

# 2012 New gTLD Program Round – Uniform Rapid Suspension (URS) Cases & Initial Metrics

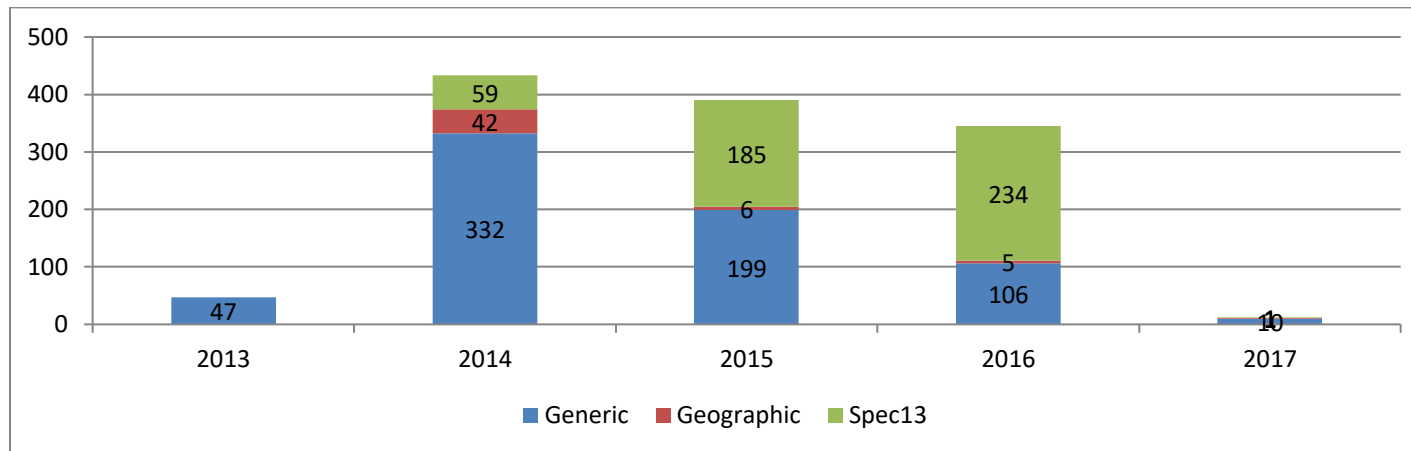
## I. GTLD DELEGATION NUMBERS

The following shows the number of gTLDs delegated by year from the 2012 New gTLD Program round; it helps to provide context for the URS data contained elsewhere in this draft report. This introductory information was also presented to the Working Group for Sunrise Registration metrics for the same purpose of context. .

### CHART 1: gTLDs Delegated by Year by Type (as of Dec 2017):

\*\* Based on delegation date as noted on the ICANN 2012 New gTLD Program microsite: <https://newgtlds.icann.org/en/program-status/delegated-strings>

2012 New gTLD Program gTLDs are all considered “generic” from the perspective of IANA (see: <https://www.iana.org/domains/root/db>). However, the Applicant Guidebook and subsequent implementation of the round further distinguished generic TLDs from Geographic TLDs that required approval from the respective authority and Brands that qualified for Specification 13. Thus, of the 1227 gTLDs from the 2012 round delegated to date, 694 are considered generic for the purposes of this report, and are not assigned a designation of either a geographic or Specification 13 gTLD.



	Generic	Geographic	Spec13	Grand Total
2013	47	0	0	47
2014	332	42	59	433
2015	199	6	185	390
2016	106	5	234	345
2017	10	1	1	12
Grand Total	694	54	479	1227

## II. URS Definition and Data

The Uniform Rapid Suspension System (URS) is a rights protection mechanism developed for the 2012 New gTLD Program round. Its substantive requirements are based on those in the existing [Uniform Domain-Name Dispute Resolution Policy \(UDRP\)](#), with the most significant differences being the standard of proof required and the remedies permitted. It complements (but does not replace) the UDRP by offering a lower-cost, faster path to relief for rights holders experiencing the most clear-cut cases of infringement<sup>1</sup>.

### Resource Documents:

- [URS Procedure](#) (Published 01 March 2013) - Explains how to file a claim, what fees will be incurred and other information.
- [URS Rules](#) (Published 28 June 2013) - Describes how service providers will implement the Uniform Rapid Suspension System in a consistent manner.
- [URS Technical Requirements 1.0](#) (Published 17 October 2013) - Describes how Registries and Registrars will implement the Uniform Rapid Suspension System technical requirements in a consistent manner.

### Data set characteristics:

- Three URS providers (note: data for this exercise is provided by GDD staff, who as part of the CCT-RT work scrape the data from URS provider websites on a quarterly basis):
  - [The National Arbitration Forum](#) (FORUM) – Announced 20 Feb 2013
  - [Asian Domain Name Dispute Resolution Centre](#) (ADNDRC) – Announced 19 Apr 2013
  - [MFSD Srl](#) (MFSD) – Announced 15 Dec 2015
- Scope: Feb 2014 - Dec 2017
  - 12 cases are not included in this dataset due to being in “Pending” status as of 29 Dec 2017
    - 9 Pending at FORUM
    - 1 Pending at MFSD
    - 2 Pending at ADNDRC
- Included in dataset but filtered out from charts and results in this report:
  - .CN - one case; withdrawn (this is a country-code TLD)
  - .COM - one case; withdrawn (this is a legacy TLD)
  - .PRO - two cases; one suspended, one denied (this is a legacy TLD)
  - .PW - four cases; all suspended (this is a country-code TLD)

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<sup>1</sup> New gTLD Microsite: <https://newgtlds.icann.org/en/applicants/urs>

**TABLE 1: URS Macro Statistics:**

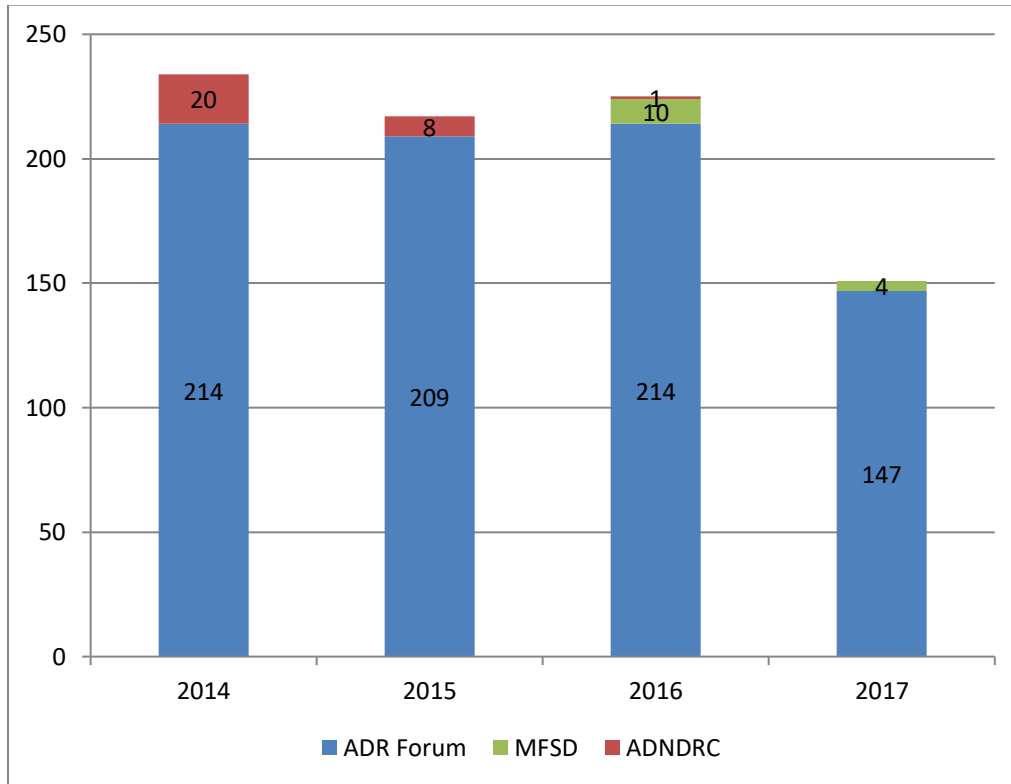
Stat	
Scope	Feb 2014 - Dec 2017
Count of Cases	827
Total Domains	1861
Avg. Domain/Case	2.312.25
Median Domain/Case	1.00

**TABLE 2: URS Statistics by Provider (showing total quantity of cases and domains in dispute handled by each Provider):**

	Cases	Domains
ADNDRC	29	54
ADR Forum	784	1792
MFSD	14	15
Total	<b>827</b>	<b>1861</b>

**TABLE 3, CHART 2: URS Cases by Provider (showing total quantity of disputes handled by each Provider by Year):**

	ADR Forum	ADNDRC	MFSD	Grand Total
2014	214	20		<b>234</b>
2015	209	8		<b>217</b>
2016	214	1	10	<b>225</b>
2017	147		4	<b>151</b>
<b>Grand Total</b>	<b>784</b>	<b>29</b>	<b>14</b>	<b>827</b>



## TABLES 4 & 5 – Number of URS Cases and Number of Disputed Domains Within Those Cases, Categorized by gTLD (top 25):

Note: The following tables list the top 25 TLDs by total number of cases filed (left side) and the total number of disputed domains within those cases (right side). Thus, for .xyz, a total of 69 cases were filed concerning a total of 582 domains. The tables also show whether the commencement date of each URS proceeding occurred during the mandatory 90-days Trademark Claims period for that gTLD. In reviewing this data, it is important to note **the fact that a case was commenced within a particular gTLD Trademark Claims window does not prove that the disputed domain(s) match(es) a record within the TMCH** (i.e. it is not a definitive indication that an underlying trademark matching that domain was registered in the TMCH) – for example, some URS cases may have been filed even though the trademark holder did not enter its trademark in the TMCH (one possibility being that the trademark holder may have used a brand monitoring service and thus did not rely on the TMCH or the Trademark Claims service of a Notification of Registered Name). Furthermore, some gTLDs ran indefinite claims periods and did not record a closing date for Claims.

gTLD	Cases not in Window	Cases w/in Window	Grand Total
xyz	67	2	69
club	42	11	53
top	38	9	47
wang	28	6	34
online	23	5	28
store	16	9	25
website	21	2	23
email	17	4	21
vip	9	5	14
site	14		14
space	13		13
link	10	2	12
guru	2	9	11
paris	8	3	11
shop	2	8	10
international	10		10
cloud	7	3	10
click	8	1	9
nyc	5	4	9
global	7	1	8
reviews	8		8

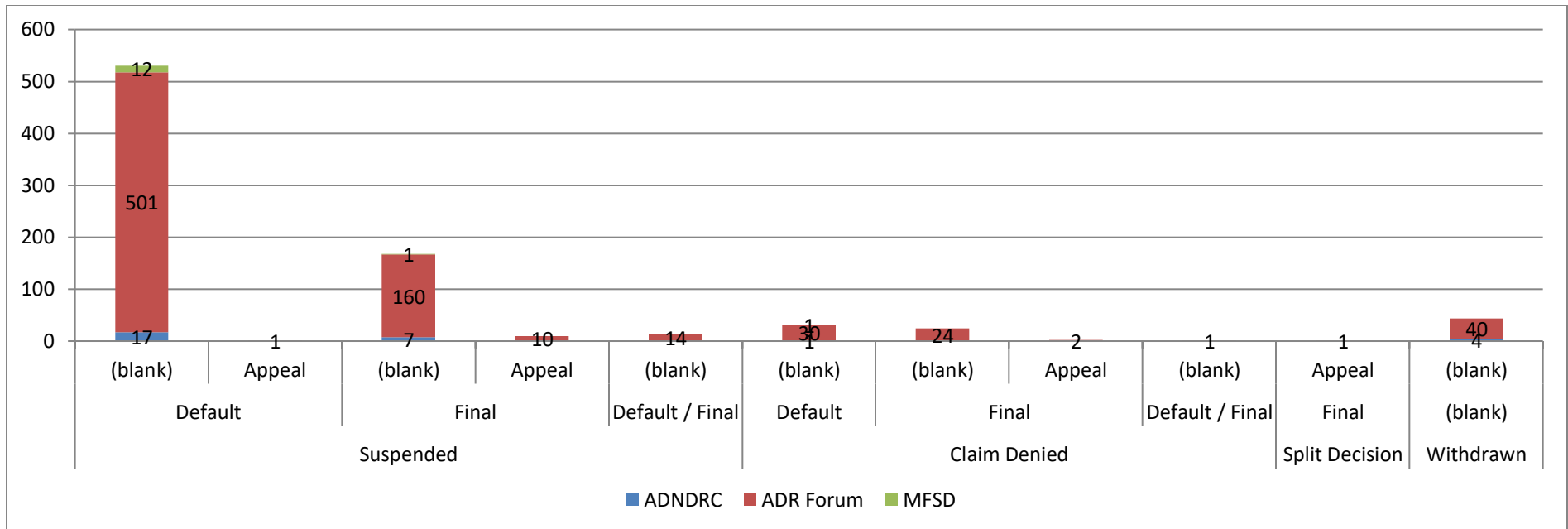
gTLD	Domains not in Window	Domains w/in Window	Grand Total
xyz	580	2	582
win		93	93
party		81	81
store	68	9	77
shop	24	46	70
club	58	12	70
top	46	9	55
wang	32	6	38
faith		37	37
online	29	5	34
email	24	6	30
website	24	2	26
link	17	3	20
site	19		19
vip	13	5	18
space	15		15
paris	12	3	15
today	11	1	12
guru	3	9	12
international	12		12
cloud	7	3	10

pub	8		8
xn--ses554g	8		8
london	4	3	7
careers	2	5	7

sale	8	2	10
reviews	10		10
nyc	6	4	10
technology	4	5	9

**TABLE 6, CHART 3: Quantity of URS cases, categorized by Result (e.g. Suspension) and Determination Type (e.g. Default Determination), and listed by Provider:**

Category	ADNDRC	ADR Forum	MFSD	Grand Total	Description
<b>Suspended</b>	<b>24</b>	<b>686</b>	<b>13</b>	<b>723</b>	<b>Domain Suspended Subtotal</b>
<b>Default</b>	<b>17</b>	<b>502</b>	<b>12</b>	<b>531</b>	<b>Default Determination Sub-Subtotal</b>
(blank)	17	501	12	530	Default Determination (i.e. without a Response or an Appeal)
Appeal		1		1	Appeals from Default Determination
<b>Final</b>	<b>7</b>	<b>170</b>	<b>1</b>	<b>178</b>	<b>Final Determination Sub-Subtotal</b>
(blank)	7	160	1	168	Final Determination without Appeals
Appeal		10		10	Appeals from Final Determination
<b>Default / Final</b>		<b>14</b>		<b>14</b>	<b>Default / Final Sub-Subtotal</b>
(blank)		14		14	Default & Final Determinations where both are published
<b>Claim Denied</b>	<b>1</b>	<b>57</b>	<b>1</b>	<b>59</b>	<b>Claim Denied Subtotal</b>
<b>Default</b>	<b>1</b>	<b>30</b>	<b>1</b>	<b>32</b>	<b>Default Determination Sub-Subtotal of Denied Claims</b>
(blank)	1	30	1	32	Default Determination of Denied Claims, without Appeals
<b>Final</b>		<b>26</b>		<b>26</b>	<b>Final Determination Sub-Subtotal of Denied Claims</b>
(blank)		24		24	Final Determination of Denied Claims, without Appeals
Appeal		2		2	Appeals from Final Determinations with Denied Claims
<b>Default / Final</b>		<b>1</b>		<b>1</b>	<b>Default / Final Sub-Subtotal of Denied Claims</b>
(blank)		1		1	Default & Final Determination of Denied Claims where both are published
<b>Split Decision</b>		<b>1</b>		<b>1</b>	<b>Split Decision from Appeal Subtotal</b>
<b>Final</b>		<b>1</b>		<b>1</b>	<b>Split Decision in an Appeal from Final Determination Sub-Subtotal</b>
Appeal		1		1	Appeals where the claim ended with a split decision
<b>Complaint Withdrawn</b>	<b>4</b>	<b>40</b>		<b>44</b>	<b>Complaint Withdrawn Subtotal</b>
<b>(blank)</b>	<b>4</b>	<b>40</b>		<b>44</b>	<b>Complaint Withdrawn Sub-Subtotal</b>
(blank)	4	40		44	Complaints Withdrawn
<b>Grand Total</b>	<b>29</b>	<b>784</b>	<b>14</b>	<b>827</b>	<b>Grand Total of Four Primary Categories</b>



### Outcome Types:

- Claim Denied – This is the result where the Examiner finds that there is no genuine issue of material fact. Where, however, there is any genuine contestable issue as to whether a domain name registration and use of a trademark are in bad faith, the Complaint will be denied and the URS proceeding will be terminated without prejudice. The URS is not intended for use in any proceedings with open questions of fact, but only clear cases of trademark abuse.<sup>2</sup>
- Split Decision – This refers to the result where a 3-member Appeal panel does not reach a unanimous decision.
- Suspended – This refers to a ruling in favor of the Complainant whereby the domain is suspended for the remainder of the registration period (note: the Complainant may extend this period for an additional year by paying the applicable renewal fee).
- Complaint Withdrawn – This refers to a situation where the Complainant withdraws the complaint, and the case does not proceed to a Determination on examination.

### Determination Types:

- Default – Where, at the expiration of the 14-day Response period (or extended period if granted), the Respondent does not submit an answer, the Complaint proceeds to Default status. All Default cases nevertheless proceed to Examination for review on the merits of the claim.<sup>3</sup>
- Final – This describes the Determination that is made when a Response is filed (which can be before or after the Default period). A Final Determination that changes a Default Determination outcome for the same case replaces the Default Determination on the Provider’s website, unless the Examiner determines both are to be made available and so states in its Final Determination. A Final Determination that upholds a Default Determination outcome for the same case may be published together on the Provider’s website, or the Final Determination may replace the Default Determination, at the Examiner’s discretion.<sup>4</sup>

<sup>2</sup> [URS Procedure](#), Section 8.

<sup>3</sup> [URS Rules](#), Sections 11 & 12.

<sup>4</sup> [URS Rules](#), Sections 13 & 15.



- Default / Final – This term is used for specific cases where the examiner chooses to publish both the Default and Final Determination.
- Appeal – This refers to a case where a party files an appeal from the initial Determination<sup>5</sup>.
- (blank) – This is only a designation result of a blank field from Excel pivot tables and not a determination type as set in the URS Rules and Procedures.

**TABLE 7: Average URS Case Duration in Number of Days, by Domains within Cases:**

	Average of Duration
ADNDRC	18.46
ADR Forum	17.29
MFSD	25.78
<b>Total Average</b>	<b>17.39</b>

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<sup>5</sup> URS Procedure, Section 12; URS Rules, Section 19.