

**CONSOLIDATED TABLE OF PROPOSED REFINEMENTS TO CHARTER QUESTIONS FOR UNIFORM RAPID SUSPENSION
AND SUGGESTIONS FOR DATA COLLECTION**

Prepared by ICANN Staff
28 NOVEMBER 2017

Charter Question	Suggestions for refinement	Where did the original question come from?	Data Available/Collection Needed?
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<https://community.icann.org/display/RARPMRIAGPWG/WG+Charter>

Who Complies; Defenses; Standard of Proof (Sections 2, 5, 6, and 8)

<p>Is the ability for filing a reply extended (e.g. up to 10 months) after the notice, or after a default judgment is entered (in which case a complaint could be refiled)?</p> <p>https://www.icann.org/en/newgtlds/applicants/20130628</p>	<p><i>From 15 November 2017 Working Group Meeting:</i></p> <p>-- There is a determination against the registrant: Is [the time limit] 1 year after filing the URS? Let's say after 10 months; what is the effect of filing this reply? What is the practical effect of this?</p> <p>-- Perhaps it should be broken up into different questions?</p> <p>-- Are we also at this stage providing additional questions under this category? Yes, we can provide additional questions for evaluation of the Working Group.</p> <p>-- One of the things that we</p>	<p>Noted in a comment on the Draft RPM Staff Paper (Feb 2015)¹; listed as a question in the Preliminary Issue Report for this PDP (Oct 2015)² for which several comments were received in response.</p> <p><u>30 November 2017:</u></p> <p><u>Action Item: Staff to look up where the 1 year period for Question 1 originated;</u></p> <p><u>-- This question seems quite convoluted. Opening up for comment.</u></p> <p><u>-- What was prompting this question? Does someone think</u></p>	<p><u>30 November 2017:</u></p> <p><u>-- Has the process ever been used? This is one of our data questions? Is the appeal mechanism serving its function?</u></p> <p><u>-- Not clear if any change is captured in the question?</u></p> <p><u>-- Do respondents even know that they have defaulted? Do we have data on that?</u></p>
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<https://www.icann.org/en/reviews/rpm/draft-rpm-review-02feb15-en.pdf>
<https://www.icann.org/en/issues/new-gtlds/rpm-prelim-issue-09oct15-en.pdf>

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; Section 6.4	<p>worked on with other charter questions we tried to keep the original question but suggesting an alternative question that was more neutral. The second question on the slide is not neutral. Flag the exercise of neutrality that is required.</p> <p>-- Might be helpful to know which part of the URS is referenced, for context.</p> <p>-- Potential scope issue: Could be a mechanism to address abusively registered names that aren't identical or similar to trademarks.</p> <p>"Should the first element be modified to include names that are abusively registered but that may not be confusingly similar or identical."</p>	<p><u>this was a benefit? Why is this there? Neutrally worded might be is the late response process of URS having the intended effect, is there any harm being done?</u></p> <p><u>-- What happens if they default because they didn't know?</u></p> <p><u>-- Initial inquiry is has this been used? Initial inquiry is how many have taken advantage of this? The great majority of TLDs have been registered for a single year.</u></p> <p><u>--What would happen if a TLD had happened in that initial year and should there be a limit is a domain drops into the pool?</u></p> <p><u>-- More broadly Are there baseline questions – such as are there unintended consequences? For example: ability to file a reply.</u></p>	
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	<p>So, more neutral question 1 (slide 1 of 5) is "Should the timing mechanism be changed?" Try to get to the heart of what the question is asking.</p> <p>-- In the context of the URS and the standard of proof not sure we should leave it to a developing body of jurisprudence or add a clarification as to whether or not allegations are entitled to any weight. Even if the standard of proof is clear and convincing is there any weight to an allegation that goes uncontested. The way it is treated now is inconsistent at best.</p>	<p><u>– Has it been used, if not why?</u></p> <p><u>-- Initial inquiry would seem to be how many, if any, default respondents have ever filed a reply and, if so, what the average time after default determination was.</u></p> <p><u>From the chat:</u></p> <p><u>Heather Forrest: Response fee - original purpose? being met? reason for change?</u></p> <p><u>George Kirikos: @Mary: I was asking more about after the default determination,, i.e. after the domain gets suspended, it could have a page saying why it was suspended, and the procedure the registrant can use (filing a URS response), etc. (in multiple languages)</u></p>	

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<p>Is the Response applicable to registrants listing more disputed domain names by the same registrant initiated?</p> <p>https://community.icann.org/display/RARPMRIAGPWG/WG+Charter+newgtlds.icann.org/en/applicants/issues-28jun13-13-2013; Section 2.2.</p>	<p><i>From ICANN60:</i> -- Are we eliminating the response fee in all cases? Or adjusting this 15 to a higher or lower number? So, we will leave that to the sub-team when they get to it.</p>	<p>Suggested in public comments on the Draft RPM Staff Paper (Feb 2015)³; listed as a question in the Preliminary Issue Report for this PDP (Oct 2015)⁴ for which several comments were received in response.</p> <p><u>30 November 2017</u></p> <p><u>Action Item: Staff to look up the origin of the response fee for 15 (and more) domains, and why 15 was chosen as a number.</u></p>	
<p>URS' 'clear and convincing' standard of appropriate?</p>	<p><i>From ICANN60:</i> -- Whether the type of clear and convincing evidence that you are allowed to submit (within whatever size</p>	<p>Noted in a comment to the Draft RPM Staff Paper (Feb 2015)⁵; listed as a question in the Preliminary Issue Report for this</p>	

[newgtlds.icann.org/en/reviews/rpm/draft-rpm-review-02feb15-en.pdf](https://community.icann.org/display/RARPMRIAGPWG/WG+Charter+newgtlds.icann.org/en/reviews/rpm/draft-rpm-review-02feb15-en.pdf)
[newgtlds.icann.org/en/issues/new-gtlds/rpm-prelim-issue-09oct15-en.pdf](https://community.icann.org/display/RARPMRIAGPWG/WG+Charter+newgtlds.icann.org/en/issues/new-gtlds/rpm-prelim-issue-09oct15-en.pdf)
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s://community.icann.org/display/RARPMRIAGPWG/WG+Charter	<p>limitation) in support of the URS should be limited as implemented to a printout of the website, or is this far too limiting, and really should be content neutral to cover the evolving threat landscape like spear phishing attacks, etc.?</p> <p>-- The rationale for the clear and convincing standard of proof in a URS case rather than the preponderance of the evidence, burden of proof a UDRP, is that the URS should be a supplement to the UDRP for a clearly black and white case if not shaded gray cases. In which basically when you look at the registration it is just about evident on the face that it is infringing.</p> <p><i>From 15 November 2017</i></p>	<p>PDP (Oct 2015)⁶ for which several comments were received in response.</p>	

<https://www.icann.org/en/issues/new-gtlds/rpm-prelim-issue-09oct15-en.pdf>

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https://community.icann.org/display/RARPMRIAGPWG/WG+Charter	<p><i>Working Group Meeting:</i> -- The standard is there because URS is there for black and white cases. More interested to know if the accredited providers are following the standard. If they are then it wouldn't seem to be a barrier. Focus more on identifying problems or failures to adhere.</p>		
<p>expanded uses of the URS used and if so, when, and by ?</p>		<p>Question suggested in a comment to the Preliminary Issue Report for this PDP.⁷</p> <p><u>30 November 2017:</u></p> <p><u>-- It is always good to have some type of question to get a reply to get a response for those who wanted to use the system but didn't, and why they didn't.</u></p>	

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		<u>(Need to reach out to those who have not used it.</u>	
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	<p>New Question <u>(15 November 2017):</u> <u>There is a provision in the URS for abusive complaints that are filed and if there are over 3 filed there might be restrictions on the trademark owner to file further complaints. Should there be something similar for registrants who might be abusively registering domains. One compromise proposal was shifting the burden of proof to the respondent to meet the burden of proof.</u></p>		
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Deleted: New Question .

Appeals; Costs (Sections 1, 2, 5, 10, and 12)

Id the URS for additional dies such as a	<i>From ICANN60:</i> -- This sort of remedy of perpetual block to basically	Suggested in comments on the Draft RPM Staff Paper (Feb	
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<p>actual block or remedy, e.g. refusal or a “right to refuse” to register the domain in question?</p> <p>https://newgtlds.icann.org/en/applicant/rules-13-en.pdf, section 10.</p>	<p>block a domain like [unintelligible] normal process the name will be blocked only for the period of time that the domain name holder has registered.</p> <p>-- [With] Perpetual block but I understand is that if you win the URS that name will be blocked forever or for a longer period of time that goes beyond the time that the domain name holder has registered for. This goes beyond the scope of the URS.</p> <p>-- Note that under the current URS that the complainant has the right to extend the suspension for one additional year beyond what the domain was registered.</p>	<p>2015)⁸; listed as a question in the Preliminary Issue Report for this PDP (Oct 2015)⁹ for which several comments were received in response.</p> <p>30 November 2017:</p> <p>-- Predicate is whether there is anecdotal data.</p>	
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	<p>-- So in the event that the trademark registration that the (unintelligible) was abandoned the trademark owner would lose their rights possibly. But the lock would remain perpetually despite the fact that the complainant would no longer have rights.</p> <p>-- The problem goes both ways. I think it is provided that the trademark may not be no longer there if it is at perpetual block. And the fact that I am blocking a domain name that was supposed to be already open to the public is also problematic.</p> <p>-- If domain name holder only has it for two years and [unintelligible] perpetual block I am taking out of these probably legitimate users or</p>		
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	<p>legitimate holders. So if you want to take it back for you just UDRP.</p> <p>-- The idea of this is that I am blocking someone that is specifically using it in a harm's way to my trademark. So I think it goes overreach in both sense.</p> <p>-- If there was any sort of talk of having a perpetual block there would also be a mechanism that would need to be put in place.</p> <p>-- So if someone did have legitimate rights they could then put that forth and obtain the domain for legitimate rights. Similar to how I think [unintelligible] defensive blocking mechanism.</p> <p>-- If you own a blocked domain you have paid for it but</p>		

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	<p>someone comes along. It is a third party and they have legitimate rights. They can establish those legitimate rights and obtain the domain for legitimate purposes.</p> <p>-- We can look at the private mechanisms for some precedence for adjustments we might think about when we get into the substance of URS after the sub-team develops the refined questions.</p> <p><i>From 15 November 2017 Working Group Meeting:</i> -- Suggest changing it so it reads, "should the URS allow for additional remedies" and change "perpetual block" to "indefinite suspension". There is repetition in the way it is phrased, repeats "remedies" twice.</p>		

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	<p>From the Chat: -- "Should the URS allow for additional remedies, such as a perpetual suspension, block, or a "right of first refusal" to register the domain name in question?"</p>		
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<p>current length of suspension (to the end of the registration period) consistent?</p> <p>https://newgtlds.icann.org/en/applicant/rules-13-en.pdf, section 10.2.</p>	<p><i>From ICANN60:</i> -- Since a domain can be registered for up to 10 years, can a registration that is subject to URS complaint before the determination, or even without filing a response, extend the domain registration up to 10 years? It is unclear if the losing respondent had renewed prior to the URS decision. That for a period of 10 years whether then the domain would be suspended for 10 years?</p>	<p>Listed as a question in the Preliminary Issue Report for this PDP (Oct 2015)¹⁰ for which several comments were received in response.</p>	
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	<p><i>From 15 November 2017 Working Group Meeting:</i> From the Chat: -- For the second bullet, how do we judge the "sufficiency" of the suspension?</p> <p>-- What evidence is there that the current term is too long or not long enough? If there are no problems, then the answer is "yes, it's sufficient."</p>		
<p>can the appeals process of RS be expedited and resolved?</p> <p>http://newgtlds.icann.org/en/applicant/rules-13-en.pdf,</p>	<p><i>From ICANN60:</i> -- Out of 780 cases filed of which I think just over 700 were decided against the registrant. There has been some use but very limited use of the appeals mechanism. -- 14 cases in which an appeal was found which is somewhat</p>	<p>Suggested in a comment to the Preliminary Issue Report for this PDP;¹¹ the commentator had also asked if the process had been utilized in a previous comment to the Draft RPM Staff Paper.¹²</p>	

<http://gnso.icann.org/en/issues/new-gtlds/rpm-prelim-issue-09oct15-en.pdf>
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https://community.icann.org/display/RARPMRIAGPWG/WG+Charter	<p>more substantial use of the appeals process and for a RPM that has a fairly high burden of proof.</p> <p><i>From 15 November 2017 Working Group Meeting:</i> -- New question/issue: One of the assumptions of the URS and UDRP is that either side can go to court and that the URS and UDRP don't create new laws. There is an underlying assumption that both sides can go to court. In UK and Australia there have been isolated cases that the respondent has no right to appeal. But per the URS/UDRP the respondent has not need for new rights (to appeal). The question is, "what to do if the court determines that there is no right to appeal the URS/UDRP decision?" Investigate if this is a problem</p>		

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	<p>and then how to handle it.</p> <p>-- Note: We aren't talking about UDRP at this phase. For URS make federal courts in US as the jurisdiction.</p> <p>-- ICANN has no power to create those rights in other jurisdiction. You can get the right if you use a US-based registrar. I would be wary of making US-based courts available for all registrants.</p> <p>From the Chat: -- You can seek a declaration of non- infringement in the UK. this third bullet asks "how" the appeals process can be "expanded" without asking whether it should be, and if so, why (and what does "expanded" mean anyhow?)</p>		

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	<p>-- Maybe just "improved"</p> <p>-- A simple village court hearing halts URS ...</p> <p>-- One related issue to add is whether an unsuccessful registrant should be able to renew the domain name (unlimited renewal or just during an appeal).</p>		
<p>cost allocation model for URS appropriate and enforceable?</p> <p>https://newgtlds.icann.org/en/applicant/rules-13-en.pdf, Sections 1.1.2, 2.2,</p>	<p><i>From 15 November 2017 Working Group Meeting:</i> From the Chat: -- On the cost allocation question, is this meant to cover a possible (ICANN, contracted party, etc.?) subsidy, e.g., as in the eBay VeRO program?</p>	<p>The fact that respondents generally do not pay a response fee was noted in comments to the Draft RPM Staff Paper (Feb 2015)¹³; listed as a question in the Preliminary Issue Report for this PDP (Oct 2015)¹⁴ for which several comments were received in response.</p>	

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Section 12.2.			
Should there be a no-appeal model? If so, how can that be implemented if the respondent does not respond?		Suggested by several comments to the Draft RPM Staff Paper (Feb 2015) ¹⁵ ; listed as a question in the Preliminary Issue Report for this PDP (Oct 2015) ¹⁶ for which several comments were received in response.	
	<p>New Question (from ICANN60): <u>Whether any superfluous overlap is created between:</u> -- A respondent's right to <i>de novo</i> appeal within fourteen days from a determination (Section 12.1); versus -- A respondent's right to <i>de novo</i> review within six months from a notice of default (Section 6.4); versus -- A respondent's right to</p>		

Deleted: New Question (from ICA

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https://community.icann.org/display/RARPMRIAGPWG/WG+Charter	<p><u>request a seven-day extension to respond during the response period, after default, or not more than thirty days from a determination. (Section 5.3)</u> See <u>http://newgtlds.icann.org/en/applicants/urs/rules-28jun13-en.pdf</u></p> <p><i>From ICANN60:</i> -- The entire section in the Rules (Rule 6) relating to Default is impractical. Consider 6.1: ... [if] Registrant does not submit an answer, the Complaint proceeds to Default." Default is not a thing. There is a Determination, but all Complaints go to an Examiner. (See 6.3) Rule 6.2: "Registrant will be prohibited from changing content..." - is not</p>		

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	<p>enforceable. First, it's not directed to anyone, and second, only the webhost can prohibit content changes...not a registry or registrar.</p> <p>Rule 6.4: Not sure what the compromise was here. If you're a registrant and your super important domain name was taken away and its either a) worth a lot or b) your business site, I hope you'd notice in less than six months.</p> <p>Rule 6.5 involves a giant headache for registries and registrants who have to somehow retain the nameserver information for these sites for at least six months after a Default. Surely the technically-minded registry operators on the WG can suggest a more efficient way to do this?</p> <p>Rules 6.4 and 6.5 contradict: 6.4 --Registrant has a right</p>		

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	<p>to seek relief from Default via de novo review</p> <p>6.5 --filing a Response after Default is not an appeal</p> <p>If we can clean up the intent and practice relating to Defaults (your #2), then at least # 1 in your list makes sense because it applies to both parties.</p> <p>Regarding #3, the first extension mirrors UDRP and the other two come after notices are sent out (so as options to hold on for a second if the registrant somehow didn't get the first notices). I don't think there is so much overlap as just administrative inconvenience and uncertainty for complainants.</p>		
Repeat Offenders"; Language (Sections 4 and 11)			
: sanctions d be allowed	<p><i>From ICANN60:</i></p> <p>-- On the URS why can't we</p>	Question suggested in a comment to the Preliminary Issue	

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<p>abuse of the rights of the trademark owner?</p> <p>https://newgtlds.icann.org/en/applicant/rules-13-en.pdf, question 11.4 and</p>	<p>simplify the process for them as like sanctions?</p> <p>-- I think that is going to need to be massaged by the sub-team because they are already built into the URS sanctions for abusive complainants.</p> <p>-- So the question needs to be rephrased to something like are the available sanctions appropriate? Should they be narrowed or expanded or whatever. But the question as stated kind of implies that there are no sanctions available for abuse of the process when they are already are.</p> <p><i>From 15 November 2017 Working Group Meeting:</i> -- On the first question there</p>	<p>Report for this PDP.¹⁷</p>	

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	<p>are precursors -- Is there any evidence of misuse of the URS by trademark owners. There are sanctions in URS for abusing. So the question should be "what additional sanctions"? There are assumed precursors.</p>		
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<p>Is there a need to propose expressions to deal with repeat offenders' as well as a definition of what qualifies as repeat offences'?</p> <p>https://newgtlds.icann.org/en/applicant/rules-13-en.pdf, Section 11.4 and</p>	<p><i>From ICANN60:</i> -- Should there be more severe sanctions if you repeatedly abuse the URS as a complainant. -- Unclear whether repeat offenders means repeat complainant offenders, you know, complainants that repeatedly misfile. -- Or does it mean the repeat cyber squatter offenders?</p>	<p>Listed as a question in the Preliminary Issue Report for this PDP (Oct 2015)¹⁸ for which several comments were received in response.</p>	
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<https://www.icann.org/en/issues/new-gtlds/rpm-prelim-issue-09oct15-en.pdf>

**CONSOLIDATED TABLE OF PROPOSED REFINEMENTS TO CHARTER QUESTIONS FOR UNIFORM RAPID SUSPENSION
AND SUGGESTIONS FOR DATA COLLECTION**

Prepared by ICANN Staff
28 NOVEMBER 2017

al Charter on	Suggestions for refinement	Where did the original question come from?	Data Available/Collection Needed?
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<https://community.icann.org/display/RARPMRIAGPWG/WG+Charter>

	<p>-- This question is about multiple abuse by the respondent for want of a better word. The two sides of the same coin. Because of course there are sanctions in relations to misuse of the URS by the trademark owner but there are no sanctions if you are a repeat offender, a multiple cyber squatter.</p> <p>-- If a registrant has a history of losing RPMs of being judged as cyber squatter multiple of times. Then the burden of proof, the meeting of the burden of proof has eased considerably in terms of bad faith use and registration.</p> <p>-- As to whether there should be additional sanctions that is open for discussion by the sub-team. But I think clearly you have identified a question that</p>		
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https://community.icann.org/display/RARPMRIAGPWG/WG+Charter	<p>needs to be refined or split into two parts. Because if it is not clear to you two experts it is not a clear question. It needs to be made better.</p> <p>-- Could we split this question into two – just for sake of clarity – in like the first about abuse by the complainant – the second is abuse by – by the frequently losing party.</p>		
<p>CANN done its training registrants in the rights and uses of the</p>	<p><i>From ICANN60:</i></p> <p>-- At least one quite large European company requested us as registry to give explanation why the domain is still in duress and they don't have ability to register it. It means they decided to use URS instead of UDRP. I am not sure if it is an abuse or misunderstanding from their</p>	<p>A comment on the Draft RPM Staff Paper¹⁹ had raised several questions on educating registrants and other users; this commentator suggested the specific question in a comment on the Preliminary Issue Report on this PDP.²⁰</p>	

[/newgtlds.icann.org/en/reviews/rpm/draft-rpm-review-02feb15-en.pdf](https://newgtlds.icann.org/en/reviews/rpm/draft-rpm-review-02feb15-en.pdf)
[/gns0.icann.org/en/issues/new-gtlds/rpm-prelim-issue-09oct15-en.pdf](https://gns0.icann.org/en/issues/new-gtlds/rpm-prelim-issue-09oct15-en.pdf)

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	<p>part. But it could be due to lack of training of registrants.</p> <p>-- And if we see like pattern that this particular party registered 10 or like 12 domains and they lost it as a result of URS process. So my thinking was in case they had the same repeated cycle of doing wrong things.</p> <p>-- I would presume a compliant would rely upon an attorney to file a URS. And if an attorney reads the URS policy they should note what the available remedies are. And if they have hired an attorney who doesn't understand it they have not hired very good counsel.</p> <p>-- It is quite clear when you read the policy what the available remedies are. Anyone who files a URS thinking that they can get a domain transfer</p>		

<https://community.icann.org/display/RARPMRIAGPWG/WG+Charter>

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https://community.icann.org/display/RARPMRIAGPWG/WG+Charter			
	to their control for proactive use has been very poorly informed by counsel.		
evidence is of problems the use of the sh-only rement of the especially its application \ New gTLDs? https://newgtlds.icann.org/en/applicant/rules-13-en.pdf , on 4.2.	<i>From ICANN60:</i> -- Why was the complaint forced to be in English? Isn't that detrimental respondents from non-English countries? <i>Response:</i> We'll look into that and it's certainly a topic that would be relevant for the working group to look at going forward. It happened sometime during the development of the rules and we will look into that background to find the documentation for it. But to the extent it makes a difference it was developed for the rules rather than the procedure.	Several comments to the Draft RPM Staff Paper (Feb 2015) ²¹ noted potential language issues; this specific question was suggested in a comment on the Preliminary Issue Report for this PDP (Oct 2015). ²²	

<https://newgtlds.icann.org/en/reviews/rpm/draft-rpm-review-02feb15-en.pdf>
<https://gns0.icann.org/en/issues/new-gtlds/rpm-prelim-issue-09oct15-en.pdf>

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	<p>New Question (From ICANN60): <u>Has ICANN done a good job of training complainants concerning what the remedies are under the URS?</u></p>		
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Deleted: New Question (From ICA

about Providers (applicable also to the Uniform Dispute Resolution Policy in Phase Two of this PDP)

<p>is the benefit e Arbitration ns self- ws, including /IPO Advanced shop on ain Name ite Resolution, 2015, in which sistencies of ions, including e free h/freedom of</p>	<p><i>From ICANN60:</i> -- I would like to move that this first question be stricken. First of all, it's outdated – second it involves CDRP – third it's inaccurate. -- Well, you've mentioned three strikes against it and it certainly is clear on its face that it's outdated since we are now in 2017 and WIPO was issued a – the three zero version of</p>	<p>Noted in a comment on the Preliminary Issue Report for this PDP²³ (Staff Note: this was raised in relation to the UDRP and not the URS).</p>	
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<https://gns0.icann.org/en/issues/new-gtlds/rpm-prelim-issue-09oct15-en.pdf>

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<p>Discussion area candidly assessed and implemented.</p>	<p>guidance. -- I would expect the working group to get into this – that there are very explicit requirements for URS providers to follow set forth in the applicant guidebook and in addition to that there URS providers unlike UDP providers are under a rudimentary contractual relationship with ICANN in the form of a memory of understanding which imposed additional requirements as to how they administer the – this RPM. So, I would expect in the course of our work on the URS we’d be taking some look at whether the providers are actually acting in a way that is consistent with both the applicant guide book and MOU requirements.</p>		
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<p>the processes adopted by providers of URS are fair and reasonable? (<i>note: question also related to TMCH & other providers</i>)</p> <p>https://newgtlds.icann.org/en/applicant/rules-13-en.pdf, section 7.</p>	<p><i>From ICANN60:</i></p> <p>-- Are we going to review/discuss the providers' supplemental rules for example to what extent may the supplemental rules effect the policy? <u>Response:</u> At some point in our review of the URS, we more likely than not will review those supplemental rules just to make sure that they're simply administrative in nature and have not in some way changed the balance set in the URS policy.</p>	<p>Question suggested in a comment to the Preliminary Issue Report for this PDP.²⁴</p>	
<p>are Providers' procedures fair and reasonable for all holders and participants?</p>	<p><i>From 15 November 2017 Working Group Meeting:</i></p> <p>-- Questions that are trying to stick with existing policies, i.e., are providers doing their jobs?</p> <p>-- Broader question: under</p>	<p>Question suggested in a comment to the Preliminary Issue Report for this PDP.²⁵</p>	

<https://gnso.icann.org/en/issues/new-gtlds/rpm-prelim-issue-09oct15-en.pdf>
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	<p>which jurisdiction so providers be terminated/unaccredited?</p> <p>-- The second and third questions ask about processes and procedures -- on their own these could be fair questions but would be good to know if these were directed at a particular process/issue.</p>		
<p>Do Providers dealing with all holders and participants in the operation, maintenance and security of these procedures?</p>	<p><i>From the 15 November 2017 Working Group Meeting:</i></p> <p>-- There needs to be some degree of recognition that some degree of deference is warranted with respect to its internal procedures.</p> <p>-- Is there a difference between looking broadly rather than micromanaging on how they are implementing?</p>	<p>Question suggested in a comment to the Preliminary Issue Report for this PDP.²⁶</p>	

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	<p>-- Not sure it is our job to review URS providers. Not sure it is our place to be the compliance team. That is ICANN's job. It is our job to see if the URS is working.</p> <p>-- The original GNSO recommendation did call for providers to be under formal contract with ICANN. Would like to find out the rationale.</p> <p>-- Ascertain if they are in compliance with the MOU and that it is being administered consistent with the framework set forth by the community. Overarching question whether at the end of phase 1 whether the WG will recommend any of the RPMs to become consensus policy, such as the URS.</p>		
: changes need		Question suggested in a	

<https://community.icann.org/display/RARPMRIAGPWG/WG+Charter>

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<p>made to ensure that procedures followed by providers are consistent with the ICANN policies and procedures?</p>		<p>comment to the Preliminary Issue Report for this PDP.²⁷</p>	
<p>providers regarding the nature of their authority in any of the procedures they are adopting?</p>	<p><i>From ICANN60:</i> -- The Sub Team should consider bifurcating this question. The first part would be whether the providers are administering the URS in a manner that's consistent with the requirements and the guide book and the MOU. The second would be whether there are supplemental rules which are supposed to be administrative rules are in any</p>	<p>Question suggested in a comment to the Preliminary Issue Report for this PDP.²⁸</p>	

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https://community.icann.org/display/RARPMRIAGPWG/WG+Charter	way inconsistent with those provisions and we certainly will look into the relationship between ICANN and the providers.		
: remedies or should to allow :ions about :olicies by the :ers offering :ervices, and :an they be :litiously and :reated? : this question :ncluded TMCH :P providers)		Question suggested in a comment to the Preliminary Issue Report for this PDP. ²⁹	
ne Providers :ng both the :laintants and		Question suggested in a comment to the Preliminary Issue Report for this PDP. ³⁰	

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<p>respondents, their communities and representatives, and equally in new procedures?</p>			
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<p>ICANN reaching properly and consistently to the stakeholder community when procedures being evaluated ANN at the providers' request? Is an open and parent issue?</p>	<p><i>From ICANN60:</i> -- What procedures are evaluated by ICANN at the request of the providers? I have no idea what that means. -- This question either needs to be discarded or radically revised because it is not clear whether it's talking about ICANN the organization or ICANN the multi-stake holder community under a GNSO charter is conducting this RPM review. So, we [the RPM PDP Working Group] are reaching</p>	<p>Question suggested in a comment to the Preliminary Issue Report for this PDP.³¹</p>	
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	<p>out to all members of the community to provide us with input on how the URS is doing. If it's talking about ICANN organization it is not clear that it's their job.</p> <p>-- But if it's something about how does the PDP process operator get input from the multi-stake holder community – that is not a question for this RPM PDP working group to be asking or answering. I mean that is a question that goes to the heart of PDP process.</p> <p>-- Could be out of scope to review URS providers for compliance? If we do decide to go down this path we need to take a really good look at these questions as some are loaded.</p>		
	<p>New Question (from ICANN60):</p>		

Deleted: New Question (from ICA

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	<p><u>"To what extent is the forum shopping of URS providers?"</u> and <u>"Whether the current practice of the complainant choosing the URS provider or the respondent to reduce forum shopping?"</u> Or <u>"is there a problem with the existing rules that results in forum shopping?"</u></p>		
	<p>New Question (from ICANN60): <u>What are the backgrounds of the URS providers and what are their preparations? Should the URS be doing something similar to the UDRP?</u></p>		

Deleted: New Question (from ICA backgrounds of the URS providers preparations? Should the URS be c the UDRP?

IS Questions

	<p>New Question (from ICANN60): <u>A more general question which is whether there should be some kind of alternative to the URS – such as a summary</u></p>		
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	procedure in the UDRP?		
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	<p>New Question (from ICANN60): <u>Under URS the registry operator is required to suspend the domain name, however registry operators do not control the DNS and so it's really complicated, so how can a registry operator learn how this works?</u></p>		
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Questions from the PDP Charter

<p>the RPMs work registrants and mark holders per :s/languages, should any of be further nationalized” as in terms of ce providers,</p>		<p>Identified as an additional question in the Preliminary Issue Report for this PDP.³²</p>	
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...ages served)?			
...e RPMs ...ately address ...s of registrant ...ction (such as ...om of ...ission and fair		Identified as an additional question in the Preliminary Issue Report for this PDP. ³³	
...there been ...s of the RPMs ...can be ...mented and ...can these be ...essed?		Identified as an additional question in the Preliminary Issue Report for this PDP. ³⁴	
...her, and if so ...at extent, ...ges to one ...will need to be ...t by ...omitant		Suggested in a comment to the Preliminary Issue Report for this PDP. ³⁵	

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Questions to the RPs			
Do RPs actively fulfil the obligations for their domain... In other words, have all the RPs, in the aggregate, been diligent to meet objectives or requirements or operational mechanisms, or questions to existing RPs, need to be opened?		Identified as an overarching question in the Preliminary Issue Report for this PDP. ³⁶	
Did any of the gTLD Program RPs (such as the RPs like the		Identified as an overarching question in the Preliminary Issue Report for this PDP. ³⁷	

<https://www.gnso.icann.org/en/issues/new-gtlds/rpm-prelim-issue-09oct15-en.pdf>
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<p>Should the suspension policies be available to all registrants, and if so, are there any additional issues that would have to be dealt with as a consequence?</p>			
<p>Should the RPMs work for registrants and mark holders in all languages, and should any of them be further "internationalized" as in terms of the providers, and the ages served)?</p>		<p>Identified as an additional question in the Preliminary Issue Report for this PDP.³⁸</p>	
<p>Recent and ongoing ICANN work</p>		<p>Question suggested in a comment to the Preliminary Issue</p>	

<https://community.icann.org/display/RARPMRIAGPWG/WG+Charter>

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<p>ing to understand and incorporate Human Rights into the / considerations of ICN relevant to DRP or any of PMs?</p>		<p>Report.³⁹</p>	
<p>here any users that cannot an end user access any or all i?</p>		<p>Question suggested in a comment to the Preliminary Issue Report.</p>	
<p>can costs be reduced so end users can easily access RPMs?</p>		<p>Question suggested in a comment to the Preliminary Issue Report.</p>	

<https://www.gnso.icann.org/en/issues/new-gtlds/rpm-prelim-issue-09oct15-en.pdf>

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Microsoft Office User

11/30/17 12:37:00 PM

New Question

(15 November 2017):

There is a provision in the URS for abusive complaints that are filed and if there are over 3 filed there might be restrictions on the trademark owner to file further complaints. Should there be something similar for registrants who might be abusively registering domains. One compromise proposal was shifting the burden of proof to the respondent to meet the burden of proof.

Page 17: [2] Deleted

Microsoft Office User

11/30/17 12:38:00 PM

New Question (from ICANN60):

Whether any superfluous overlap is created between:

-- A respondent's right to *de novo* appeal within fourteen days from a determination (Section 12.1); versus

-- A respondent's right to *de novo* review within six months from a notice of default (Section 6.4); versus

-- A respondent's right to request a seven-day extension to respond during the response period, after default, or not more than thirty days from a determination. (Section 5.3)"

See <http://newgtlds.icann.org/en/applicants/urs/rules-28jun13-en.pdf>.

Page 27: [3] Deleted

Microsoft Office User

11/30/17 12:39:00 PM

New Question (From ICANN60):

Has ICANN done a good job of training complainants concerning what the remedies are under the URS?

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Microsoft Office User

11/30/17 12:39:00 PM

New Question (from ICANN60):

"To what extent is the forum shopping of URS providers?" and "Whether the current practice of the complainant choosing the URS provider or the respondent to reduce forum shopping?" Or "is there a problem with the existing rules that results in forum shopping?"

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Microsoft Office User

11/30/17 12:39:00 PM

New Question (from ICANN60):

A more general question which is whether there should be some kind of alternative to the URS – such as a summary procedure in the UDRP?

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Microsoft Office User

11/30/17 12:40:00 PM

New Question (from ICANN60):

Under URS the registry operator is required to suspend the domain name, however registry operators do not control the DNS and so it's really complicated, so how can a registry operator learn how this works?