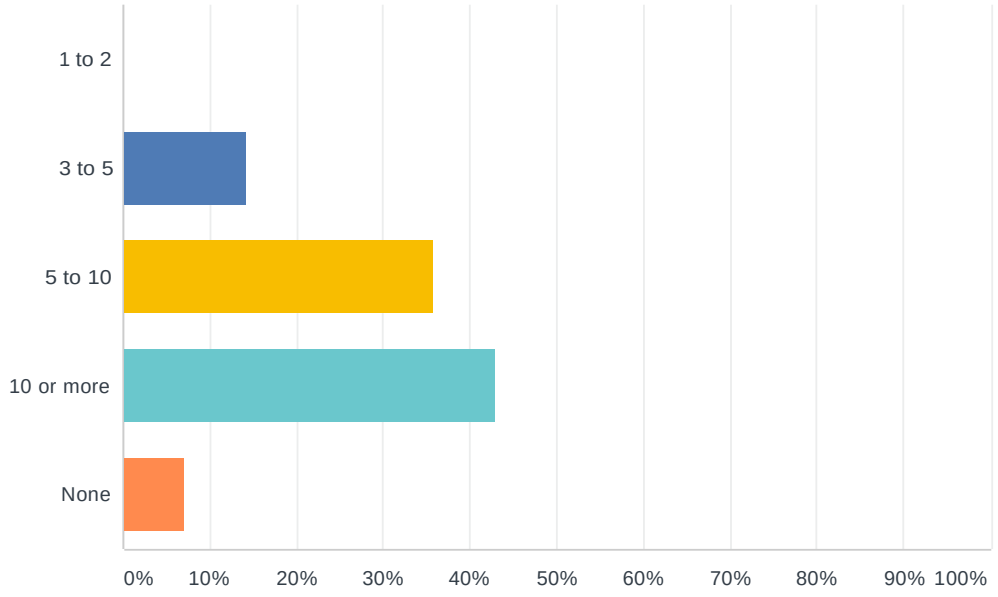
URS Practitioner Background Experience and Perspective

1. In how many URS proceedings have you been involved as Complainant or its representative?

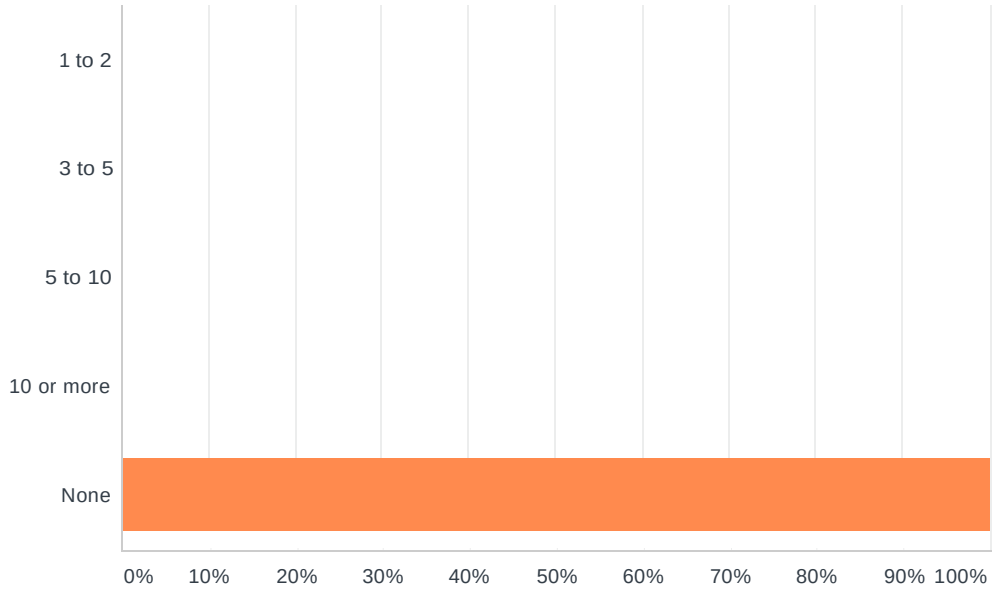
Answered: 14 Skipped: 0



ANSWER CHOICES	RESPONSES	
1 to 2	0.00%	0
3 to 5	14.29%	2
5 to 10	35.71%	5
10 or more	42.86%	6
None	7.14%	1
TOTAL		14

2. In how many URS proceedings have you been involved as Respondent or its representative?

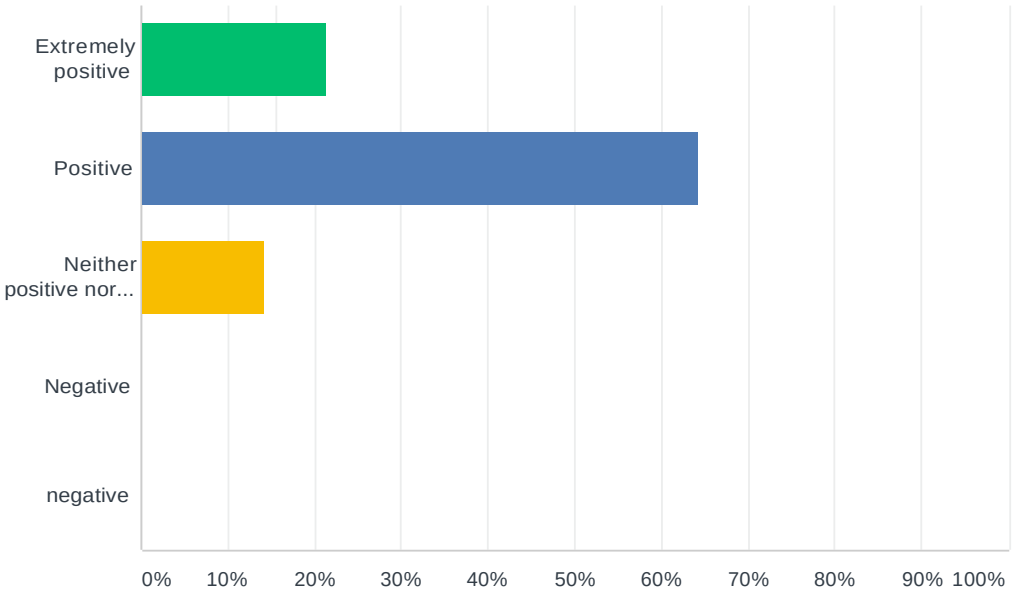
Answered: 14 Skipped: 0



ANSWER CHOICES	RESPONSES	
1 to 2	0.00%	0
3 to 5	0.00%	0
5 to 10	0.00%	0
10 or more	0.00%	0
None	100.00%	14
TOTAL		14

3. Overall, leaving aside the result of the proceeding, how was your experience with the process of a URS proceeding?

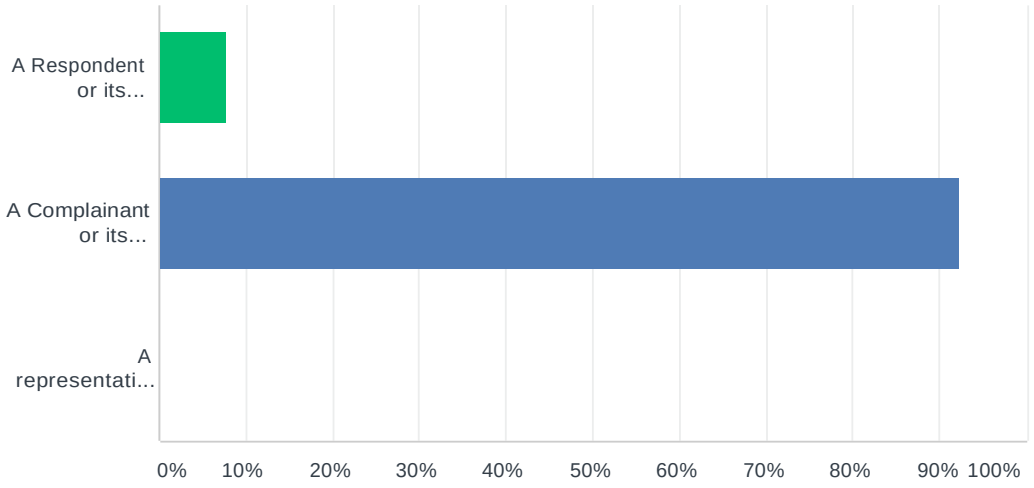
Answered: 14 Skipped: 0



ANSWER CHOICES	RESPONSES	
Extremely positive	21.43%	3
Positive	64.29%	9
Neither positive nor negative	14.29%	2
Negative	0.00%	0
negative	0.00%	0
TOTAL		14

4. With respect to question 3 above, please indicate if you are:

Answered: 13 Skipped: 1



ANSWER CHOICES	RESPONSES	
A Respondent or its representative	7.69%	1
A Complainant or its representative	92.31%	12
A representative of both Complainants and Respondents	0.00%	0
TOTAL		13

5. With respect to question 3 above, please indicate what URS provider you used:

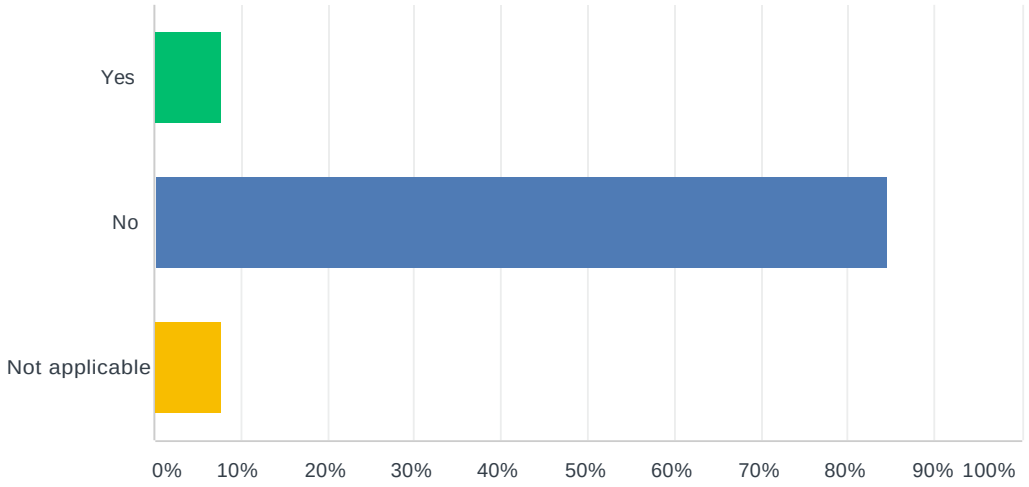
Answered: 11 Skipped: 3

#	RESPONSES
1	ADR
2	NAF
3	NAF
4	NAF
5	NAF
6	National Arbitration Forum
7	FORUM
8	Forum
9	ADR Forum
10	Forum
11	Forum

Procedural Issues

1. When involved as Complainant or its representative in a URS proceeding, were there any difficulties with delivering notice of the proceeding to the Respondent?

Answered: 13 Skipped: 1



ANSWER CHOICES	RESPONSES	
Yes	7.69%	1
No	84.62%	11
Not applicable	7.69%	1
TOTAL		13

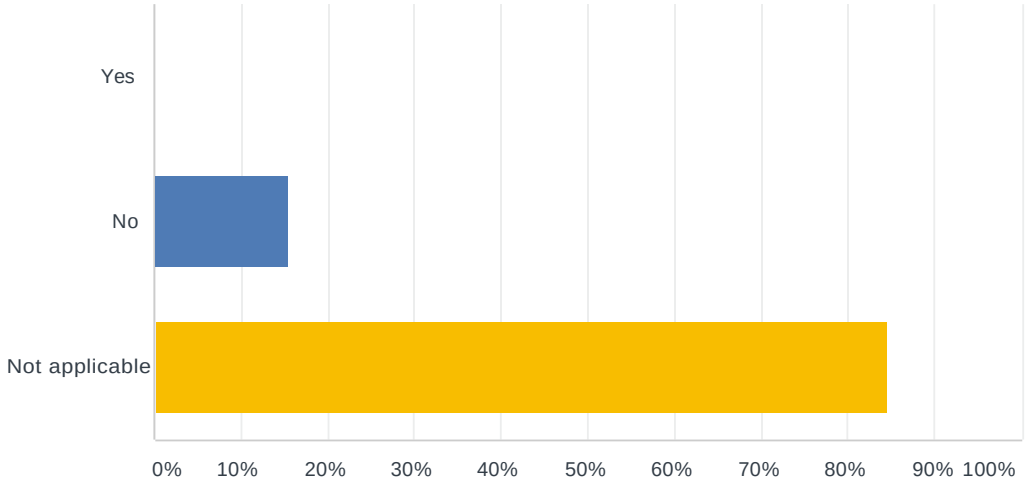
If yes, briefly explain the issue:

Answered: 1 Skipped: 13

#	RESPONSES
1	Only when the Respondent uses a privacy protection service. In those instances, Forum has been able to obtain the Respondent's information on our behalf.

2. When involved as Respondent or its representative in a URS proceeding did the Respondent experience any issues with receiving notice of the proceeding, not including a delay in the Respondent sending the notice to its representative?

Answered: 13 Skipped: 1



ANSWER CHOICES	RESPONSES	
Yes	0.00%	0
No	15.38%	2
Not applicable	84.62%	11
TOTAL		13

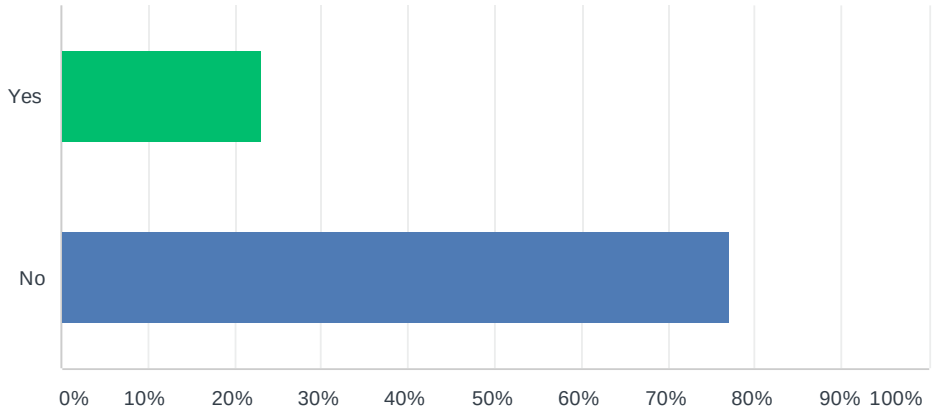
If yes, briefly explain the issue:

Answered: 0 Skipped: 14

#	RESPONSES	
	There are no responses.	

3. Have you filed or been involved in an appeal of a URS decision?

Answered: 13 Skipped: 1



ANSWER CHOICES	RESPONSES	
Yes	23.08%	3
No	76.92%	10
TOTAL		13

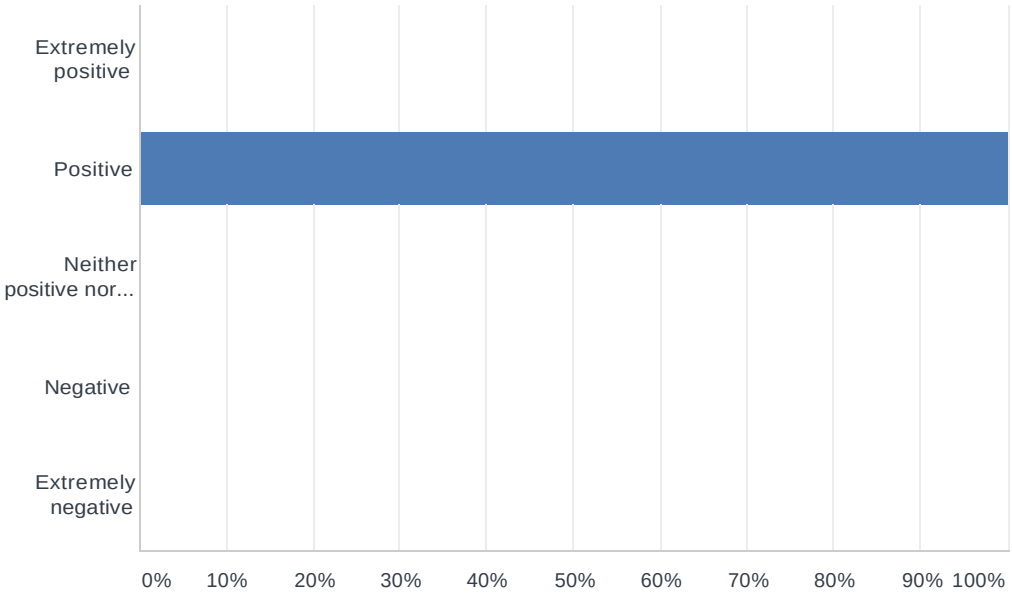
If yes, why?

Answered: 1 Skipped: 13

#	RESPONSES
1	The decision erred in law

4. If you answered "yes" to question 3 "Have you filed or been involved in an appeal of a URS decision?", and leaving aside the result of the proceeding, from the choices below how would you characterize your experience with the appeal process after a URS proceeding?

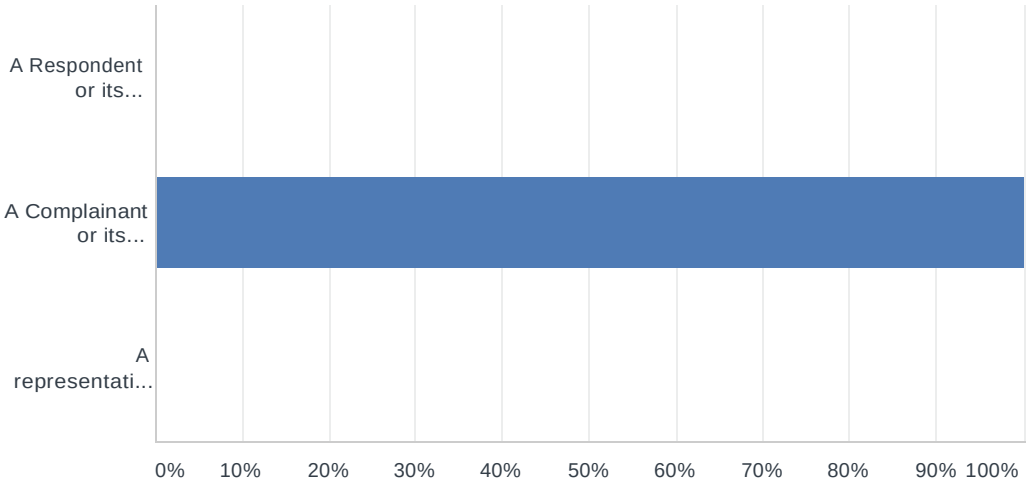
Answered: 3 Skipped: 11



ANSWER CHOICES	RESPONSES	
Extremely positive	0.00%	0
Positive	100.00%	3
Neither positive nor negative	0.00%	0
Negative	0.00%	0
Extremely negative	0.00%	0
TOTAL		3

With respect to question 3 "Have you filed or been involved in an appeal of a URS decision?", please indicate if you are:

Answered: 4 Skipped: 10



ANSWER CHOICES	RESPONSES	
A Respondent or its representative	0.00%	0
A Complainant or its representative	100.00%	4
A representative of both Complainants and Respondents	0.00%	0
TOTAL		4

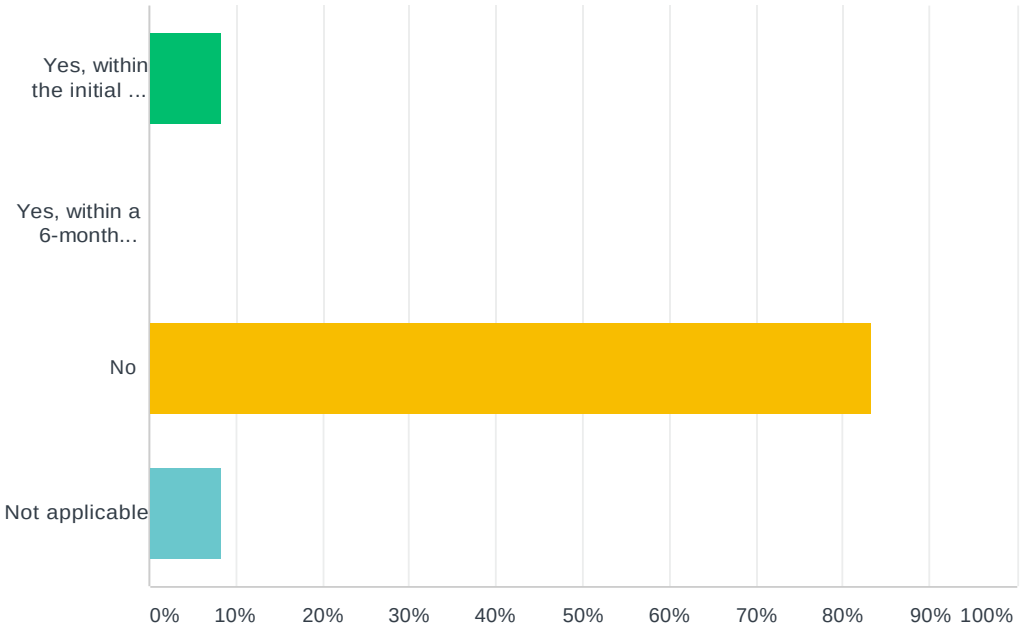
With respect to question 3 "Have you filed or been involved in an appeal of a URS decision?", please indicate what URS provider you used:

Answered: 3 Skipped: 11

#	RESPONSES
1	NAF
2	NAF
3	Forum

5. Have you or a party adverse to you in a URS proceeding ever sought de novo review under Paragraph 6.4 of the URS Procedure?

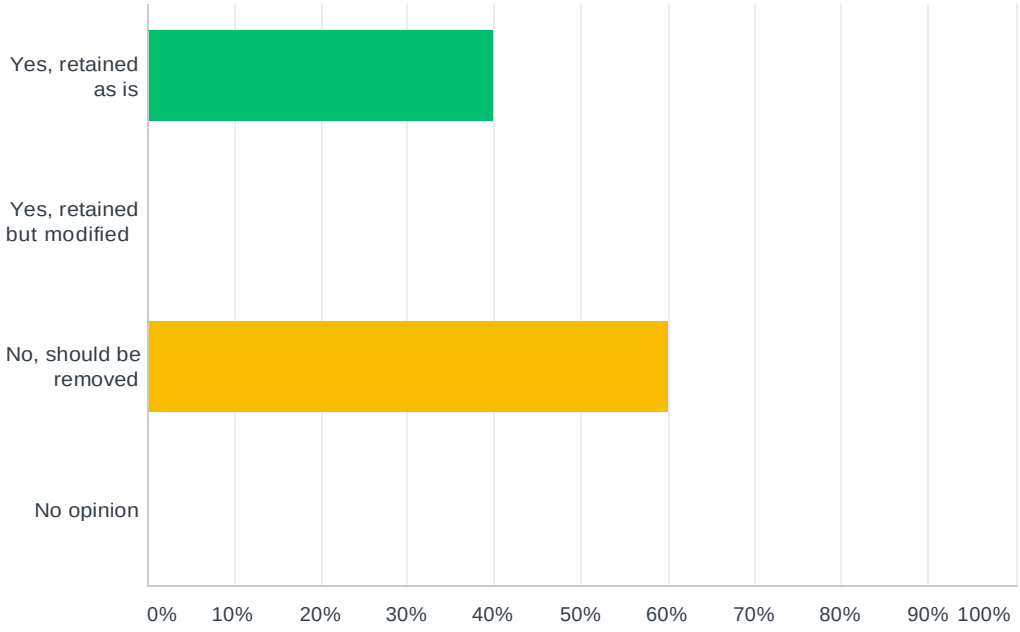
Answered: 12 Skipped: 2



ANSWER CHOICES	RESPONSES	
Yes, within the initial 6 months	8.33%	1
Yes, within a 6-month extension period	0.00%	0
No	83.33%	10
Not applicable	8.33%	1
TOTAL		12

6. If you answered "yes" to Question 5, and leaving aside the result of the proceeding, from your experience with de novo review under Paragraph 6.4 of the URS Procedure, do you believe this procedure should be retained, modified or removed?

Answered: 5 Skipped: 9



ANSWER CHOICES	RESPONSES	
Yes, retained as is	40.00%	2
Yes, retained but modified	0.00%	0
No, should be removed	60.00%	3
No opinion	0.00%	0
TOTAL		5

7. Please provide any comments you wish to add in explanation of any of your answers to questions 3 through 6 above:

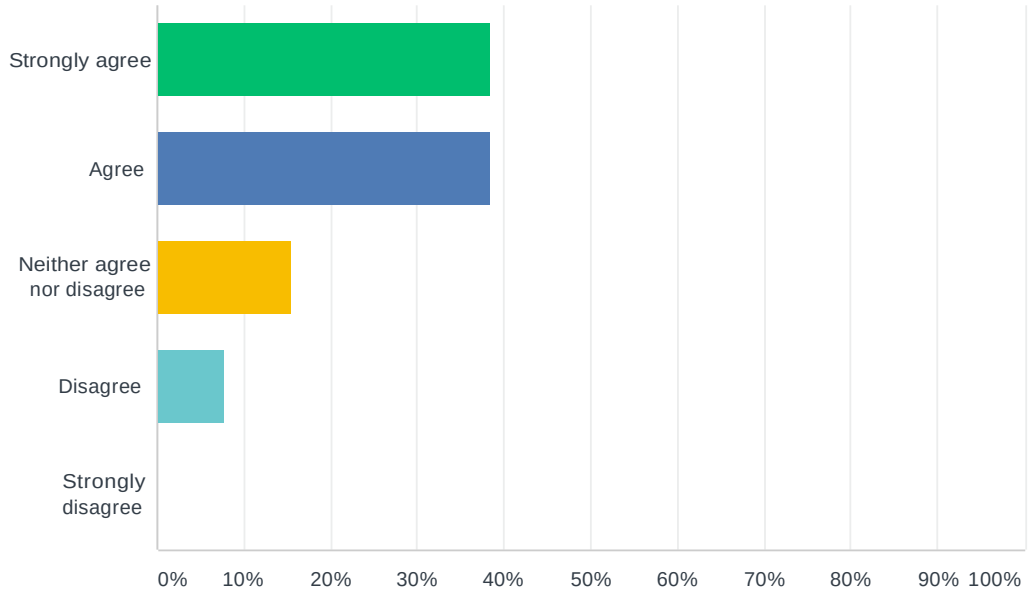
Answered: 0 Skipped: 14

#	RESPONSES	
	There are no responses.	

Substantive Issues

1. Do you believe that URS dispute resolution providers should provide a resource similar to the WIPO Overview of WIPO Panel Views on Selected UDRP Questions for the URS?

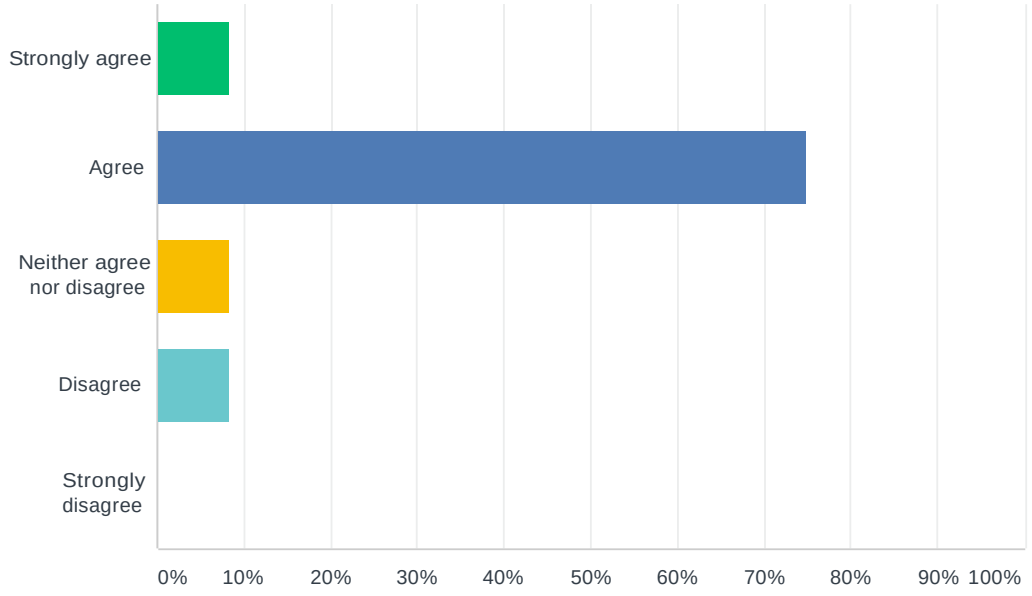
Answered: 13 Skipped: 1



ANSWER CHOICES	RESPONSES	
Strongly agree	38.46%	5
Agree	38.46%	5
Neither agree nor disagree	15.38%	2
Disagree	7.69%	1
Strongly disagree	0.00%	0
TOTAL		13

2. In your URS proceeding(s) do you believe the Decision/Determination provided the reasons upon which the decision was based, as required by Section 13(b) of the URS Rules?

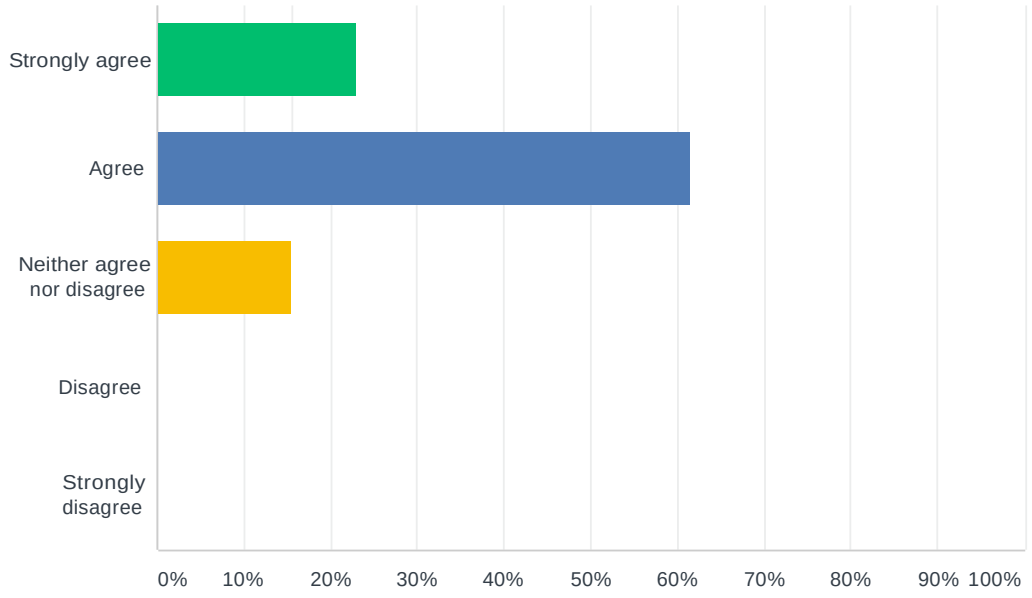
Answered: 12 Skipped: 2



ANSWER CHOICES	RESPONSES	
Strongly agree	8.33%	1
Agree	75.00%	9
Neither agree nor disagree	8.33%	1
Disagree	8.33%	1
Strongly disagree	0.00%	0
TOTAL		12

3. Do you believe that the URS is primarily being used for the types of cases for which it was intended, namely, clear cases of abuse?

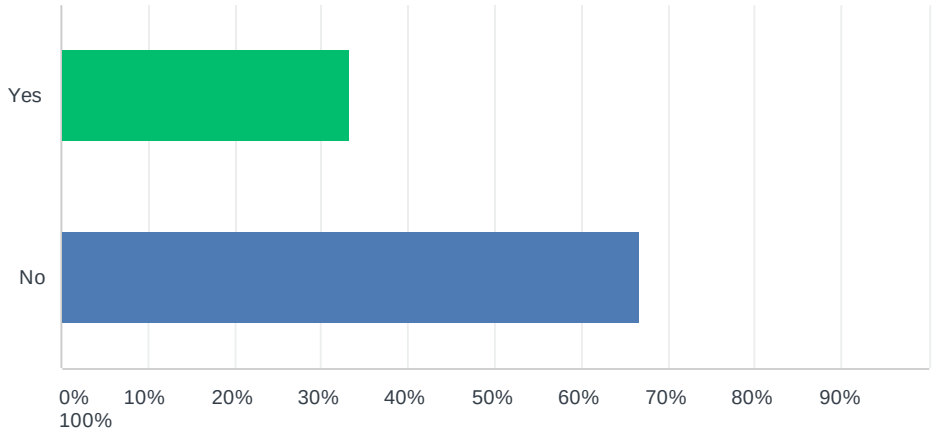
Answered: 13 Skipped: 1



ANSWER CHOICES	RESPONSES	
Strongly agree	23.08%	3
Agree	61.54%	8
Neither agree nor disagree	15.38%	2
Disagree	0.00%	0
Strongly disagree	0.00%	0
TOTAL		13

4. Have you encountered any problems with the implementation of the relief awarded following a URS decision?

Answered: 12 Skipped: 2



ANSWER CHOICES	RESPONSES	
Yes	33.33%	4
No	66.67%	8
TOTAL		12

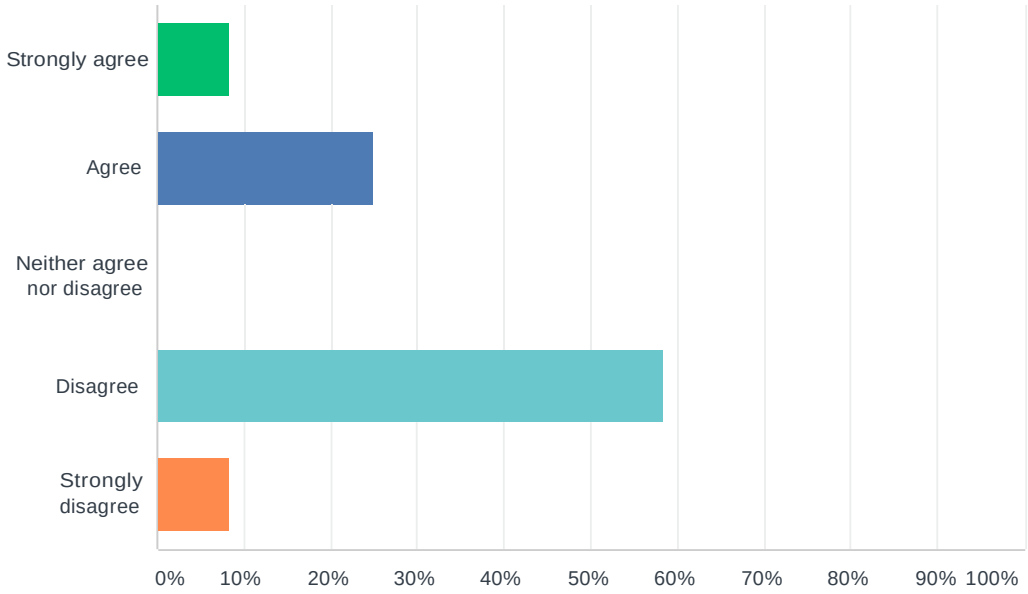
If yes, please briefly describe:

Answered: 5 Skipped: 9

#	RESPONSES	DATE
1	The relief awarded by the URS process is inadequate. In some cases, a losing Respondent is able to re-register a domain once it becomes available.	
2	After the lock, the cybersquatters just renew the domain name.	
3	Any problems with Chinese Registrar in order to implement the decision	
4	Registrars often do not respond to the request for renewal of the suspension.	
5	Some registrars do not understand the process of paying for an additional year of suspension.	

5. Do you believe the relief provided by a URS proceeding is adequate?

Answered: 12 Skipped: 2



ANSWER CHOICES	RESPONSES	
Strongly agree	8.33%	1
Agree	25.00%	3
Neither agree nor disagree	0.00%	0
Disagree	58.33%	7
Strongly disagree	8.33%	1
TOTAL		12

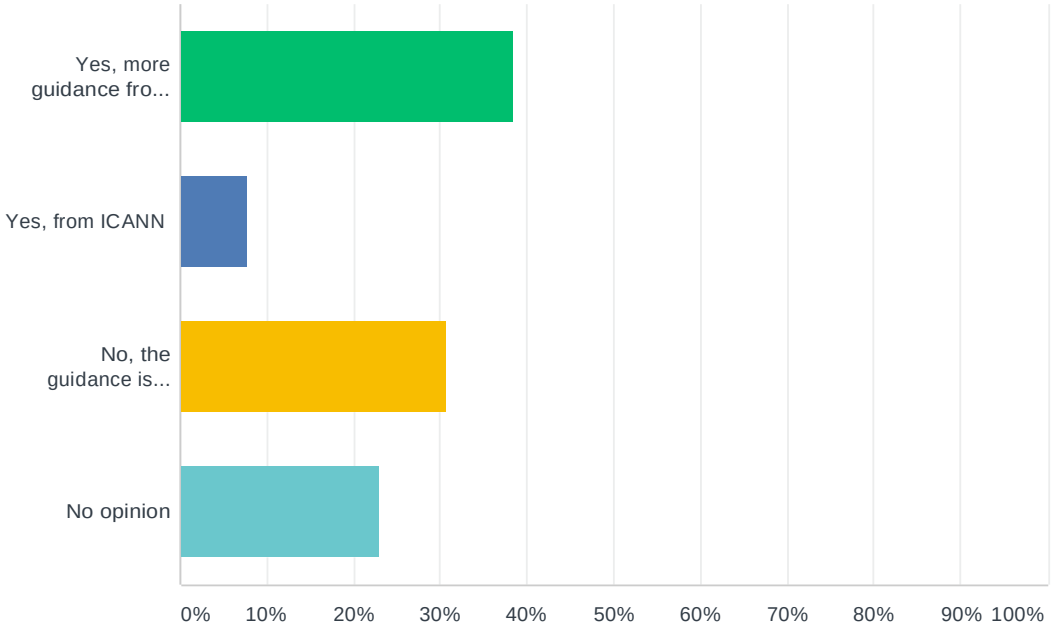
If your response to question 5 is "Disagree" or "Strongly disagree", how would you change it?

Answered: 8 Skipped: 6

#	RESPONSES
1	A winning Complainant should have the option of either a) transfer of the domain to Complainant or b) a right of first refusal to purchase the domain when it next becomes available.
2	transfert or annulation of the domain name
3	Allow for cancellation or transfer of domain names
4	Include transfer as a remedy in the event of default.
5	A possible remedy should be the transfer of the domain name
6	Suspension is good, but the respondent can re-register.
7	After the lock, the cybersquatters just renew the domain name. It's turning out to be a worthless remedy.
8	There needs to be an established process for requesting suspension renewals. Often, when Registrars are contacted regarding renewal, the Registrars are unaware of the renewal option or simply does not reply.

6. Should there be more guidance provided to educate or instruct practitioners on what is needed to meet the “clear and convincing” burden of proof in a URS proceeding?

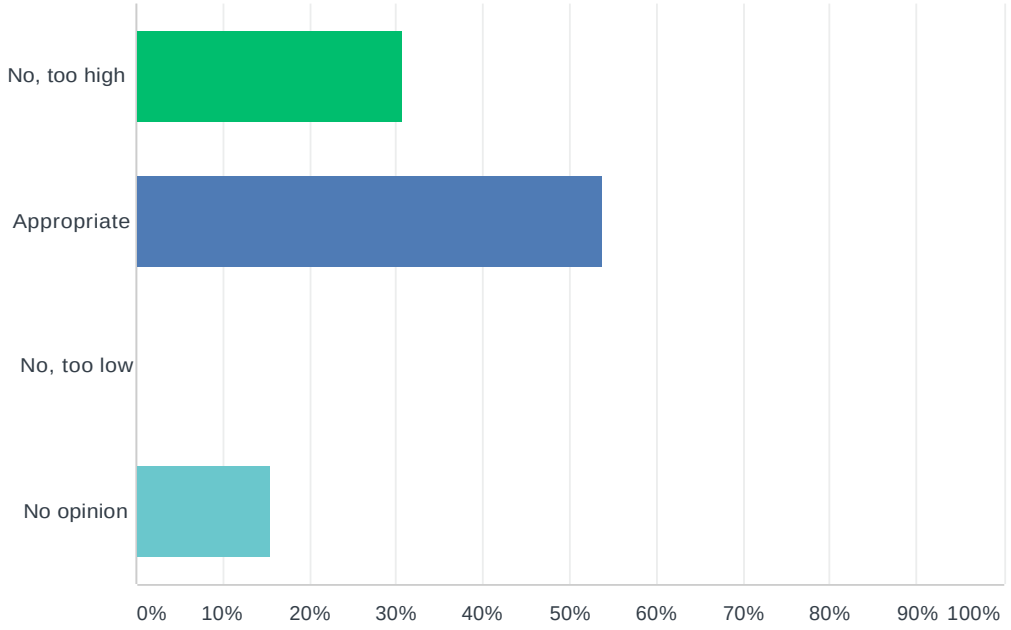
Answered: 13 Skipped: 1



ANSWER CHOICES	RESPONSES	
Yes, more guidance from the dispute resolution service provider	38.46%	5
Yes, from ICANN	7.69%	1
No, the guidance is already adequate	30.77%	4
No opinion	23.08%	3
TOTAL		13

7. Based on your experience as a URS practitioner, is the standard of “clear and convincing evidence” for the burden of proof in a URS proceeding appropriate?

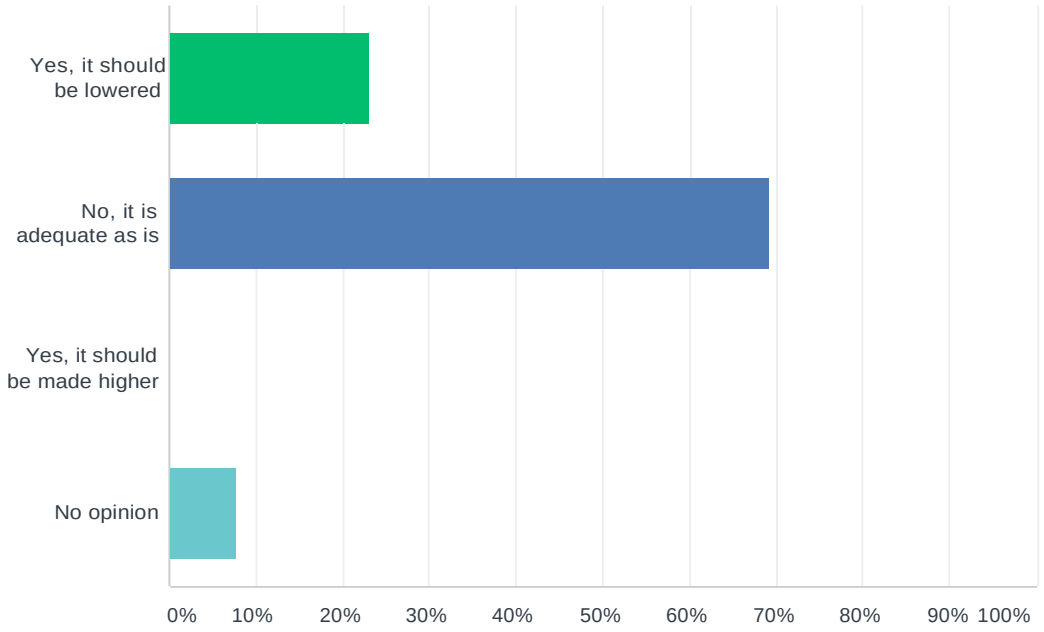
Answered: 13 Skipped: 1



ANSWER CHOICES	RESPONSES	
No, too high	30.77%	4
Appropriate	53.85%	7
No, too low	0.00%	0
No opinion	15.38%	2
TOTAL		13

8. Based on your experience with the URS, should the standard for the burden of proof be modified?

Answered: 13 Skipped: 1



ANSWER CHOICES	RESPONSES	
Yes, it should be lowered	23.08%	3
No, it is adequate as is	69.23%	9
Yes, it should be made higher	0.00%	0
No opinion	7.69%	1
TOTAL		13

If you chose "Yes, it should be lowered" please explain the basis for your position:

Answered: 2 Skipped: 12

#	RESPONSES
1	The standard should be preponderance of the evidence.
2	To meet the UDRP process

If you chose "Yes, it should be made higher" please explain the basis for your position:

Answered: 0 Skipped: 14

#	RESPONSES
	There are no responses.

9. Please provide any comments you wish to add in explanation of any of your answers to questions 1 through 8 above:

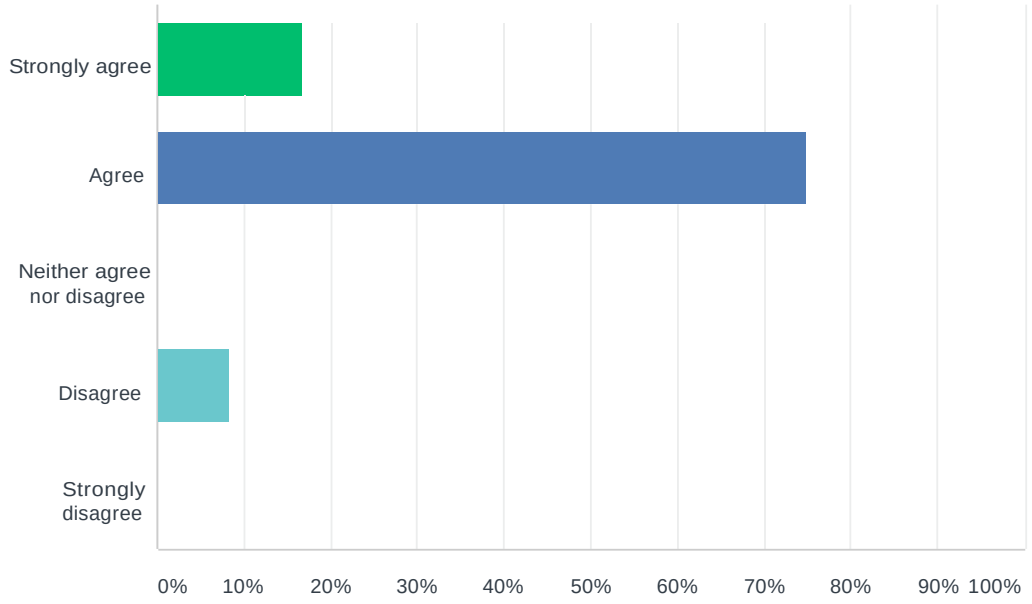
Answered: 2 Skipped: 12

#	RESPONSES	
1	Every effort should be made to reduce cost of dealing with cybersquatting, which is a harm to the public as well as the trademark owner.	
2	Regarding remedies, would like to see an option of a voluntary (negotiated) transfer from a losing respondent to a prevailing complainant before the domain expires.	

Practical Issues

1. Do you believe that the submission of a declaration and a specimen of current use in commerce should be adequate evidence of use for a URS case?

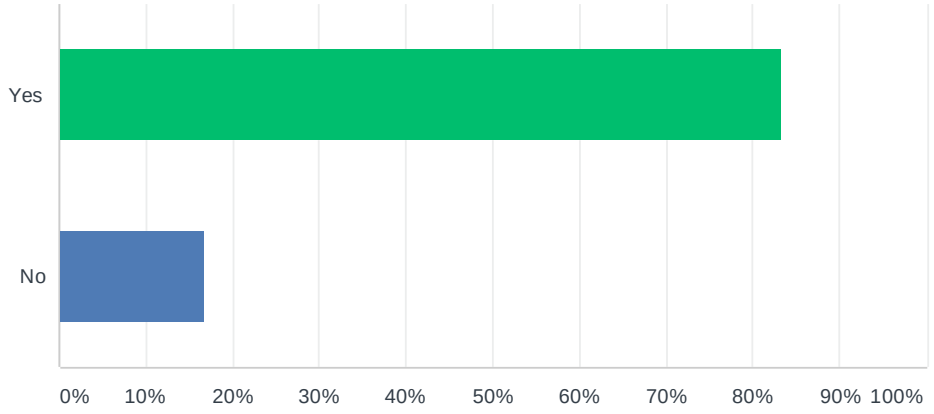
Answered: 12 Skipped: 2



ANSWER CHOICES	RESPONSES	
Strongly agree	16.67%	2
Agree	75.00%	9
Neither agree nor disagree	0.00%	0
Disagree	8.33%	1
Strongly disagree	0.00%	0
TOTAL		12

2. Do you believe that the submission of an SMD file from the Trademark Clearing House to demonstrate that evidence of use was filed with the TMCH should be adequate proof of use for a URS case?

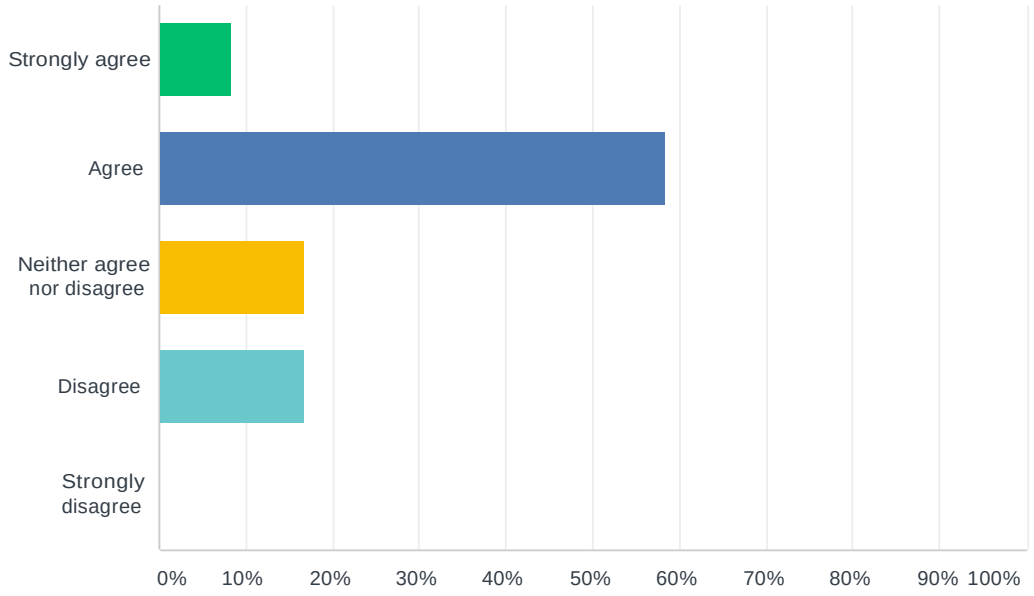
Answered: 12 Skipped: 2



ANSWER CHOICES	RESPONSES	
Yes	83.33%	10
No	16.67%	2
TOTAL		12

3. Do you believe the filing fee for a URS is appropriate?

Answered: 12 Skipped: 2



ANSWER CHOICES	RESPONSES	
Strongly agree	8.33%	1
Agree	58.33%	7
Neither agree nor disagree	16.67%	2
Disagree	16.67%	2
Strongly disagree	0.00%	0
TOTAL		12

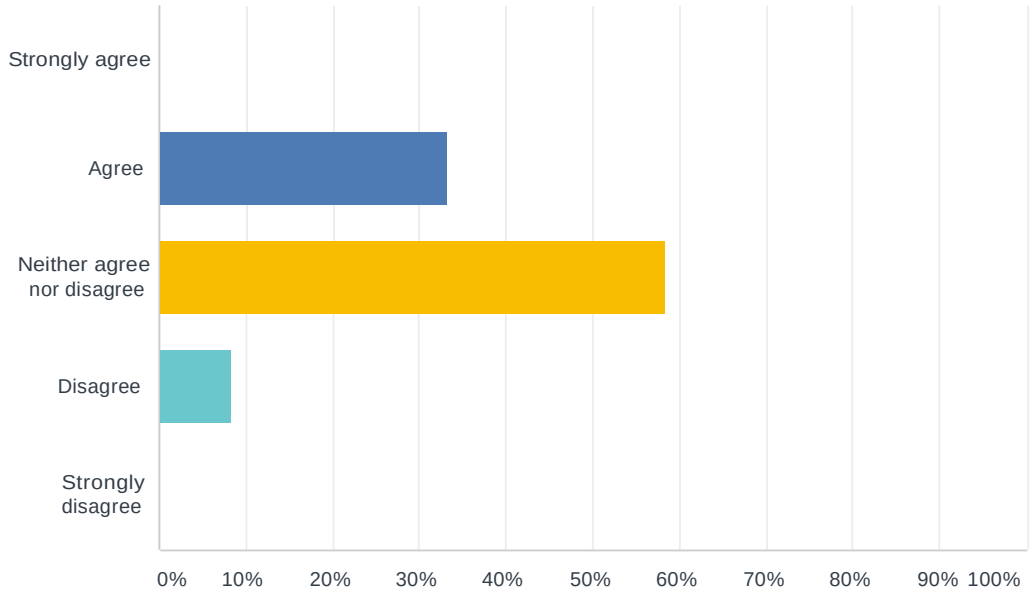
If you answered "Disagree" or "Strongly disagree", should it be higher or lower, and why? Or, please suggest what you think is an appropriate fee:

Answered: 2 Skipped: 12

#	RESPONSES
1	Reduce the cost to $150.
2	Fee could be slightly higher ($500?) but only if it would encourage panelists to write slightly more detailed decisions.

4. Do you believe the response fee for a URS is appropriate?

Answered: 12 Skipped: 2



ANSWER CHOICES	RESPONSES	
Strongly agree	0.00%	0
Agree	33.33%	4
Neither agree nor disagree	58.33%	7
Disagree	8.33%	1
Strongly disagree	0.00%	0
TOTAL		12

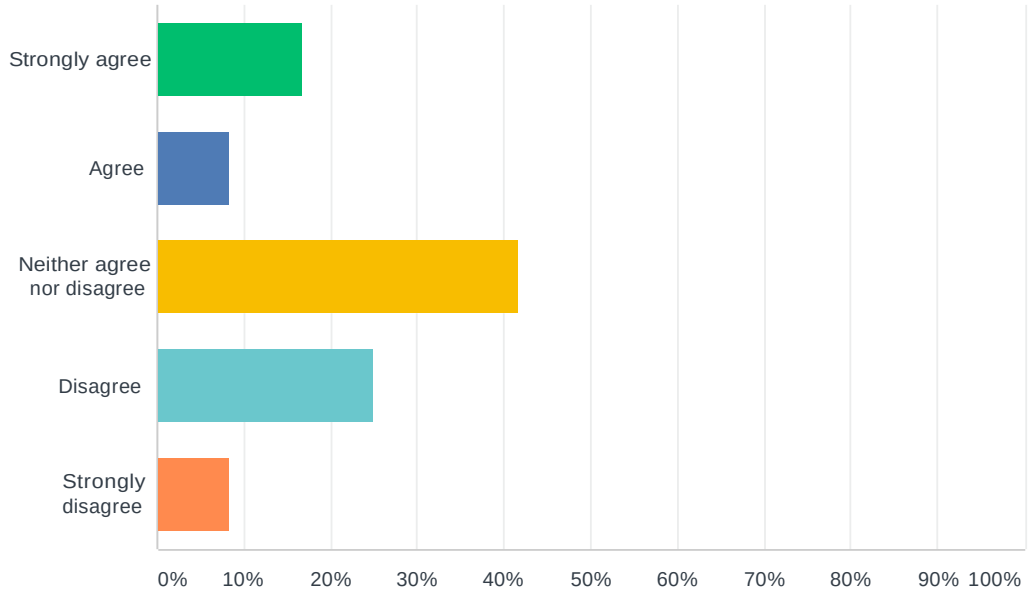
If you answered "Disagree" or "Strongly disagree", should it be higher or lower, and why? Or, please suggest what you think is an appropriate fee:

Answered: 1 Skipped: 13

#	RESPONSES
1	The response fee should be triggered at 5 domains in a single case rather than 15 as provided in the current FORUM Supplemental Rules. 5 domains is sufficient to demonstrate a "pattern of conduct" and thus impose upon a respondent a requirement to participate in funding the case.

5. Do you believe there are adequate means for searching prior URS cases?

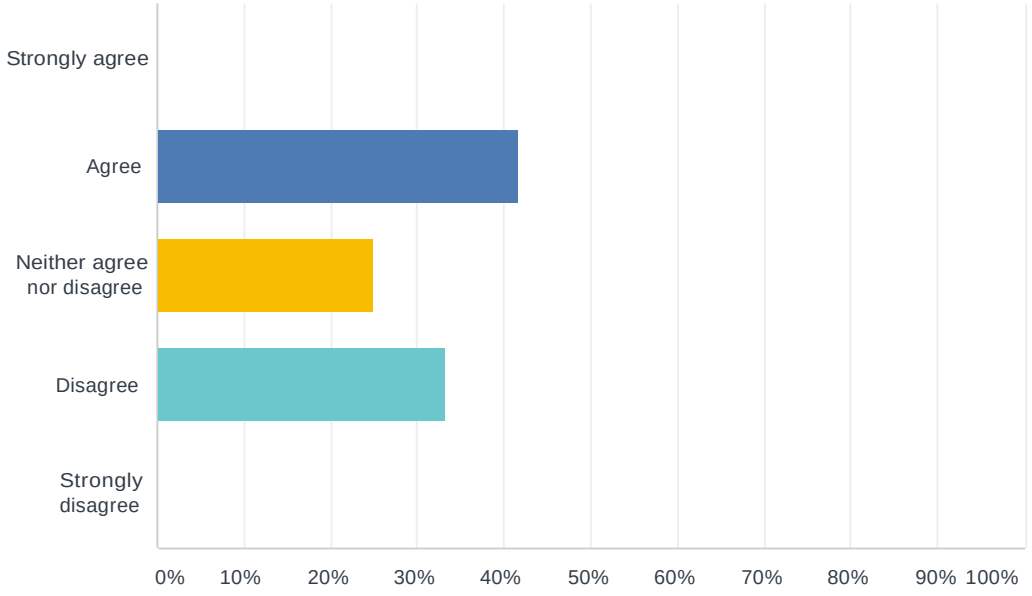
Answered: 12 Skipped: 2



ANSWER CHOICES	RESPONSES	
Strongly agree	16.67%	2
Agree	8.33%	1
Neither agree nor disagree	41.67%	5
Disagree	25.00%	3
Strongly disagree	8.33%	1
TOTAL		12

6. Do you believe the existing word limitation for filings in a URS proceeding is appropriate?

Answered: 12 Skipped: 2



ANSWER CHOICES	RESPONSES	
Strongly agree	0.00%	0
Agree	41.67%	5
Neither agree nor disagree	25.00%	3
Disagree	33.33%	4
Strongly disagree	0.00%	0
TOTAL		12

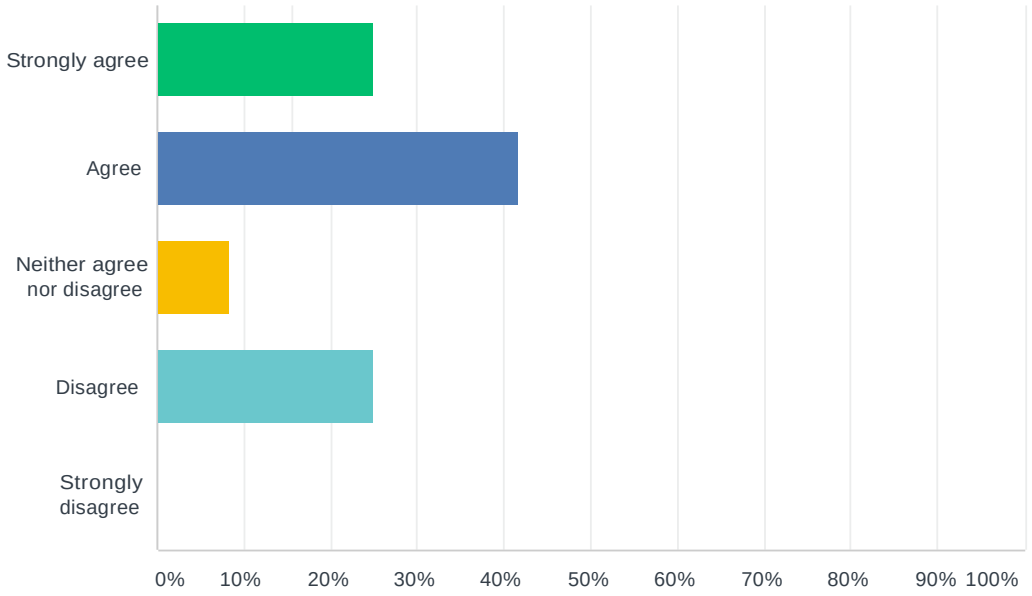
If you answered "Disagree" or "Strongly disagree", should it be higher or lower, and why?

Answered: 4 Skipped: 10

#	RESPONSES
1	500 words is arbitrary and often insufficient
2	Some cases need more explanations than others
3	Word limit for complaints should be kept low but raised to 1,000 to accommodate things like case citations.
4	should be slightly increased

7. Do you believe the existing time frames for submitting filings in a URS proceeding are appropriate?*

Answered: 12 Skipped: 2



*These are: 14 days for a response (including a right to request 7 days extension), seeking de novo review (from default) for up to six months plus an option to request anadditional 6 months, and filing an appeal for up to 14 days after default or a determination.

ANSWER CHOICES	RESPONSES	
Strongly agree	25.00%	3
Agree	41.67%	5
Neither agree nor disagree	8.33%	1
Disagree	25.00%	3
Strongly disagree	0.00%	0
TOTAL		12

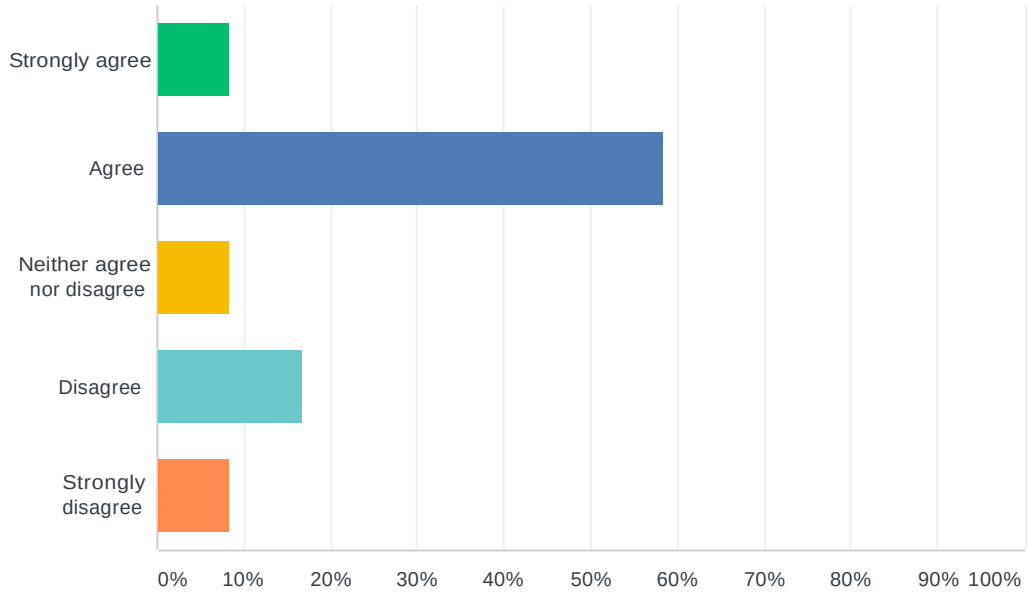
If you answered "Disagree" or "Strongly disagree", should it be longer or shorter, and why?

Answered: 3 Skipped: 11

#	RESPONSES
1	If the URS is meant to be a faster proceeding, why allow 14-days for a response? the timelines should be shorter.
2	Time for seeking de novo review should be reduced to a single 30-day period. If a registrant hasn't noticed that its domain and website are suspended within that time, the domain is clearly not of great importance to them.
3	The default and appeal filing windows should be shorter.

8. Do you believe the existing limitations on the submission of evidence in a URS proceeding are appropriate?

Answered: 12 Skipped: 2



ANSWER CHOICES	RESPONSES	
Strongly agree	8.33%	1
Agree	58.33%	7
Neither agree nor disagree	8.33%	1
Disagree	16.67%	2
Strongly disagree	8.33%	1
TOTAL		12

9. Please provide any comments you want to add to explain your answers to questions 1 through 8 above:

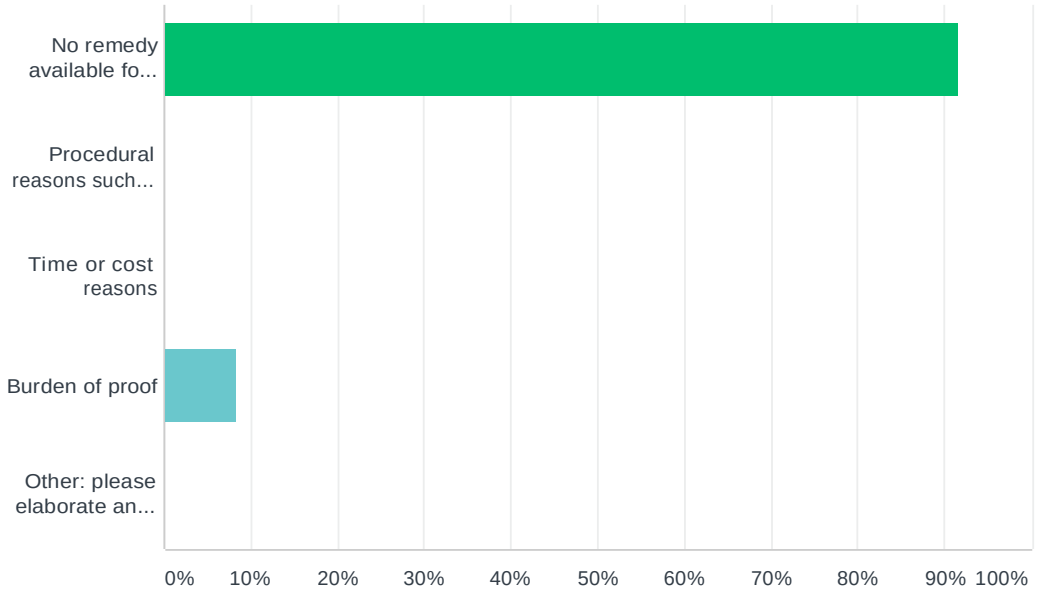
Answered: 3 Skipped: 11

#	RESPONSES	
1	Often exhibits are required to prove a point that can't be captured in 500 words	
2	Regarding submission of evidence, allowance should be made for evidence of cybersquatting beyond what may be shown in a resolving website. E.g., evidence of other bad faith activities such as phishing emails should be more easily accommodated in the URS process.	
3	need clearer way to submit additional evidence	

Other

1. If you chose not to file a URS in a particular matter, what was the reason? Please choose from the following options:

Answered: 12 Skipped: 2

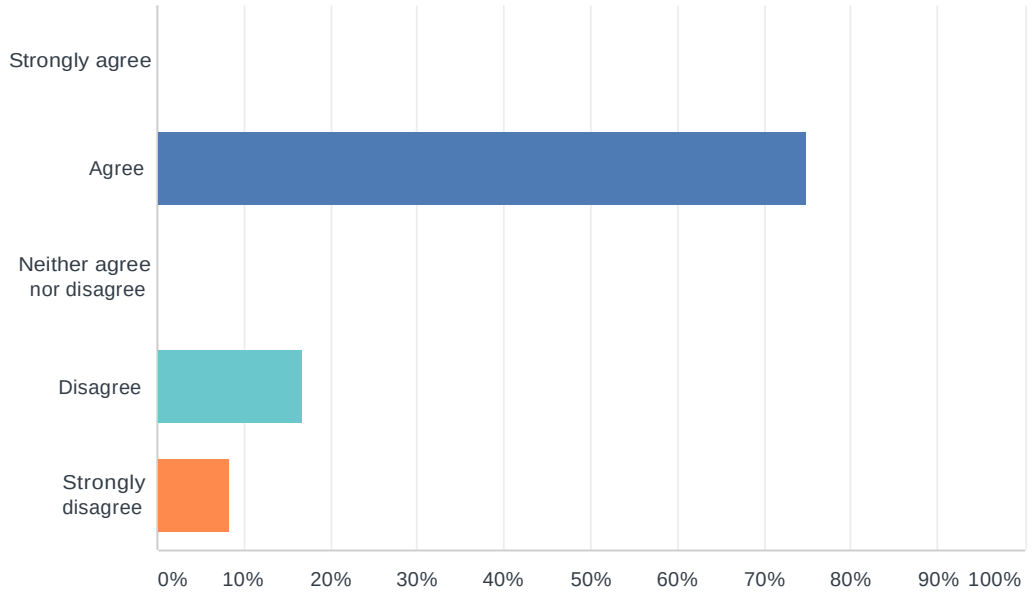


ANSWER CHOICES	RESPONSES	
No remedy available for transfer of disputed domain name to prevailing complainant	91.67%	11
Procedural reasons such as word limitations in a complaint	0.00%	0
Time or cost reasons	0.00%	0
Burden of proof	8.33%	1
Other: please elaborate and if possible without violating confidentiality, privilege or attorney work product, specify the alternative action you did take:	0.00%	0
TOTAL		12

#	OTHER: PLEASE ELABORATE AND IF POSSIBLE WITHOUT VIOLATING CONFIDENTIALITY, PRIVILEGE OR ATTORNEY WORK PRODUCT, SPECIFY THE ALTERNATIVE ACTION YOU DID TAKE:
	There are no responses.

2. Do you believe that the URS Process as it now exists is an effective rights protection mechanism?

Answered: 12 Skipped: 2



ANSWER CHOICES	RESPONSES	
Strongly agree	0.00%	0
Agree	75.00%	9
Neither agree nor disagree	0.00%	0
Disagree	16.67%	2
Strongly disagree	8.33%	1
TOTAL		12

3. If the URS was available in all gTLDs, would you use it? Why or why not?

Answered: 12 Skipped: 2

#	RESPONSES	
1	Yes. It is an unfortunate limitation that it is not more widely available.	
2	no too risky regarding the burden of proof	
3	Probably, depending on the desired outcome	
4	Yes, it is a useful, less expensive tool than the UDRP when used for appropriate cases.	
5	I would if we could obtain the transfer of the domain name	
6	Yes. It is efficient.	
7	Yes. Some domains/websites simply need to be deactivated to prevent harm. It's not necessary to have all domains transferred as this can lead to expensive bloating of a brand owner's defensive domain portfolio.	
8	No	
9	yes.	
10	Yes	
11	Yes, oftentimes the client only want control of the domain to remove infringing content and does not wish to register the domain. URS suspension would achieve the same result in less time.	
12	Yes, as some domains do not warrant the full UDRP fee and transfer, but should still be suspended.	

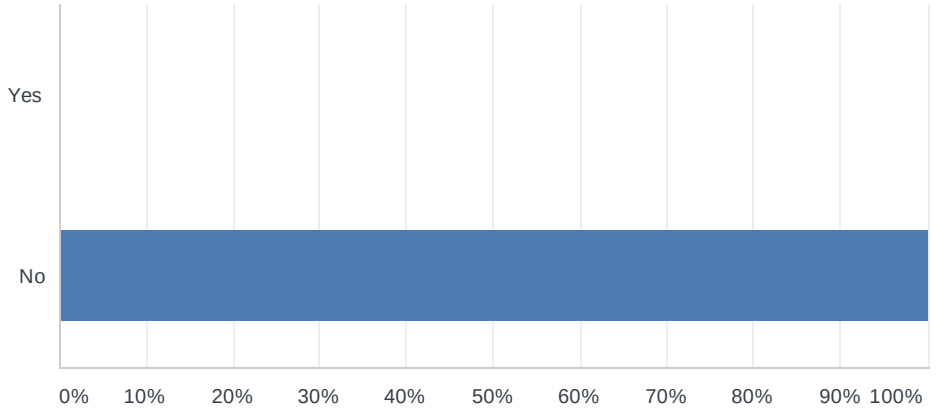
4. Please provide any comments you want to add to explain your answers to questions 1, 2 and 3 above:

Answered: 0 Skipped: 14

#	RESPONSES	
	There are no responses.	

5. Leaving aside the result of the proceeding, have you had an experience with an Examiner having an actual or potential conflict of interest in a URS proceeding?

Answered: 12 Skipped: 2



ANSWER CHOICES	RESPONSES	
Yes	0.00%	0
No	100.00%	12
TOTAL		12

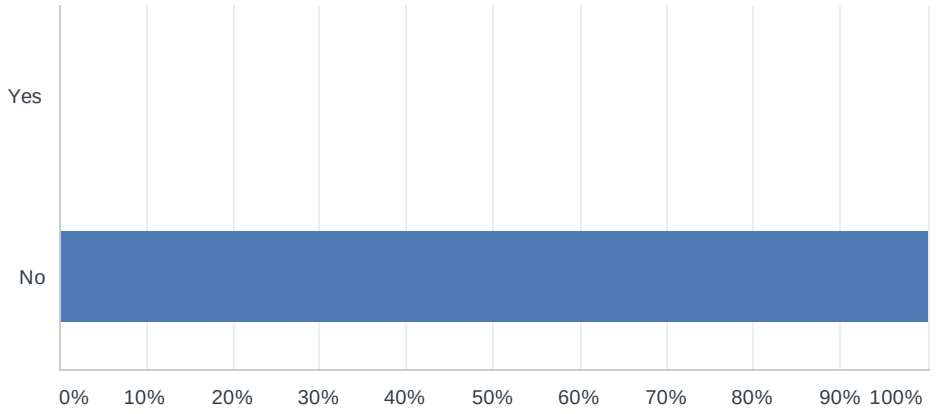
If you answered yes, please briefly explain:

Answered: 0 Skipped: 14

#	RESPONSES	
	There are no responses.	

6. Leaving aside the result of the proceeding, have you had an experience with an Examiner not being impartial and independent in a URS proceeding?

Answered: 12 Skipped: 2



ANSWER CHOICES	RESPONSES	
Yes	0.00%	0
No	100.00%	12
TOTAL		12

If you answered yes, please briefly explain:

Answered: 0 Skipped: 14

#	RESPONSES	
	There are no responses.	