

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

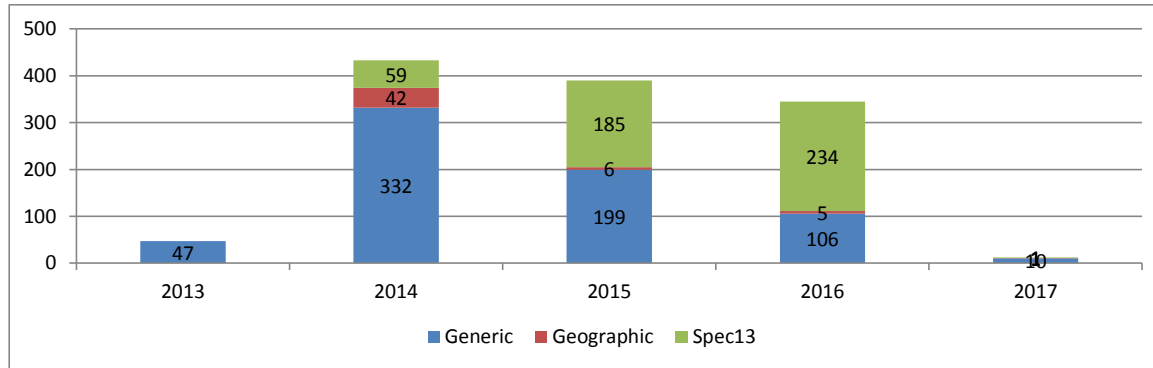
I. GTLD DELEGATION NUMBERS

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			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 infringement¹.

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 Sri](#) (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)

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

TABLE 1: URS Macro Statistics:

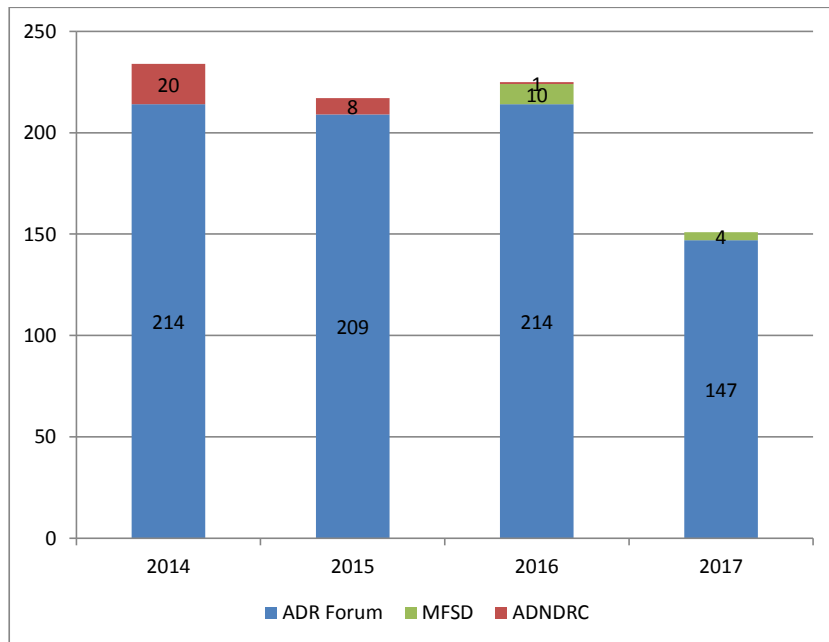
		Stat
Scope	Feb 2014 - Dec 2017	
Count of Cases	827	
Total Domains	1861	
Avg. Domain/Case	2.25	
Median Domain/Case	1.00	

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	827	1861

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		234
2015	209	8		217
2016	214	1	10	225
2017	147		4	151
Grand Total	784	29	14	827



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.

Comment [BC1]: Remove distinction of within Claims windows and acquire data from IBM to determine how many domains where a claims notice was sent that likely led to a URS case.

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
pub	8		8
xn--ses54g	8		8

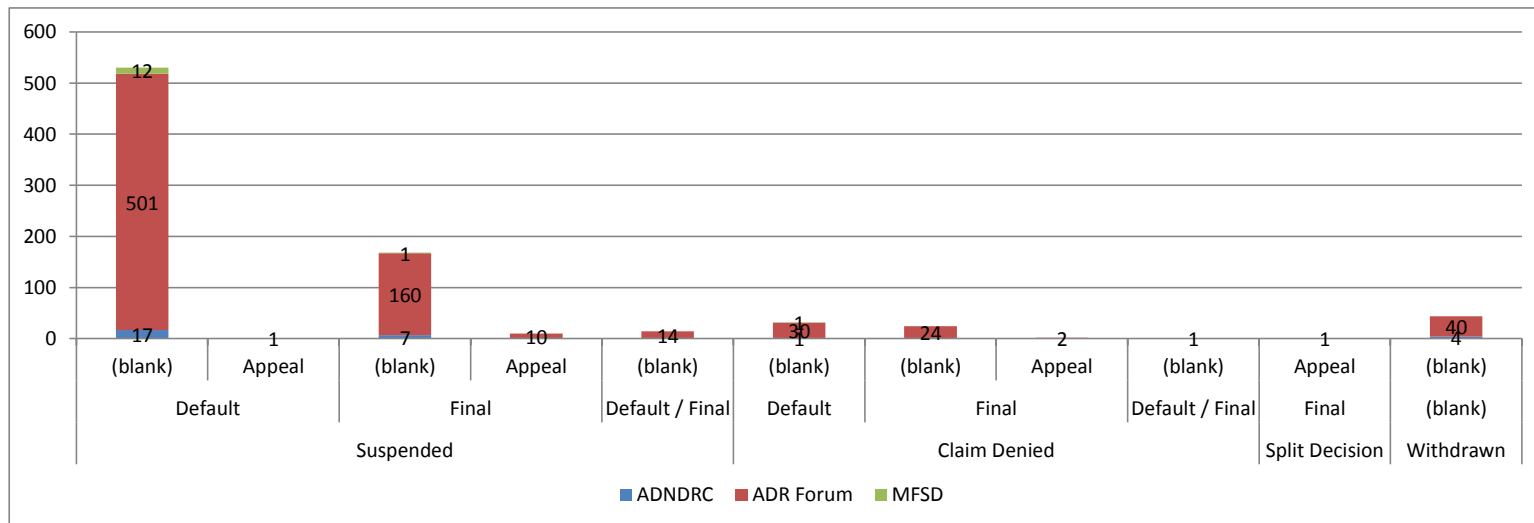
gTLD	Domains not in Window	Domains w/in Window	Grand Total
xyz	580	2	582
win		93	93
party		81	81
store	68	9	77
shop	24	46	70
club	58	12	70
top	46	9	55
wang	32	6	38
faith		37	37
online	29	5	34
email	24	6	30
website	24	2	26
link	17	3	20
site	19		19
vip	13	5	18
space	15		15
paris	12	3	15
today	11	1	12
guru	3	9	12
international	12		12
cloud	7	3	10
sale	8	2	10
reviews	10		10

london	4	3	7
careers	2	5	7

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



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.²
- 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.³
- 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

² [URS Procedure](#), Section 8.

³ [URS Rules](#), Sections 11 & 12.

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.⁴

- 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 Determination⁵.
- (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.

⁴ URS Rules, Sections 13 & 15.

⁵ URS Procedure, Section 12; URS Rules, Section 19.

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
Total Average	17.39

TABLES 8 & 9: Domain Disposition of URS Cases as of May 2018:

	Count of Domains
<u>Claim Denied</u>	63
Registered = YES	49
Brand Protection	12
Parked	11
Brand Protection - UDRP	10
Does not Resolve	7
Forwards	6
Website	4
Suspended	1
Registered = NO	12
Not Registered	9
DPML	2
Reserved	1
<u>Split Decision</u>	1
Registered = NO	1
DPML	1
<u>Suspended</u>	1745
Registered = YES	1381
Suspended	1093
Brand Protection	167
Does not Resolve	69
Parked	39
Website	6
Forwards	6
Re-Registered by Respondent	1
Registered = NO	364
Not Registered	298
DPML	58
Reserved	8
<u>Withdrawn</u>	52
Registered = YES	46

	Count of Cases
<u>Claim Denied</u>	59
Registered = YES	49
Brand Protection	11
Parked	11
Brand Protection - UDRP	10
Does not Resolve	7
Forwards	5
Website	4
Suspended	1
Registered = NO	10
Not Registered	7
DPML	2
Reserved	1
<u>Split Decision</u>	1
Registered = NO	1
DPML	1
<u>Suspended</u>	723
Registered = YES	463
Suspended	232
Brand Protection	138
Does not Resolve	50
Parked	34
Forwards	6
Website	2
Re-Registered by Respondent	1
Registered = NO	260
Not Registered	210
DPML	42
Reserved	8
<u>Withdrawn</u>	44
Registered = YES	40

Brand Protection	35
Parked	5
Does not Resolve	4
Brand Protection - UDRP	1
Suspended	1
Registered = NO	6
Not Registered	6
Grand Total	1861

Brand Protection	33
Does not Resolve	4
Suspended	1
Brand Protection - UDRP	1
Parked	1
Registered = NO	4
Not Registered	4
Grand Total	827

Methodology:

- The presentation of this data is a snap-shot in time of the domains involved in URS cases through 2017. Given the dynamic nature of the domain lifecycle, results can change practically on a daily basis such as when domains expire, registered new, or renewed by the same or different Registrant. Further, assignments of the domain’s current use, e.g. “disposition”, should in some cases, be considered subjective because a fringe set of the domains were difficult to determine ultimate ownership and use as aligned with the parties mentioned in the URS Case.
- A fresh query of Whois data was fetched from a 3rd-party provider with execution of a script to parse the necessary fields in determining the identity of the Registrant and assigned name servers. A near 400 domain’s Whois records were fetched manually as the provider was restricted from the TLD for full access.
- The two tables are first sorted by whether the domain came back as registered; “YES” or “NO”. It is then sorted by disposition.
- The next division is based on the outcome of the domain’s determination with its respective URS case.
- Lastly, the tables are sorted by category of disposition assigned to the domain. For example, the domain wolfram.ceo is assigned as “NO”, the case outcome was “Claim Denied”, and its ultimate disposition was assigned the category of “Not Registered”. The determination of this URS case (Forum 1554143) decided in favor of the Complainant, the domain was suspended and later expired.
- Disposition descriptions:
 - “Suspended” – the domain is assigned this category if the status of the domain, assigned name servers, and/or resolution result in the presentation of the URS Suspension page as defined in the URS rules and procedures. It was confirmed either by the Whois record and/or resolution of the domain via a browser.
 - “Not Registered” – the domain’s Whois response was returned as “NO” and no other Whois information was returned
 - “Brand Protection”, “DPML”, and “Reserved” - this group of category assignments on the disposition of the domain are meant to show that the Complainant/TM Owner ultimately has recovered the name either by registration via a brand protection Registrar or reservation at the Registry. Mostly, this assignment was confirmed via the Whois record as to the status of the Registration or the assigned name servers.
 - “Brand Protection - UDRP” – the same definition applies to the proceeding group as it relates to the disposition of the domain. However, these were found to have been resolved via UDRP, because the URS case(s) filed either were withdrawn or the claim was denied.

- “Does Not Resolve”, “Parked”, “Website”, and “Forwards” are a group of disposition types to determine its current use. While some Whois data was reviewed in determining the disposition, the browser was the tool use for final confirmation.
 - “Does Not Resolve” is where there was no resolution of the domain and the Whois information did not appear to reflect the Complainant/TM Owner.
 - “Parked” is a somewhat loose definition, but its typical nature was a Registrar landing page or it was for sale, or the content offered did not appear to be a functioning site or related to the brand.
 - “Website” was assigned where a typical website was found, but it did not appear to be associated to the Complainant/TM Owner. If it did appear as such, the assignment defaulted to “Brand Protection”.
 - “Forwards” was assigned with the domain resolution forwarded to a different URL that did not appear to be associated with the Complainant/TM Owner.
- Initial Findings:
 - Thru 2017 and based on the May 2018 snap-shot of Whois data including confirmation of domain resolution; of the 827 cases and 1861 domains.....
 - 28% of the cases or 59% of the domains remain “Suspended”⁶.
 - 27% of the cases or 17% of the domains, the domain is no longer registered where most were suspended after the Complainant prevailed in the URS case.
 - 30% of the cases or 16% of the domains, the Complainant chose for brand protection from a provider, DPML, or Reserved the name with the Registry

⁶ 457 Domains are from one case for “Ashley Furniture” and 202 domains are from another case for “Cialis”; all of which are still suspended.

TABLE 10: Multiple URS Cases Against the same Domain:

Domain	Case #	Case Outcome	Case Date	Comments
wolfram.ceo	1553139	Claim Denied	April 2014	Lack of evidence of any relationship between Complainant and Wolfram Group LLC
wolfram.ceo	1554143	Final / Suspended	April 2014	same Registrant; Case appealed w/ Complainant prevailing; no longer registered
staralliance.flights	1562639	Final / Suspended	June 2014	Suspended and then deleted
staralliance.flights	1665072	Default / Suspended	March 2016	Different Rt Mar. 2016; Suspended then deleted; Registered new by Brand
astonmartin.parts	1571374	Withdrawn	July 2014	No case information
astonmartin.parts	1577822	Withdrawn	September 2014	Brand Protection October 2014
oliverwyman.consulting	1573916	Default / Suspended	August 2014	Suspended and renewed to 2016 then deleted
oliverwyman.consulting	1725066	Withdrawn	April 2017	Different Rt Mar. 2017; Brand Protection May 2017
morganstanley.top	1591049	Final / Suspended	December 2014	Unable to determine if name was suspended; renewed in 2015; deleted in 2016
morganstanley.top	1734288	Default / Suspended	June 2017	Different Rt. May 2017; Unable to determine if name was suspended; Pending Del
skx.science	1609616	Claim Denied	March 2015	Lack of evidence to demonstrate why Rt. does not have legitimate right or interest
skx.science	1614750	Default / Suspended	April 2015	Same Respondent, Suspended & deleted; Registered new 2018, appears legit use
meguiars.cleaning	1611647	Claim Denied	March 2015	Lack of evidence of any relationship between Complainant and Meguiar's Inc
meguiars.cleaning	1614952	Default / Suspended	April 2015	Same Respondent, Renewed Apr 2016 & 2017 & 2018
sanofi.space	1631734	Final / Suspended	August 2015	Suspended and then deleted
sanofi.space	1710313	Default / Suspended	May 2016	Different Rt. Nov. 2016; Suspended and then deleted
balenciaga.xyz	1635443	Default / Suspended	August 2015	Registered 2014, Renewed 2015; Suspended & deleted
balenciaga.xyz	1676548	Default / Suspended	May 2016	Different Rt. May 2016; Suspended & deleted; Brand Protection Jul. 2017
boucheron.pub	1635446	Default / Suspended	August 2015	Suspended and then deleted
boucheron.pub	1676556	Claim Denied	May 2016	Different Respondent; Brand Protection Jul. 2016
virginmedia.site	1649592	Default / Suspended	November 2015	Suspended and then deleted (under WHOIS Guard)
virginmedia.site	1741569	Default / Suspended	July 2017	Different Rt. Mar. 2017; No avail. WhoWas; Domain available for registration
lufthansa.vip	1676147	Final / Suspended	May 2016	Suspended and then deleted
lufthansa.vip	1750675	Default / Suspended	September 2017	Different Rt. Sep. 2017; domain remains Suspended
lufthansa.store	1679906	Default / Suspended	June 2016	Suspended and then deleted
lufthansa.store	1755570	Default / Suspended	October 2017	Different Rt. Oct. 2017; domain remains Suspended
bnpparibasfortis.expert	1721891	Withdrawn	March 2017	No case information
bnpparibasfortis.expert	1726997	Default / Suspended	April 2017	Suspended and then deleted; Domain available for registration
genzyme.online	1737246	Claim Denied	June 2017	Insufficient evidence of a word trademark
genzyme.online	1739824	Claim Denied	July 2017	Failed to prove bad faith use - two different examiners
raywhite.property	HKS-1500027	Withdrawn	April 2015	No case information

raywhite.property	HKS-1500028	Default / Suspended	May 2015	Suspended and then deleted; Brand Protection May 2016
alibaba.website	HKS-1500020	Withdrawn	November 2014	No case information
alibaba.website	HKS-1500021	Claim Denied	July 2015	Failed to prove bad faith use; UDRP filed and prevailed Jul 2015
juhuasuan.wang	HKS-1400015	Withdrawn	October 2014	No case information
juhuasuan.wang	HKS-1400016	Default / Suspended	October 2014	Unable to determine if suspended, later deleted; Brand Protection Aug. 2015
tmall.wang	HKS-1400011	Withdrawn	September 2014	No case information
tmall.wang	HKS-1400014	Final / Suspended	October 2014	Unable to determine if suspended, later deleted; Brand Protection Aug. 2015

TABLE 11: URS Case Response Analysis:

	Response w/in 14d	Response w/in 6mo	N/A	Grand Total
Claim Denied	22	6	31	59
Default			31	31
Default / Final		1		1
Final	22	5		27
Suspended	167	24	531	722
Default			531	531
Default / Final	1	13		14
Final	166	11		177
Suspended (Split decision)	2			2
Final	2			2
Withdrawn			44	44
(blank)			44	44
Grand Total	191	30	606	827

Initial Findings:

- The table is first sorted by the outcome of the URS cases and then further categorized by the Determination. Responses are divided:
 - “Response w/in 14d” are cases where the Respondent replied to the initiated case within the 14 days as defined in the rules and procedures.
 - “Response w/in 6mo” are cases where the Respondent did not respond within the 14 day period but later responded within the six month window in effect being a De Novo Review.
 - “N/A” is a code used where no response was found within the URS case.
 - Note however, input from FORUM via the Provider’s sub-team stated 36 cases did file for an extension.
- Of the 827 Cases through 2017.....
 - 27% of the cases contained a response to the URS case
 - 23% of the cases contained a response within the 14 day period
 - 13% of the cases where a response was filed within the 14 day period or the 6 month window, the claim was denied

TABLE 12: Analysis of URS Cases where the Claim was Denied:

Placeholder until further direction of analysis is provided.