

| URS Proposal | Action Item | Summary of WG Deliberation | Reference |
|--------------|-------------|----------------------------|-----------|
|--------------|-------------|----------------------------|-----------|

Individual Proposals for URS Policy Recommendations & Operational Fixes for Initial Report

Prepared by ICANN Staff - draft as of 16 October 2018

Introductory Notes:

- This table lists RPM WG individual members' proposals for URS policy recommendations and operational fixes. The structure of the table follows that of the [Super Consolidated URS Topics Table](#) (SCT) (draft as of 31 August 2018).
- Column 1 includes the proposal text and links to the full proposal documents. Column 2 includes the follow-up action items related to the proposals. Column 3 includes summary of the WG's deliberations on these proposals based on staff's observation and understanding. Column 4 includes page references to the transcripts and chat records of WG discussions about these proposals.
- In Column 3, staff have suggested the applicable Initial Report sections where the proposals can be placed. These sections include:
 - 1) Preliminary recommendations and/or implementation guidelines;
 - 2) Options under consideration, along with the associated benefits / drawbacks;
 - 3) Specific questions are the PDP WG seeking feedback on;
 - 4) Deliberations;
 - 5) Annex of Proposals.

| URS Proposal | Action Item | Summary of WG Deliberation | Reference |
|--|-------------|--|---|
| A. THE COMPLAINT - 3. Limited filing period | | | |
| POLICY RECOMMENDATION (#5 George Kirikos) The URS and UDRP policies should be amended to introduce a limitation period for filing complaints. While specific implementation can be performed by a future IRT, I propose at this point that the limitation period be 2 years, as measured from the creation date of the domain name (this would match the statute of limitation in Ontario, Canada). | | <ul style="list-style-type: none"> • Overall adequate support (some WG members support, some oppose, some have concerns regarding the accuracy of law references and gaming potential); • Include the proposal in the following sections of the Initial Report: <ul style="list-style-type: none"> ○ 2) options under consideration; ○ 3) specific questions | 10 Oct 2018 pp.4-15 Chat Room pp.2-5 |

Legend: policy recommendations in GREEN, operational fixes in ORANGE, non-policy or operational proposals in PURPLE, action items in YELLOW, proposals that received adequate support in BLUE, proposals that received limited support in RED

| URS Proposal | Action Item | Summary of WG Deliberation | Reference |
|--|--|--|---|
| | | seeking feedback; <ul style="list-style-type: none"> ○ 4) deliberations; ○ 5) annex | |
| A. THE COMPLAINT - 8. Other topics | | | |
| <p>POLICY RECOMMENDATION (#6 Claudio DiGangi) The recommendation is to permit multiple unrelated complainants to bring a single complaint jointly against a single domain name registrant (or related registrants) who has registered multiple domain names, by deleting the following procedural element within Section 1.1.3 of the URS Procedure:</p> <p>"One Complaint is acceptable for multiple related companies against one Registrant, but only if the companies complaining are related</p> | | <ul style="list-style-type: none"> ● Overall adequate support (some WG members support and some oppose); ● Supplemental information provided on 05 Oct, see email; ● Include the proposal in the following sections of the Initial Report: <ul style="list-style-type: none"> ○ 2) options under consideration; ○ 3) specific questions seeking feedback; ○ 4) deliberations; ○ 5) annex. | <p>17 Sep 2018 pp.21-30</p> <p>Chat Room pp.6-7</p> |
| B. NOTICE - 1. Receipt by Registrant; Notice (feedback from Complainant & Respondent) | | | |
| <p>POLICY RECOMMENDATION (#7 George Kirikos) The URS and UDRP policies shall be changed to require that providers provide notification to a registrant's Legal Contact, in addition to (not replacing) the current required notification to registrants. At the implementation stage of this policy change, WHOIS (or its successor) would be augmented to add that Legal Contact on an opt-in basis. To reduce costs, notices from URS/UDRP providers to the Legal Contact</p> | <ul style="list-style-type: none"> ● George Kirikos to revise the proposal based on WG members' suggestions | <ul style="list-style-type: none"> ● Overall adequate support (some WG members support, some oppose, some have concerns regarding the necessity and scope of the proposal due to the ongoing EPDP & future impact to gTLD registration data); | <p>10 Oct 2018 pp.16-22</p> <p>Chat Room pp.5-7</p> |

Legend: policy recommendations in GREEN, operational fixes in ORANGE, non-policy or operational proposals in PURPLE, action items in YELLOW, proposals that received adequate support in BLUE, proposals that received limited support in RED

| URS Proposal | Action Item | Summary of WG Deliberation | Reference |
|--|-------------|---|---|
| <p>should be by email and FAX only (not courier).</p> | | <ul style="list-style-type: none"> ● Suggest that domain name registrant should be required to appoint an agent for service of process; ● Include the proposal in the following sections of the Initial Report: <ul style="list-style-type: none"> ○ 2) options under consideration; ○ 3) specific questions seeking feedback; ○ 4) deliberations; ○ 5) annex. | |
| B. NOTICE - 3. Other topics | | | |
| <p>OPERATIONAL FIX (#1 Kristine Dorrain) URS Paragraph 6 says: 6.2 In either case, the Provider shall provide Notice of Default via email to the Complainant and Registrant, and via mail and fax to Registrant. During the Default period, the Registrant will be prohibited from changing content found on the site to argue that it is now a legitimate use and will also be prohibited from changing the Whois information.</p> <p>Option 1: Amend to delete "During the Default period, the Registrant will be prohibited from changing content found on the site to argue that it is now a legitimate use and will also be prohibited from changing the Whois information." and move this text to the section in the policy that indicates how bad faith may be proven (i.e. these</p> | | <ul style="list-style-type: none"> ● Overall adequate support (some WG members support and some oppose); ● Include the proposal in the following sections of the Initial Report: <ul style="list-style-type: none"> ○ 2) options under consideration; ○ 3) specific questions seeking feedback; ○ 4) deliberations; ○ 5) annex. | <p>17 Sep 2018 pp.3-9</p> <p>Chat Room pp.2</p> |

Legend: policy recommendations in GREEN, operational fixes in ORANGE, non-policy or operational proposals in PURPLE, action items in YELLOW, proposals that received adequate support in BLUE, proposals that received limited support in RED

| URS Proposal | Action Item | Summary of WG Deliberation | Reference |
|--|-------------|--|---|
| <p>behaviors may be used by the Examiner to find bad faith).</p> <p>Option 2: Just delete the "During the Default period" text. [Note, there is no Default period defined here or anywhere - the case goes to the Examiner.]</p> | | | |
| C. RESPONSE - 1. Duration of response period | | | |
| <p>POLICY RECOMMENDATION (#8 George Kirikos) The URS and UDRP should adjust their response times, by adding 3 additional days to respond for every year that has elapsed since the creation date of the domain in dispute, up to a maximum of 60 days in total.</p> | | <ul style="list-style-type: none"> ● Overall limited support (proponent supports, most oppose, some have concerns about the necessity of the proposal, implementation, and impact to the rapidness of URS); ● Include the proposal in the following sections of the Initial Report: <ul style="list-style-type: none"> ○ 4) deliberations; ○ 5) annex. | <p>10 Oct 2018 pp.22-27</p> <p>Chat Room pp.7-9</p> |

Legend: policy recommendations in GREEN, operational fixes in ORANGE, non-policy or operational proposals in PURPLE, action items in YELLOW, proposals that received adequate support in BLUE, proposals that received limited support in RED

| URS Proposal | Action Item | Summary of WG Deliberation | Reference |
|--|---|--|--|
| <p>POLICY RECOMMENDATION (#9 David McAuley) This is a proposal to eliminate one round of three possible URS examinations for those registrants who default to a URS complaint, i.e. who do not answer a URS complaint within the 14-day notice period, and to shorten the extended time given to those who default. My proposal is to reduce the six-month response period for defaulting registrants to engage in URS to three months and make it non-extendable. And their engagement would not be a for a ‘de novo review’ but rather a de novo appeal under procedure 12 with a chance to respond (thus giving defaulting registrants up to two examinations).</p> | <ul style="list-style-type: none"> David McAuley and Griffin Barnett’s Team to work on a revised proposal consolidating proposals #9 and #10 | <ul style="list-style-type: none"> Overall adequate support (some WG members support and some oppose); Willing to adjust proposal after similar proposal #10 from Brian Winterfeldt’s team is presented, see email; Include the proposal in the following sections of the Initial Report: <ul style="list-style-type: none"> 4) deliberations; 5) annex. | <p>17 Sep 2018 pp.30-39</p> <p>Chat Room pp.7-11</p> |
| <p>POLICY RECOMMENDATION (#10 Brian Winterfeldt; Christopher Thomas; Colin O’Brien; Griffin Barnett; Jeff Neuman; John McElwaine; Lori Schulman; Pascal Boehner; Paul McGrady; Susan Payne -- Presented by Griffin Barnett) The ability for defaulting respondents in URS cases to file a reply for an extended period (e.g. up to one year) after the default notice, or even after a default determination is issued, should be changed. Instead, the period in which a defaulting respondent can file a reply either immediately after defaulting or after a default determination is issued should be limited to 30 days after issuance of a decision and suspension/deactivation of the disputed domain name. Alternatively, given the availability of the “appeal” process under the URS, which is also a de novo review, the post-default de novo review process could be eliminated altogether.</p> | <ul style="list-style-type: none"> David McAuley and Griffin Barnett’s Team to work on a revised proposal consolidating proposals #9 and #10 | <ul style="list-style-type: none"> Overall adequate support (proponent and David McCauley support and several oppose, could be that others might support if proposals are combined, see below); Willing to combine with similar proposal (#9) from David McCauley; Include the proposal in the following sections of the Initial Report: <ul style="list-style-type: none"> 4) deliberations; 5) annex. | <p>26 Sep 2018 pp.10-18</p> <p>Chat Room pp.3-5</p> |
| <p>C. RESPONSE - 3. Response fee</p> | | | |

Legend: policy recommendations in GREEN, operational fixes in ORANGE, non-policy or operational proposals in PURPLE, action items in YELLOW, proposals that received adequate support in BLUE, proposals that received limited support in RED

| URS Proposal | Action Item | Summary of WG Deliberation | Reference |
|---|--|--|---|
| <p>POLICY RECOMMENDATION (#11 Brian Winterfeldt; Christopher Thomas; Colin O'Brien; Griffin Barnett; Jeff Neuman; John McElwaine; Lori Schulman; Pascal Boehner; Paul McGrady; Susan Payne -- Presented by Griffin Barnett) The Response Fee threshold should be lowered from 15 domain names to 3, because this is sufficient to demonstrate a clear pattern by the registrant based on relevant URS (and UDRP) precedent. In cases where the named respondent is ultimately determined not to be the actual registrant of all the domain names in the complaint, the fee would only apply if the registrant is confirmed for 3 or more of the listed domain names; otherwise, no such fee would apply.</p> | <ul style="list-style-type: none"> Griffin Barnett's team to revise the proposal based on WG members' suggestions | <ul style="list-style-type: none"> Overall adequate support (some WG members support and some oppose); Suggest possible refinements and note similarity to proposal #22 from John McElwaine; Include the proposal in the following sections of the Initial Report: <ul style="list-style-type: none"> 2) options under consideration; 3) specific questions seeking feedback; 4) deliberations; 5) annex. | <p>26 Sep 2018 pp.18-24</p> <p>Chat Room pp.5-6</p> |
| D. STANDARD OF PROOF - 1. General | | | |
| <p>POLICY RECOMMENDATION (#12 George Kirikos) The URS and UDRP policies shall be changed to require that complainants prove that a domain name was <u>created in bad faith</u> (with the creation date of the domain name being the relevant date), replacing the current ambiguous <u>registered in bad faith</u> standard. All other remaining prongs of the 3-part test shall continue as before (e.g. use in bad faith, no legitimate interest, confusingly similar to a TM).</p> | <ul style="list-style-type: none"> [DONE] George Kirikos to revise the proposal based on WG members' suggestions | <ul style="list-style-type: none"> Overall adequate support (some WG members support, some oppose, some have concerns about the accuracy of the presumption, implementation, scope; some support but suggest further refinement/development); Include the proposal in the following sections of the Initial Report: <ul style="list-style-type: none"> 2) options under | <p>10 Oct 2018 pp.36-44</p> <p>Chat Room pp.13-17</p> |

Legend: policy recommendations in GREEN, operational fixes in ORANGE, non-policy or operational proposals in PURPLE, action items in YELLOW, proposals that received adequate support in BLUE, proposals that received limited support in RED

| URS Proposal | Action Item | Summary of WG Deliberation | Reference |
|---|---|--|---|
| | | consideration; <ul style="list-style-type: none"> ○ 3) specific questions seeking feedback; ○ 4) deliberations; ○ 5) annex. | |
| <p>POLICY RECOMMENDATION (#12-revised-16 Oct 2018 George Kirikos) The URS and UDRP policies shall be changed to require that complainants (excluding prior registrants of the domain name) prove that a domain name was <u>created in bad faith</u> (with the creation date of the domain name being the relevant date), replacing the current ambiguous <u>registered in bad faith</u> standard. In the event that a prior registrant of the domain name brings a dispute as complainant, they instead need only prove that a domain name was acquired in bad faith (with the acquisition date of the domain name by the current registrant being the relevant date). All other remaining prongs of the 3-part test shall continue as before (e.g. use in bad faith, no legitimate interest, confusingly similar to a TM).</p> <p>[bolded language above reflects revisions from the prior Proposal #12, after discussions with Rebecca Tushnet]</p> | | | Email Thread 16 Oct 2018 |
| F. REMEDIES - 1. Scope of remedies | | | |
| <p>POLICY RECOMMENDATION (#13 Marie Pattullo; AIM - European Brands Association) That the losing Respondent cannot re-register the same domain name once it is no longer suspended.</p> | <ul style="list-style-type: none"> ● [DONE] Berry Cobb to check the number of instances that a losing registrant re-registered the same disputed domain name. <ul style="list-style-type: none"> ○ Response: In URS up to 2017, recall one domain | <ul style="list-style-type: none"> ● Overall adequate support (some WG members support, some oppose, some have concerns about the necessity, implementation, and gaming potential of the proposal); ● Include the proposal in the | 10 Oct 2018 pp.28-35 Chat Room pp.9-13 |

Legend: policy recommendations in GREEN, operational fixes in ORANGE, non-policy or operational proposals in PURPLE, action items in YELLOW, proposals that received adequate support in BLUE, proposals that received limited support in RED

| URS Proposal | Action Item | Summary of WG Deliberation | Reference |
|---|---|---|--|
| | <p>that was re-registered by the original registrant. The domain dropped after suspension and seemed to be legit use. Of course there were other domains that were dropped and re-registered by a different registrant. Not a huge % but still significant.</p> <ul style="list-style-type: none"> Marie Pattullo to respond to WG comments/questions via the mailing list | <p>following sections of the Initial Report:</p> <ul style="list-style-type: none"> 2) options under consideration; 3) specific questions seeking feedback; 4) deliberations; 5) annex. | |
| <p>POLICY RECOMMENDATION (#14 Marie Pattullo; AIM - European Brands Association) That repeat offenders should be sanctioned.</p> <p>(#15 Brian Winterfeldt; Christopher Thomas; Colin O'Brien; Griffin Barnett; Jeff Neuman; John McElwaine; Lori Schulman; Pascal Boehner; Paul McGrady; Susan Payne -- Presented by Griffin Barnett) The URS should be amended to include express provisions (beyond the mention of a "pattern of conduct" in URS par. 1.2.6.3(b)) which provide additional penalties for "repeat offenders" and "high-volume cybersquatting." The definition of a "repeat offender" should be any domain name registrant who loses two or more separate URS proceedings. The definition of "high-volume cybersquatting" should be any URS proceeding where the complainant prevails against a single respondent in a complaint involving 10 or more domain names. Once either of these standards are established, the penalties should</p> | <ul style="list-style-type: none"> Griffin Barnett's team to revise the proposal by consolidating proposals #14 and #15 | <ul style="list-style-type: none"> Overall limited support (proponent supports and most oppose); Include the proposal in the following sections of the Initial Report: <ul style="list-style-type: none"> 4) deliberations; 5) annex. | <p>26 Sep 2018 pp.35-43</p> <p>Chat Room pp.9-11</p> |

Legend: policy recommendations in GREEN, operational fixes in ORANGE, non-policy or operational proposals in PURPLE, action items in YELLOW, proposals that received adequate support in BLUE, proposals that received limited support in RED

| URS Proposal | Action Item | Summary of WG Deliberation | Reference |
|---|-------------|--|--|
| <p>include (i) a requirement that the registrant deposit funds into an escrow account, or provide an equivalent authorization on a credit card, with each new domain registration (such funds could be dispersed to prevailing complainants in future domain name disputes against that registrant as part of a “loser pays” system), and (ii) a universal blocking of all domain registrations for a set period for the registrant (i.e. “blacklisting” the registrant on a temporary basis). There may be other possible enhanced penalties that would also be appropriate. Such requirements could be included in updated URS Rules, made enforceable against registrars via parallel updates to the RAA and domain name registration agreements of individual registrars. These obligations would be enforceable by ICANN Compliance.</p> | | | |
| <p>F. REMEDIES - 2. Duration of suspension period, 3. Review of implementation</p> | | | |
| <p>OPERATIONAL FIX (#2 Maxim Alzoba) Legal requirements should be moved from the technical document "URS High Level Technical Requirements for Registries and Registrars" this bit:</p> <p>4. Registry-Registrar Agreement:</p> <ul style="list-style-type: none"> • The Registry Operator MUST specify in the Registry-Registrar Agreement for the Registry Operator’s TLD that the Registrar MUST accept and process payments for the renewal of a domain name by a URS Complainant in cases where the URS Complainant prevailed. • The Registry Operator MUST specify in the Registry-Registrar Agreement for the Registry Operator’s TLD that the Registrar MUST NOT renew a domain name to a URS Complainant who | | <ul style="list-style-type: none"> • Overall adequate support (most if not all WG members support and none oppose); • Include the proposal in the following sections of the Initial Report: <ul style="list-style-type: none"> ○ 2) options under consideration; ○ 3) specific questions seeking feedback; ○ 4) deliberations; ○ 5) annex. | <p>17 Sep 2018 pp.9-12</p> <p>Chat Room pp.3-4</p> |

Legend: policy recommendations in GREEN, operational fixes in ORANGE, non-policy or operational proposals in PURPLE, action items in YELLOW, proposals that received adequate support in BLUE, proposals that received limited support in RED

| URS Proposal | Action Item | Summary of WG Deliberation | Reference |
|--|-------------|--|---|
| <p>prevailed for longer than one year (if allowed by the maximum validity period of the TLD).</p> <p>to another document (URS Procedure or URS Rules) or to leave the text, but to rename "URS High Level Technical Requirements for Registries and Registrars" into "URS High Level Requirements for Registries and Registrars" and on ICANN's page https://newgtlds.icann.org/en/applicants/urs to change its name from "URS Technical Requirements 1.0" to "URS Registrars and Registries Requirements 1.0"</p> | | | |
| <p>OPERATIONAL FIX (#3 Zak Muscovitch)</p> <p>Revise URS Policy Paragraph 10 to reflect the following new provisions:</p> <p>10.3 There shall be an option for a successful or non-successful Complainant to extend the registration period for one additional year at commercial rates.</p> <p>10.5 Notwithstanding any locking of a domain name pursuant to Paragraph 4.1 and notwithstanding the suspension of domain name pursuant to Paragraph 10.2, a registrant shall be entitled to renew a subject domain name registration and the registry shall permit same in accordance with its usual commercial rates for a period of up to one year.</p> | | <ul style="list-style-type: none"> ● Overall adequate support (most if not all WG members support and none oppose); ● Include the proposal in the following sections of the Initial Report: <ul style="list-style-type: none"> ○ 2) options under consideration; ○ 3) specific questions seeking feedback; ○ 4) deliberations; ○ 5) annex. | <p>17 Sep 2018 pp.12-15</p> <p>Chat Room pp.4-5</p> |

Legend: policy recommendations in GREEN, operational fixes in ORANGE, non-policy or operational proposals in PURPLE, action items in YELLOW, proposals that received adequate support in BLUE, proposals that received limited support in RED

| URS Proposal | Action Item | Summary of WG Deliberation | Reference |
|---|---|--|---|
| <p>POLICY RECOMMENDATION (#16 Brian Winterfeldt; Christopher Thomas; Colin O'Brien; Griffin Barnett; Jeff Neuman; John McElwaine; Lori Schulman; Pascal Boehner; Paul McGrady; Susan Payne -- Presented by Lori Schulman) The URS should allow for additional remedies such as a “right of first refusal” to register the domain name in question once the suspension period ends or the ability of the complainant to obtain additional extensions of the suspension period.</p> <p>(#17 Marie Pattullo; AIM - European Brands Association) That the suspension period be extended from one to five years.</p> | <ul style="list-style-type: none"> Lori Schulman’s team to revise the proposal by consolidating proposals #16 and #17, as well as based on WG members’ suggestions | <ul style="list-style-type: none"> Overall adequate support (some WG members support and some oppose); Suggest support for variation or refinements; Include the proposal in the following sections of the Initial Report: <ul style="list-style-type: none"> 2) options under consideration; 3) specific questions seeking feedback; 4) deliberations; 5) annex. | <p>26 Sep 2018 pp.44-53</p> <p>Chat Room pp.11-13</p> |
| <p>F. REMEDIES - 4. Other topics</p> | | | |
| <p>OPERATIONAL FIX (#4 George Kirikos) All URS Suspension pages must be delivered in both HTTP and HTTPS versions.</p> | | <ul style="list-style-type: none"> Overall adequate support (some WG members support and some oppose); Include the proposal in the following sections of the Initial Report: <ul style="list-style-type: none"> 2) options under consideration; 3) specific questions seeking feedback; 4) deliberations; 5) annex. | <p>17 Sep 2018 pp.15-20</p> <p>Chat Room pp.5-6</p> |
| <p>G. APPEAL - 1. Appeals process</p> | | | |

Legend: policy recommendations in GREEN, operational fixes in ORANGE, non-policy or operational proposals in PURPLE, action items in YELLOW, proposals that received adequate support in BLUE, proposals that received limited support in RED

| URS Proposal | Action Item | Summary of WG Deliberation | Reference |
|--|---|--|---|
| <p>POLICY RECOMMENDATION (#18 George Kirikos) This is the first of three related proposals (alternatives to one another) to address the issue of access to the courts for de novo review on the merits of complaints.</p> <p>I propose that the URS and UDRP be modified to implement a “Notice of Objection” modeled on a similar appeal mechanism in the British Columbia Civil Resolution Tribunal (see: https://civilresolutionbc.ca/how-the-crt-works/how-the-process-ends/#what-if-i-dont-agree-with-the-decision) to set aside ADR decisions by paying a (refundable) fee, allowing disputes to proceed to courts with a clean slate, without having the ADR outcome interfere with the court case. Court costs can be assessed later as a penalty, at the discretion of the courts, if the person who filed the notice of objection did no better in court than in the ADR.</p> | <ul style="list-style-type: none"> George Kirikos to develop a revised proposal by consolidating proposals #18, #19, and #20 | <ul style="list-style-type: none"> Overall limited support (proponent and Michael Karanicolas support, most oppose, some have concerns about necessity of the proposal, presumption, implementation, and scope); Suggest consolidating proposals #18, #19, and #20 for further deliberation; Supplemental information provided on 10-11, 14 Oct, see email thread (1, 2, 3, 4); Include the proposal in the following sections of the Initial Report: <ul style="list-style-type: none"> 4) deliberations; 5) annex. | <p>10 Oct 2018 pp.45-54</p> <p>Chat Room pp.17-20</p> <p>Email Thread 10-12, 14-15 Oct 2018</p> |
| <p>POLICY RECOMMENDATION (#19 George Kirikos) This is the second of three related proposals (alternatives to one another) to address the issue of access to the courts for de novo review on the merits of complaints.</p> <p>I propose that the URS and UDRP be modified so that in the event that a court finds a registrant has no cause of action to bring forth an appeal of an adverse URS/UDRP ruling in that jurisdiction, that the URS/UDRP decision be vitiated (set aside).</p> | <ul style="list-style-type: none"> George Kirikos to develop a revised proposal by consolidating proposals #18, #19, and #20 | <ul style="list-style-type: none"> Overall limited support (proponent supports, most oppose, some have concerns about necessity of the proposal, presumption, implementation, and scope); Suggest consolidating proposals #18, #19, and #20 for further deliberation; Supplemental information provided on 10-11 Oct, see email thread (1, 2, 3); | <p>10 Oct 2018 pp.54-59</p> <p>Chat Room pp.20-23</p> <p>Email Thread 10-12, 14-15 Oct 2018</p> |

Legend: policy recommendations in GREEN, operational fixes in ORANGE, non-policy or operational proposals in PURPLE, action items in YELLOW, proposals that received adequate support in BLUE, proposals that received limited support in RED

| URS Proposal | Action Item | Summary of WG Deliberation | Reference |
|--|---|--|---|
| | | <ul style="list-style-type: none"> ● Include the proposal in the following sections of the Initial Report: <ul style="list-style-type: none"> ○ 4) deliberations; ○ 5) annex. | |
| <p>POLICY RECOMMENDATION (#20 George Kirikos) This is the third of three related proposals (alternatives to one another) to address the issue of access to the courts for de novo review on the merits of complaints.</p> <p>I propose that the URS and UDRP be modified so that in the event that a court finds a registrant has no cause of action to bring forth an appeal of an adverse URS/UDRP ruling in that jurisdiction, that the permitted “mutual jurisdiction” be expanded to always include the United States as a potential jurisdiction that can be utilized by a registrant, with the registrar maintaining the “status quo” pending resolution of the US court case.</p> | <ul style="list-style-type: none"> ● George Kirikos to develop a revised proposal by consolidating proposals #18, #19, and #20 | <ul style="list-style-type: none"> ● Overall limited support (proponent supports, most oppose, some have concerns about necessity of the proposal, presumption, implementation, and scope); ● Suggest consolidating proposals #18, #19, and #20 for further deliberation; ● Supplemental information provided on 10-11 Oct, see email thread (1, 2, 3); ● Include the proposal in the following sections of the Initial Report: <ul style="list-style-type: none"> ○ 4) deliberations; ○ 5) annex. | <p>10 Oct 2018 pp.59-61</p> <p>Chat Room pp.23-24</p> <p>Email Thread 10-12, 14-15 Oct 2018</p> |
| I. COST - 1. Cost allocation model | | | |

Legend: policy recommendations in GREEN, operational fixes in ORANGE, non-policy or operational proposals in PURPLE, action items in YELLOW, proposals that received adequate support in BLUE, proposals that received limited support in RED

| URS Proposal | Action Item | Summary of WG Deliberation | Reference |
|---|---|--|--|
| <p>POLICY RECOMMENDATION (#21 Marie Pattullo; AIM - European Brands Association) “Loser pays”: if the Complainant prevails, the costs of the URS should be carried by the Respondent</p> <p>(#22 Brian Winterfeldt; Christopher Thomas; Colin O’Brien; Griffin Barnett; Jeff Neuman; John McElwaine; Lori Schulman; Pascal Boehner; Paul McGrady; Susan Payne -- presented by John McElwaine) The URS should incorporate a “loser pays” model.</p> | <ul style="list-style-type: none"> John McElwaine’s team to revise the proposal by consolidating proposals #21 and #22 | <p>#22 (presentation also addressed #21, as these two proposals can be merged)</p> <ul style="list-style-type: none"> Overall adequate support (some WG members support and some oppose); Include the proposal in the following sections of the Initial Report: <ul style="list-style-type: none"> 2) options under consideration; 3) specific questions seeking feedback; 4) deliberations; 5) annex. | <p>03 Oct 2018 pp.3-10</p> <p>Chat Room pp.2-6</p> <p>Email Thread 2-3 Oct 2018</p> |
| <p>POLICY RECOMMENDATION (#23 George Kirikos) The URS and UDRP should be updated to permit both registrars and registries the ability to recover from URS and UDRP providers (e.g. WIPO, NAF, etc.) reasonable administrative and compliance costs. Should a provider not pay such costs, which can vary based on the number of domains involved in a dispute, the complaint shall be barred at that provider. If commercial credit is extended to providers, and payment is in arrears, complaints from that provider involving that registrar or registry to be suspended.</p> | | <ul style="list-style-type: none"> Overall adequate support (some WG members support, some oppose); Include the proposal in the following sections of the Initial Report: <ul style="list-style-type: none"> 2) options under consideration 3) specific questions seeking feedback; 4) deliberations; 5) annex. | <p>Chat Room pp.2-6</p> |
| <p>J. LANGUAGE ISSUES - 1. Language issues, including current requirements for complaint, notice of complaint, response, determination</p> | | | |

Legend: policy recommendations in GREEN, operational fixes in ORANGE, non-policy or operational proposals in PURPLE, action items in YELLOW, proposals that received adequate support in BLUE, proposals that received limited support in RED

| URS Proposal | Action Item | Summary of WG Deliberation | Reference |
|---|---|--|---|
| <p>POLICY RECOMMENDATION (#24 George Kirikos) URS shall be amended to incorporate in full Rule #11 of the UDRP Rules regarding “Language of Proceedings”, see: https://www.icann.org/resources/pages/udrp-rules-2015-03-11-en</p> <p>(a) Unless otherwise agreed by the Parties, or specified otherwise in the Registration Agreement, the language of the administrative proceeding shall be the language of the Registration Agreement, subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding.</p> <p>(b) The Panel may order that any documents submitted in languages other than the language of the administrative proceeding be accompanied by a translation in whole or in part into the language of the administrative proceeding.</p> | <ul style="list-style-type: none"> Staff to check if it is possible to find out how many different languages the registration agreements are in, but the data (if any) is likely limited to what is disclosed during the registrar accreditation process [DONE] George Kirikos and Zak Muscovitch to work on a proposal by consolidating proposals #24 and #25 | <ul style="list-style-type: none"> Overall adequate support (some WG members support, some have questions /concerns related to implementation); Suggest merging proposals #24 and #25 for further deliberation; George Kirikos and Zak Muscovitch shared their merged new proposal #34, see email; Include the proposal in the following sections of the Initial Report: <ul style="list-style-type: none"> 4) deliberations; 5) annex. | <p>26 Sep 2018 pp.24-29</p> <p>Chat Room pp.6-7</p> |
| <p>POLICY RECOMMENDATION (#25 Zak Muscovitch) Revise URS Rule 9 to reflect the following new provisions:</p> <p>(a) Where the subject domain name is in non-Latin script, the URS Complaint shall be brought in the corresponding language unless otherwise agreed by the parties, and subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding.</p> <p>(b) Where the subject domain name is in Latin script and where the complainant and respondent are located in the same country, the URS Complaint shall be brought in a corresponding official language of that country unless otherwise agreed by the parties, and subject to</p> | <ul style="list-style-type: none"> [DONE] George Kirikos and Zak Muscovitch to work on a proposal by consolidating proposals #24 and #25 | <ul style="list-style-type: none"> Overall adequate support (some WG members support, some have questions /concerns related to implementation); WG members suggest merging proposals #24 and #25 for further deliberation; George Kirikos and Zak Muscovitch shared their merged new proposal #34, see email; Include the proposal in the following sections of the | <p>26 Sep 2018 pp.29-34</p> <p>Chat Room pp.7-9</p> |

Legend: policy recommendations in GREEN, operational fixes in ORANGE, non-policy or operational proposals in PURPLE, action items in YELLOW, proposals that received adequate support in BLUE, proposals that received limited support in RED

| URS Proposal | Action Item | Summary of WG Deliberation | Reference |
|--|-------------|--|---|
| <p>the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding.</p> <p>(c) In all other cases, the language of the URS proceeding shall be the language of the Registration Agreement, subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding.</p> | | <p>Initial Report:</p> <ul style="list-style-type: none"> ○ 4) deliberations; ○ 5) annex. | |
| <p>POLICY RECOMMENDATION (#34 George Kirikos & Zak Muscovitch) URS shall be amended to incorporate in full Rule #11 of the UDRP Rules regarding “Language of Proceedings”, see: https://www.icann.org/resources/pages/udrp-rules-2015-03-11-en</p> <p>(a) Unless otherwise agreed by the Parties, or specified otherwise in the Registration Agreement, the language of the administrative proceeding shall be the language of the Registration Agreement, subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding.</p> <p>(b) The Panel may order that any documents submitted in languages other than the language of the administrative proceeding be accompanied by a translation in whole or in part into the language of the administrative proceeding.</p> <p>Preliminary submissions by either side to the Panel regarding the language of the proceeding shall be limited to 250 words, and not be counted against the existing URS word limits. Notice of complaint</p> | | <ul style="list-style-type: none"> ● Overall adequate support (some WG members support, some have questions related to implementation, such as how Providers communicate in non-English languages, how Providers conduct translation, what extensions to provide, etc.); ● This proposal replaces proposals #24 & #25; ● Include the proposal in the following sections of the Initial Report: <ul style="list-style-type: none"> ○ 2) options under consideration; ○ 3) specific questions seeking feedback; ○ 4) deliberations; ○ 5) annex; | <p>Chat Room pp.20-23</p> |

Legend: policy recommendations in GREEN, operational fixes in ORANGE, non-policy or operational proposals in PURPLE, action items in YELLOW, proposals that received adequate support in BLUE, proposals that received limited support in RED

| URS Proposal | Action Item | Summary of WG Deliberation | Reference |
|--|-------------|---|---|
| <p>shall contain a section explaining that the respondent may make a submission regarding the language of the proceedings. If a translation is ordered, exceeding the URS word limits shall be permitted, as long as the original submission met the word limits in the original language.</p> | | | |
| <p>M. URS PROVIDERS - 1. Evaluation of URS providers and their respective processes (including training of panelists)</p> | | | |
| <p>POLICY RECOMMENDATION (#26 Zak Muscovtich) Revise Paragraph 7 of the URS Policy to reflect the following additional provisions:</p> <p>7.4 Each Provider shall publish their roster of Examiners who are retained to preside over URS cases specifically and identify how often each one has been appointed with a link to their respective decisions.</p> | | <ul style="list-style-type: none"> ● Overall adequate support (some WG members support, some have questions related to the justification to the proposal and implementation); ● Related to proposals #29 and #33; ● Include the proposal in the following sections of the Initial Report: <ul style="list-style-type: none"> ○ 2) options under consideration; ○ 3) specific questions seeking feedback; ○ 4) deliberations; ○ 5) annex; ● Also consider addressing this proposal in Phase 2, as the | <p>03 Oct 2018 pp.11-16</p> <p>Chat Room pp.6-8</p> |

Legend: policy recommendations in GREEN, operational fixes in ORANGE, non-policy or operational proposals in PURPLE, action items in YELLOW, proposals that received adequate support in BLUE, proposals that received limited support in RED

| URS Proposal | Action Item | Summary of WG Deliberation | Reference |
|---|--|---|---|
| | | same issue is relevant in the UDRP context. | |
| <p>POLICY RECOMMENDATION (#27 Zak Muscovtich) Revise URS Rule 6 to reflect the following new provision:</p> <p>6(a) Each Provider shall maintain and publish a publicly available list of Examiners and their qualifications by way of publishing a current curriculum vitae updated on a regular basis.</p> | <ul style="list-style-type: none"> • Zak Muscovitch to revise the proposal based on WG members’ suggestions | <ul style="list-style-type: none"> • Overall adequate support (some WG members support, some think the proposal is unnecessary, some have concerns related to implementation); • This proposal overlaps with a Providers Sub Team’s proposal: “Provider compliance with URS Rule 6(a) should be enforced. ADNDRC, in particular, should be required to list the backgrounds of all of their Examiners so that Complainants and Respondents can check for conflicts of interest”; • Zak Muscovitch supports WG members’ suggestions of 1) adding a date stamp when a CV is updated; 2) replacing | <p>03 Oct 2018 pp.16-20</p> <p>Chat Room pp.8-9</p> |

Legend: policy recommendations in GREEN, operational fixes in ORANGE, non-policy or operational proposals in PURPLE, action items in YELLOW, proposals that received adequate support in BLUE, proposals that received limited support in RED

| URS Proposal | Action Item | Summary of WG Deliberation | Reference |
|--|-------------|--|---|
| | | <p>“on a regular basis” with “annually”;</p> <ul style="list-style-type: none"> ● Include the proposal in the following sections of the Initial Report: <ul style="list-style-type: none"> ○ 2) options under consideration; ○ 4) deliberations; ○ 5) annex. | |
| M. URS PROVIDERS - 2. Conflict of interest | | | |
| <p>POLICY RECOMMENDATION (#28 Zak Muscovtich) Revise URS Rule 6 to add the following provision:</p> <p>6(c) Each Provider shall ensure compliance with the Panelist Conflict of Interest Policy.</p> <p>The "Conflict of Interest Policy" should be developed by the WG and applied to all Providers.</p> | | <ul style="list-style-type: none"> ● Overall adequate support (some WG members support, some have questions /concerns related to implementation); ● WG is not expected to go into implementation details of the policy recommendation, but could provide some examples/guidelines; ● Include the proposal in the following sections of the Initial Report: <ul style="list-style-type: none"> ○ 2) options under consideration; ○ 3) specific questions seeking feedback; ○ 4) deliberations; ○ 5) annex; | <p>03 Oct 2018 pp.29-36</p> <p>Chat Room pp.12-15</p> |

Legend: policy recommendations in GREEN, operational fixes in ORANGE, non-policy or operational proposals in PURPLE, action items in YELLOW, proposals that received adequate support in BLUE, proposals that received limited support in RED

| URS Proposal | Action Item | Summary of WG Deliberation | Reference |
|--|-------------|--|---|
| | | <ul style="list-style-type: none"> Also consider addressing this proposal in Phase 2, as the conflict of interest issue becomes more acute in UDRP. | |
| M. URS PROVIDERS - no applicable subheading | | | |
| <p>POLICY RECOMMENDATION (#29 George Kirikos)</p> <p>All URS (and UDRP) decisions shall be published in a standardized machine-readable XML format, to complement existing formats of decisions.</p> | | <ul style="list-style-type: none"> Overall adequate support (some WG members support, some oppose, some have questions/concerns related to implementation); Include the proposal in the following sections of the Initial Report: <ul style="list-style-type: none"> 2) options under consideration; 3) specific questions seeking feedback; 4) deliberations; 5) annex. | <p>03 Oct 2018 pp.20-29</p> <p>Chat Room pp.10-12</p> |
| N. ALTERNATIVE PROCESS - 1. Possible alternative(s) to the URS, e.g. summary procedure in the UDRP | | | |

Legend: policy recommendations in GREEN, operational fixes in ORANGE, non-policy or operational proposals in PURPLE, action items in YELLOW, proposals that received adequate support in BLUE, proposals that received limited support in RED

| URS Proposal | Action Item | Summary of WG Deliberation | Reference |
|---|-------------|---|--|
| <p>POLICY RECOMMENDATION (#30 George Kirikos) The URS and UDRP should implement a mandatory mediation step as part of their processes, modeled on the successful Nominet mediation system, in order to encourage early settlement of disputes, thereby reducing the costs on all stakeholders. While an IRT would develop a full implementation, it should be run by professional mediators (not the URS/UDRP panelists), scheduled within 10 days of a notice of dispute, and be for a maximum of 30 minutes (to keep costs low).</p> | | <ul style="list-style-type: none"> ● Overall limited support (proponent supports, most oppose, some have questions/concerns related to implementation, it could be that others might support if mediation is non-mandatory); ● Steve Levy shared his study which draws the conclusion that there is limited appetite for mediation, see email; Paul Tattersfield shared further information, see email; ● Include the proposal in the following sections of the Initial Report: <ul style="list-style-type: none"> ○ 4) deliberations; ○ 5) annex. | 03 Oct 2018 pp.36-41 Chat Room pp.15-18 |
| <p>OTHER (#32 George Kirikos) I propose that the URS be eliminated as a mandatory policy for new gTLDs, and furthermore that it not be a GNSO consensus policy mandated for legacy TLDs. The UDRP alone is sufficient, and should be focused on instead for improvement.</p> | | <ul style="list-style-type: none"> ● Overall limited support (a couple of WG member support, most WG members oppose); ● Supplemental information provided on 12 Oct, see email; ● Include the proposal in the following sections of the Initial Report: <ul style="list-style-type: none"> ○ 4) deliberations; | Chat Room pp.6-15 |

Legend: policy recommendations in GREEN, operational fixes in ORANGE, non-policy or operational proposals in PURPLE, action items in YELLOW, proposals that received adequate support in BLUE, proposals that received limited support in RED

| URS Proposal | Action Item | Summary of WG Deliberation | Reference |
|---|-------------|--|--|
| | | <ul style="list-style-type: none"> ○ 5) annex. | |
| NO APPLICABLE SECTION/SUBHEADING | | | |
| <p>POLICY RECOMMENDATION (#31 David McAuley) For the sole purpose of assuring that this subject is included in the Initial Report for the solicitation of public comment, I am proposing that the WG put out for Public Comment the issue of whether the URS should become an ICANN Consensus Policy.</p> | | <ul style="list-style-type: none"> ● Overall adequate support (some support, some oppose, some have questions /concerns related to the timing to put forward the proposal); ● Include the proposal in the following sections of the Initial Report: <ul style="list-style-type: none"> ○ 2) options under consideration; ○ 3) specific questions seeking feedback; ○ 4) deliberations; ○ 5) annex. | 03 Oct 2018 pp.41-47 Chat Room pp.18-20 |
| <p>OTHER (#33 George Kirikos) All current and future URS and UDRP providers should be brought under formal fixed-term contract with ICANN, instead of the current arrangements (MOUs for URS providers, and nothing at all for UDRP providers). Those contracts should not have any presumptive renewal clauses.</p> | | <ul style="list-style-type: none"> ● Overall adequate support (some WG members support, some oppose, some have concerns/questions about the necessity, basis, and scope of the proposal); ● Supplemental information | Chat Room pp.15-20 Email Thread 12 Oct 2018 |

Legend: policy recommendations in GREEN, operational fixes in ORANGE, non-policy or operational proposals in PURPLE, action items in YELLOW, proposals that received adequate support in BLUE, proposals that received limited support in RED

| URS Proposal | Action Item | Summary of WG Deliberation | Reference |
|--------------|-------------|---|-----------|
| | | <p>provided on 12 Oct, see email;</p> <ul style="list-style-type: none"> ● Include the proposal in the following sections of the Initial Report: <ul style="list-style-type: none"> ○ 2) options under consideration; ○ 3) specific questions seeking feedback; ○ 4) deliberations; ○ 5) annex. | |

Legend: policy recommendations in GREEN, operational fixes in ORANGE, non-policy or operational proposals in PURPLE, action items in YELLOW, proposals that received adequate support in BLUE, proposals that received limited support in RED