicant will be refunded. Should neither Party make the advance payment, the Objection will be dismissed.

1.2.9 Responding to an Objection

Upon notification that ICANN has published the list of all objections filed (refer to subsection 3.3.1), the DRSPs will notify the Parties that responses must be filed within 30 calendar days of receipt of that notice. DRSPs will not accept late responses. Any applicant that fails to respond to an objection within the 30-day response period will be in default, which will result in the objector prevailing.

- All responses must be filed in English.
- Each response must be filed separately. That is, an applicant responding to several objections must file a separate response and pay the accompanying filing fee to respond to each objection.
- Responses must be filed electronically.

Each response filed by an applicant must include:

- The name and contact information of the applicant.
- A point-by-point response to the claims made by the objector.
- Any copies of documents that it considers to be a basis for the response.

Responses are limited to 5000 words or 20 pages, whichever is less, excluding attachments.

Each applicant must provide copies of all submissions to the DRSP associated with the objection proceedings to the objector.

3.3.4 Response Filing Fees

At the time an applicant files its response, it is required to pay a filing fee in the amount set and published by the relevant DRSP, which will be the same as the filing fee paid by the objector. If the filing fee is not paid, the response will be disregarded, which will result in the objector prevailing.

After both Parties have made their payment, the DRSPs will notify the Applicant that they have [30] days to file a Response to the Objection after the receipt of the Quick Look Review results. DRSPs will not accept late responses. At the time an Applicant files their Response, they are required to pay a filing fee in the amount set and published by the relevant DRSP, which will be the same as the filing fee paid by the Objector. If the filing fee is not paid within 10 days of receiving the Response, the response will be disregarded, which will result in the objector prevailing.

If the Response is found to be in non-compliance with the Objections Procedure and applicable DRSP Rules, there will be 5 days for the Response to be corrected. If the Applicant fails to file a Response within the 30-day time limit, the Applicant will be in default, deeming the Objection successful. In this case, no fees will be refunded to the Applicant.

- All Responses must be filed in English.
- Each Response must be filed separately. That is, an Applicant responding to several Objections must file a separate response and pay the accompanying filing fee to respond to each Objection.
- Responses must be filed electronically.
- Responses are limited to 5000 words, excluding attachments.
- Each Applicant must provide copies of all submissions to the DRSP associated with the Objection proceedings to the Objector.

Each Response filed by an applicant must include:

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- The name and contact information of the applicant.
- A point-by-point response to the claims made by the objector.
- Any copies of documents that it considers to be a basis for the response.

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1.2.10 Adjudication

The panel may decide whether the Parties shall submit any written statements in addition to the filed objection and response, and may specify time limits for such submissions.

In order to achieve the goal of resolving disputes rapidly and at reasonable cost, procedures for the production of documents shall be limited. In exceptional cases, the panel may require a party to produce additional evidence.

Disputes will usually be resolved without an in-person hearing. The panel may decide to hold such a hearing only in extraordinary circumstances.

The Panel may decide whether the Parties shall submit any written statements in addition to the filed objection and response, and may specify time limits¹⁴ for such submissions. In order to achieve the goal of resolving disputes rapidly and at reasonable cost, procedures for the production of documents shall be limited. In exceptional cases, the panel may require a party to produce additional evidence. Disputes will usually be resolved without a hearing. The Panel may decide to hold such a hearing only in extraordinary circumstances.

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1.2.11 Mediation and Settlement

The Parties to a dispute resolution proceeding are encouraged—but not required—to participate in mediation aimed at settling the dispute. Each DRSP has experts who can be retained as mediators to facilitate this process, should the Parties elect to do so, and the DRSPs will communicate with the Parties concerning this option and any associated fees.

If a mediator is appointed, that person may not serve on the panel constituted to issue an expert determination in the related dispute.

There are no automatic extensions of time associated with the conduct of negotiations or mediation. The Parties may submit joint requests for extensions of time to the DRSP according to its procedures, and the DRSP or the panel, if appointed, will decide whether to grant the requests, although extensions will be discouraged. Absent exceptional circumstances, the Parties must limit their requests for extension to 30 calendar days.

The Parties are free to negotiate without mediation at any time, or to engage a mutually acceptable mediator of their own accord.

¹⁴ [The time limit should not exceed 30 days, unless the Panel, having consulted the DRSP, determines that exceptional circumstances justify a longer time limit.](#)

1.2.11.1 Mediation and Settlement Overview

The Parties to a dispute resolution proceeding are encouraged—but not required—to participate in mediation aimed at settling the dispute. Each DRSP has experts who can be retained as mediators to facilitate this process, should the Parties elect to do so, and the DRSPs will communicate with the Parties concerning this option and any associated fees.

If a mediator is appointed, that person may not serve on the Panel constituted to issue an Expert Determination in the related dispute. The Parties are free to negotiate without mediation at any time, or to engage a mutually acceptable mediator of their own accord.

It should be noticed that ICANN will at no stage be involved in the mediation, but will provide guidance if a settlement is reached.

1.2.11.2 Cooling Off Period

There are no automatic extensions of time associated with the conduct of negotiations or mediation but, after the Applicant has filed a Response to the Objection, the Parties may request a cooling off period by submitting a joint request to the DRSP according to its procedures. The DRSP or the panel, if appointed, will decide whether to grant the request.

Absent exceptional circumstances, the Parties must limit the cooling off period to 30 calendar days. However, it must be noted that if the Applicant files an Application Change Request in response to concerns raised in an Objection, the dispute resolution process might be put on hold for a longer time, if both Parties agree and as described in [\[Application Change Request Before the Expert Determination\]](#).

1.2.11.3 Settlement

At any stage of the process, the Objector and Applicant can reach a settlement. Should this be the case, they will have to notify the DRSP, which will terminate the dispute resolution Procedure. There are two possible outcomes for this:

1. The Objector withdraws their Objection. In this case, unless subject to any other processes, the application will proceed.
2. The Applicant withdraws their application.

Should the settlement require the Applicant to submit an application change request (ACR), both Parties should be aware that the change will not necessarily be approved. More information on ACRs in the Objections process can be found in the section below.

If the Parties agree on a settlement, the Parties shall inform the DRSP, which shall terminate the proceedings, subject to the Parties' payment obligation having been satisfied, and inform ICANN and the Parties accordingly.

Commented [24]: Affirmation with Modification 31.3 Implementation Guideline R from 2007 states: "Once formal objections or disputes are accepted for review there will be a cooling off period to allow parties to resolve the dispute or objection before review by the panel is initiated." The Working Group modifies this Implementation Guideline to read: "Once a response to the formal objection has been filed by the applicant(s), there may be a cooling off period for negotiation or compromise by agreement of both parties if the parties formally notify the dispute resolution provider that they would like to initiate a cooling off period."

1.2.11.4 Application Change Requests in the Objections Process

Applicants have the opportunity to request amendments to their applications including, but not limited to, the addition or modification of Registry Voluntary Commitments (RVCs) or community registration policy, in response to concerns raised in an Objection, via an Application Change Requests (ACR).¹⁵ Absent extraordinary circumstances, ICANN will not be involved in Objection processes, and will process ACRs without prejudice or consideration of ongoing Objection Procedures.

1.2.11.4.1 Application Change Requests Before the Expert Determination

Should an Applicant submit an ACR in response to concerns raised in an Objection after the Applicant has filed a Response to the Objection, they will have the opportunity to request to the DRSP that the Objection process be put on hold, if the Objector agrees to this, as described in [cooling off period section]. If the DRSP considers the joint letter legitimate, the dispute resolution process will be frozen until the time the ACR process and the corresponding re-evaluation (if necessary/applicable) conclude; should the Applicant not submit the ACR within [30] days of requesting a cooling off period, the DRSP will resume the dispute resolution process. If the DRSP does not approve the request, the Applicant will still be able to submit an ACR, but the dispute resolution process will not be put on hold.

The DRSP will have to consider the results of the ACR as part of their evaluation. It must be noted that, in this case, the Panel might still determine that an application can proceed even if the ACR was not accepted. The Objector and the Applicant may reach a settlement, as described in [Settlement].

1.2.11.4.2 Registry Voluntary Commitments as a Remedy

The Panel, in extraordinary circumstances¹⁶ and as part of their Expert Determination, might order that an application cannot proceed unless agreement is reached on a new or amended RVC that is approved by ICANN. In such cases, the Applicant and the Objector can decide to work together to modify an already existing RVC or create a new one. It should be noted that the Panel will not be involved in the drafting or modification of the RVC.

If the Parties cannot agree on a modified or new RVC, the application will not proceed. If the Parties find an agreement, the Applicant will submit an ACR to ICANN requesting the amendment or addition; the ACR will include a joint letter signed by both the Applicant and the Objector stating that they wish to proceed with said ACR.

ICANN will then perform the ACR review, verifying the Applicant's credentials and reviewing the ACR materials against the ACR criteria as described in the [application change requests

Commented [25]: Recommendation 31.16: Applicants must have the opportunity to amend an application or add Registry Voluntary Commitments (RVCs) in response to concerns raised in a formal objection. All these amendments and RVCs submitted after the application submission date shall be considered Application Changes and be subject to the recommendations set forth under Topic 20: Application Change Requests including, but not limited to, an operational comment period in accordance with ICANN's standard procedures and timeframes.

¹⁵ For more information on application change requests, refer to [section change requests].

¹⁶ DRSPs should be aware that this option should be limited to extraordinary circumstances since by the time the Expert Determination is issued the parties will have already had the opportunity to attempt to agree on an RVC but failed or opted not to do so.

section]. If ICANN does not accept the ACR, the application shall not proceed. If ICANN accepts the ACR, ICANN will perform the RVC review¹⁷:

- If ICANN does not approve the new RVC or the amendments to an existing RVC, the application shall not proceed.
- If ICANN determines that changes are needed for the new or amended RVC to be approved, it will communicate this to the Applicant, who will have a maximum of [x] days to inform ICANN as to whether the Applicant and Objector agree to such changes, absent extraordinary circumstances. If they agree to the changes, they will inform ICANN of their agreement via a joint letter within the specified timeframe; in such a case, ICANN will publish the new or amended RVC on the [Next Round website]. It should be noted that ICANN and the Applicant will have the opportunity to hold several exchanges when trying to agree on a solution.
- If ICANN approves the new RVC or the amendments to an existing RVC, it will publish the new or amended RVC on the [Next Round website].

If the RVC is approved, and after publishing the new or amended RVC to the [Next Round website], ICANN will open a 30-day comment period, following the process described in the [Application Change Request section]. Unless major concerns are identified in the comment period, the ACR will be approved.

1.2.12 Expert Determination

The DRSPs' final expert determinations will be in writing and will include:

- A summary of the dispute and findings;
- An identification of the prevailing party; and
- The reasoning upon which the expert determination is based.

Unless the panel decides otherwise, each DRSP will publish all decisions rendered by its panels in full on its website.

The findings of the panel will be considered an expert determination and advice that ICANN will accept within the dispute resolution process.

The DRSPs' final Expert Determinations will be in writing and will include:

- A summary of the dispute and findings;
- An identification of the prevailing Party; and
- The reasoning upon which the Expert Determination is based.

Unless the Panel decides otherwise, each DRSP will publish all decisions rendered by its panels in full on its website.

The findings of the Panel will be considered an expert determination and advice that ICANN will accept within the dispute resolution process.

¹⁷ The RVC review will be performed even if the requested change is an amendment to an RVC submitted as part of the application, and additional fees may be charged.

The outcomes of the String Confusion Objection can be as follows:

- If the Objector prevails:
 - Where the Objector is another Applicant, then both the Applicant's and Objector's applied-for strings and their variants (if applicable) must be placed in the contention set.
 - Where the Objector is an existing gTLD operator or existing ccTLD operator/a Significantly Interested Party in the respective country or territory, the application (including primary and allocatable variant gTLD strings) is ineligible to proceed to the next stage of the application process; or
- If the Objector does not prevail, that entire application may proceed to the next stage of the application process, unless other processes prevent it from proceeding.

The possible outcomes for Limited Public Interest, Legal Rights, and Community Objections are as follows:

- If an Objection against an applied-for primary gTLD string prevails, then that entire application is ineligible to proceed to the next stage of the application process; or
- If an Objection against only one or more applied-for allocatable variant gTLD string(s) prevails, then that application for the applied-for primary gTLD string and other unaffected applied-for allocatable variant gTLD string(s) may proceed to the next stage of the application process without the applied-for allocatable variant gTLD string(s) which are rendered ineligible by the Objection; or
- If the Objection does not prevail, then that entire application may proceed to the next stage of the application process, unless other processes prevent it from proceeding; or
- The application cannot proceed unless agreement is reached on a new or modified RVC that is approved by ICANN. Refer to [1.2.10.4.2 Registry Voluntary Commitments as a Remedy] for more information.

After the hearing has taken place and the Panel renders its Expert Determination, the DRSP will refund the advance payment of costs to the prevailing Party. If the Expert Determination indicates that the application cannot proceed unless agreement is reached on a new or modified RVC that is approved by ICANN, the Objector will be considered as the prevailing Party.

1.2.13 Appeals

The non-successful Party in an Objection will have the opportunity to appeal an Expert Determination and such appeal would be considered under a clearly erroneous standard of review. The process for appealing to an Expert Determination is described in the [Objections Appeal Procedure].

1.3 Dispute Resolution Principles

Each Panel will use appropriate general principles to evaluate the merits of each Objection. The principles for adjudication on each type of Objection are specified in the paragraphs that follow. The Panel may also refer to other relevant rules of international law in connection with the principles. The Objector bears the burden of proof in each case. The principles outlined below

Commented [26]: IDN EPDP Rec 5.3

"The outcomes of the String Confusion Objection are consistent with the 2012 Applicant Guidebook. Specifically:

5.3.1 If the objection prevails and where the objector is an existing TLD registry operator, then that entire application is ineligible to proceed to the next stage of the

application process; or

5.3.2 If the objection prevails and where the objector is another applicant, then the entire variant label sets in both that application and the objector's application must be placed in a contention set.

5.3.3 If the objection does not prevail, then that entire application may proceed to the next stage of the application process."

Commented [27]: IDN EPDP Rec 5.5

"With respect to the Limited Public Interest Objection, Legal Rights Objection, and Community Objection, the possible outcomes are as follows:

5.5.1 If an objection against an applied-for primary gTLD string prevails, then that entire application is ineligible to proceed to the next stage of the application process.

5.5.2 If an objection against only one or more applied-for allocatable variant label(s) prevails, then that application for the applied-for primary gTLD string and other unaffected applied-for allocatable variant label(s) may proceed to the next stage of the application process without the applied-for allocatable variant label(s) which are rendered ineligible by the objection.

5.5.3 If the objection does not prevail, then that entire application may proceed to the next stage of the application process."

Commented [28]: This was under 'DRSP costs'.

are subject to evolution based on ongoing consultation with DRSPs, legal experts, and the public.

1.3.1 Principles: String Confusion

The string confusion Objection process complements the [String Similarity Evaluation] but, whereas in the String Similarity Evaluation, the Similarity is limited to visual similarity, string confusion Objections may be filed based on any type of similarity - visual, aural, or in meaning.

A DRSP Panel hearing a String Confusion Objection will consider whether the relevant string(s) are likely to result in string confusion. String confusion exists where a string so nearly resembles another that it is likely to deceive or cause confusion. For a likelihood of confusion to exist, it must be probable, not merely possible that confusion will arise in the mind of the average, reasonable Internet user. Mere association, in the sense that the string brings another string to mind, is insufficient to find a likelihood of confusion.

1.3.2 Principles: Legal Rights

A DRSP Panel of experts presiding over a Legal Rights Objection will determine whether the potential use of the relevant string(s) by the Applicant:

1. Takes unfair advantage of the distinctive character or the reputation of the Objector's registered or unregistered trademark or service mark ("mark") or IGO name or acronym (as identified in the treaty establishing the organization), or
2. Unjustifiably impairs the distinctive character or the reputation of the Objector's mark or IGO name or acronym, or
3. Otherwise creates an impermissible likelihood of confusion between the relevant string(s) and the Objector's mark or IGO name or acronym.

In the case where the Objection is based on trademark rights, the Panel will consider the following non-exclusive factors:

1. Whether the relevant string(s) are identical or similar, including in appearance, phonetic sound, or meaning, to the Objector's existing mark.
2. Whether the Objector's acquisition and use of rights in the mark has been bona fide.
3. Whether and to what extent there is recognition in the relevant sector of the public of the sign corresponding to the string(s), as the mark of the Objector, of the Applicant or of a third Party.
4. Applicant's intent in applying for the relevant string(s), including whether the Applicant, at the time of application for the gTLD(s), had knowledge of the Objector's mark, or could not have reasonably been unaware of that mark, and including whether the Applicant has engaged in a pattern of conduct whereby it applied for or operates TLDs or registrations in TLDs which are identical or confusingly similar to the marks of others.
5. Whether and to what extent the Applicant has used, or has made demonstrable preparations to use, the sign corresponding to the gTLD(s) in connection with a bona fide offering of goods or services or a bona fide provision of information in a way that does not interfere with the legitimate exercise by the Objector of its mark rights.

6. Whether the Applicant has marks or other intellectual property rights in the sign corresponding to the gTLD(s), and, if so, whether any acquisition of such a right in the sign, and use of the sign, has been bona fide, and whether the purported or likely use of the gTLD by the Applicant is consistent with such acquisition or use.
7. Whether and to what extent the Applicant has been commonly known by the sign corresponding to the gTLD(s), and if so, whether any purported or likely use of the gTLD(s) by the Applicant is consistent therewith and bona fide.
8. Whether the Applicant's intended use of the gTLD(s) would create a likelihood of confusion with the Objector's mark as to the source, sponsorship, affiliation, or endorsement of the gTLD(s).
9. Whether the Applicant's intended use of a common dictionary term that is also a trademark is intended to take advantage of such common meaning or targets a trademark.

In the case where a Legal Rights Objection has been filed by an IGO, the Panel will consider the following non-exclusive factors:

1. Whether the relevant gTLD(s) are identical or similar, including in appearance, phonetic sound or meaning, to the name or acronym of the objecting IGO.
2. Historical coexistence of the IGO and the Applicant's use of a similar name or acronym. Factors considered may include:
 - a. Level of global recognition of both entities;
 - b. Length of time the entities have been in existence;
 - c. Public historical evidence of their existence, which may include whether the objecting IGO has communicated its name or abbreviation under Article 6ter of the Paris Convention for the Protection of Industrial Property.
3. Whether and to what extent the Applicant has used, or has made demonstrable preparations to use, the sign corresponding to the TLD(s) in connection with a bona fide offering of goods or services or a bona fide provision of information in a way that does not interfere with the legitimate exercise of the objecting IGO's name or acronym.
4. Whether and to what extent the Applicant has been commonly known by the sign corresponding to the relevant gTLD(s), and if so, whether any purported or likely use of the gTLD(s) by the Applicant is consistent therewith and bona fide.
5. Whether the Applicant's intended use of the relevant gTLD(s) would create a likelihood of confusion with the objecting IGO's name or acronym as to the source, sponsorship, affiliation, or endorsement of the TLD(s).

Commented [29]: added

1.3.3 Principles: Limited Public Interest

An expert Panel hearing a Limited Public Interest Objection will consider whether the relevant gTLD string(s) are contrary to general principles of international law for morality and public order.

Examples of instruments containing such general principles include:

- The Universal Declaration of Human Rights (UDHR)
- The International Covenant on Civil and Political Rights (ICCPR)

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- [The Convention on the Elimination of All Forms of Discrimination Against Women \(CEDAW\)](#)
 - [The International Convention on the Elimination of All Forms of Racial Discrimination](#)
 - [Declaration on the Elimination of Violence against Women](#)
 - [The International Covenant on Economic, Social, and Cultural Rights](#)
 - [The Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment](#)
 - [The International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families](#)
 - [Slavery Convention](#)
 - [Convention on the Prevention and Punishment of the Crime of Genocide](#)
 - [Convention on the Rights of the Child](#)

Note that these are included to serve as examples, rather than an exhaustive list. It should be noted that these instruments vary in their ratification status. Additionally, states may limit the scope of certain provisions through reservations and declarations indicating how they will interpret and apply certain provisions. National laws not based on principles of international law are not a valid ground for a Limited Public Interest Objection.

Under these principles, everyone has the right to freedom of expression, but the exercise of this right carries with it special duties and responsibilities. Accordingly, certain limited restrictions may apply.¹⁸

The grounds upon which gTLD string may be considered contrary to generally accepted legal norms relating to morality and public order that are recognized under principles of international law are:

- [Incitement to or promotion of violent lawless action.](#)
- [Incitement to or promotion of discrimination based upon race, color, gender, ethnicity, religion or national origin, or other similar types of discrimination that violate generally accepted legal norms recognized under principles of international law.](#)
- [Incitement to or promotion of child pornography or other sexual abuse of children.](#)
- [A determination that a gTLD string would be contrary to specific principles of international law as reflected in relevant international instruments of law.](#)

The Panel will conduct its analysis on the basis of the gTLD string itself. The Panel may, if needed, use as additional context the intended purpose of the TLD as stated in the application.

1.3.4 Principles: Community

The four tests described here will enable a DRSP Panel to determine whether there is substantial opposition from a significant portion of the community to which the string may be targeted. For an Objection to be successful, the Objector must prove that:

- [The community invoked by the Objector is a clearly delineated community; and](#)
- [Community opposition to the application is substantial; and](#)

¹⁸ [For more information on Applicants' freedom of expression, see \[...\].](#)

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- There is a strong association between the community invoked and the relevant gTLD string(s); and
 - The application creates a likelihood of material detriment to the rights or legitimate interests of a significant portion of the community to which the string may be explicitly or implicitly targeted. Each of these tests is described in further detail below.

The Objector must meet all four tests in the standard for the Objection to prevail.

1.3.4.1 Community

The Objector must prove that the community expressing opposition can be regarded as a clearly delineated community. A Panel could balance a number of factors to determine this, including but not limited to:

- The level of public recognition of the group as a community at a local and/or global level;
- The level of formal boundaries around the community and what persons or entities are considered to form the community;
- The length of time the community has been in existence;
- The global distribution of the community (this may not apply if the community is territorial); and
- The number of people or entities that make up the community.

If opposition by a number of people/entities is found, but the group represented by the Objector is not determined to be a clearly delineated community, the Objection will fail.

1.3.4.2 Substantial Opposition

The Objector must prove substantial opposition within the community it has identified itself as representing. A Panel could balance a number of factors to determine whether there is substantial opposition, including but not limited to:

- Number of expressions of opposition relative to the composition of the community;
- The Representative nature of entities expressing opposition;
- Level of recognized stature or weight among sources of opposition;
- Distribution or diversity among sources of expressions of opposition, including:
 - Regional
 - Subsectors of community
 - Leadership of community
 - Membership of community
- Historical defense of the community in other contexts; and
- Costs incurred by Objector in expressing opposition, including other channels the Objector may have used to convey opposition.

If some opposition within the community is determined, but it does not meet the standard of substantial opposition, the Objection will fail.

1.3.4.3 Targeting

The Objector must prove a strong association between the relevant gTLD string(s) and the community represented by the Objector. Factors that could be balanced by a Panel to determine this include but are not limited to:

- Statements contained in application;
- Other public statements by the Applicant;
- Associations by the public.

If opposition by a community is determined, but there is no strong association between the community and the relevant gTLD string(s), the Objection will fail.

1.3.4.4 Detriment

The Objector must prove that the application creates a likelihood of material detriment to the rights or legitimate interests of a significant portion of the community to which the string may be explicitly or implicitly targeted. An allegation of detriment that consists only of the Applicant being delegated the string instead of the Objector will not be sufficient for a finding of material detriment.

Factors that could be used by a Panel in making this determination include but are not limited to:

- Nature and extent of damage to the reputation of the community represented by the Objector that would result from the Applicant's operation of the relevant gTLD string(s);
- Evidence that the Applicant is not acting or does not intend to act in accordance with the interests of the community or of users more widely, including evidence that the Applicant has not proposed or does not intend to institute effective security protection for user interests;
- Interference with the core activities of the community that would result from the Applicant's operation of the relevant gTLD string(s);
- Dependence of the community represented by the Objector on the DNS for its core activities;
- Nature and extent of concrete or economic damage to the community represented by the Objector that would result from the Applicant's operation of the relevant gTLD string(s); and
- Level of certainty that alleged detrimental outcomes would occur.

If opposition by a community is determined, but there is no likelihood of material detriment to the targeted community resulting from the Applicant's operation of the relevant gTLD(s), the Objection will fail.

5.2.8 A blocked variant label of an applied-for primary gTLD string is confusingly similar to an allocatable variant label of an existing gTLD/ccTLD or another applied-for primary gTLD string

The only combination of strings that cannot form the basis of a String Confusion Objection is that of a blocked variant label of an applied-for primary gTLD string being claimed as confusingly similar to the blocked variant label of an existing gTLD/ccTLD or another appliedfor primary gTLD string. In its objection, the objector must specify the confusing similarity between the combination of strings within the limits of String Similarity Review in accordance with Final Recommendations 4.1-4.2.