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Proposal for URS Policy and Operational Recommendations

IMPORTANT

- This form is used by RPM Working Group members to submit proposals for URS policy and operational recommendations. Please submit to ariel.liang@icann.org.
- **Proposals submitted not using the required form will not be in order and will not be discussed.**
- **One individual form must contain only one proposal for one recommendation.**
- Answer to every text field is required and mandatory(*).
- As soon as practical after receiving the submissions, staff will forward the proposals to the Working Group email list.
- The final date for submission of member proposals is **COB on Friday, 31 August 2018**. Any proposal received after that date will not be in order and will not be discussed.

I. General Questions

*1. Proponent's Full Name

If this proposal is developed by more than one WG member, please write the full names of all proponents involved

George Kirikos_____

*2. What type of URS recommendation are you proposing?

Policy

Operational Fix

Other (please specify: _____)

*3. What URS recommendation are you proposing?

Please be succinct as well as substantially specific and not general in nature. One proposal for one recommendation only.

[NB: Topic can be deferred to Phase 2 of our work, as it applies to both the URS and the UDRP.]

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).

II. Justification Statement

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- Must be no more than **250 words** in length for each of two sections below.
- Should state the operational or policy rationale for the proposal.
- Should cite any evidence in support of it. Such evidence may be information developed by the Sub Teams or documented in other sources.

***4. What is your rationale for the proposal? (250 words max)**

In the IGO PDP, we had a presentation on Nominet's ADR procedures, see:

<https://community.icann.org/display/gnsoicrmpdp/2017-12-12+IGO-INGO+Access+to+Curative+Rights+Protection+Mechanisms+Working+Group>

As noted by Paul Tattersfield when this topic came up within the RPM PDP:

<https://mm.icann.org/pipermail/gnso-rpm-wg/2018-January/002717.html>

mediation resolved more than 30% of disputes at an early stage, providing impressive benefits. Furthermore, mandatory mediation is being implemented in more and more jurisdictions. For the URS, this would provide for an additional benefit to complainants, namely domain transfer as a possible settlement outcome within mediation. Partial dispute fee refunds can occur after settlements, of course.

***5. What evidence do you have in support of your proposal? Please detail the source of your evidence. (250 words max)**

The Nominet presentation, as first posted on the RPM PDP at:

<https://mm.icann.org/pipermail/gnso-rpm-wg/2018-January/002712.html>

which also noted mandatory mediation in IP disputes being introduced in Greece.

<http://ipkitten.blogspot.com/2018/01/a-legislative-initiative-that-merits.html>

There are also mandatory mediation programs in other civil disputes, including those in my own Province of Ontario, Canada, see:

<https://www.attorneygeneral.jus.gov.on.ca/english/courts/manmed/>

which reduce the burden of disputes on society, by encouraging early settlements.

III. Pertinent Questions

- *The proposal must address the following three questions*
- *Can be no more than 250 words in length for each of two sections below.*

***6. Where and how has this issue been addressed (or not) by the Working Group or the Sub Teams to date? (250 words max)**

This had been brought up occasionally within the Working Group, as noted on the mailing list thread at: <https://mm.icann.org/pipermail/gnso-rpm-wg/2018-January/002712.html>

However, the August 31, 2018 “Clean” Super Consolidated URS Topics Table did not have any policy recommendations or data in Section N (Alternative Processes), or mention mediation at all, so it’s not been a topic that’s been seriously considered. It should be considered, particularly in our Phase 2 work, as it would affect both the URS and UDRP.

***7. Does the data collected and reviewed by the Sub Teams show a need to address this issue and develop recommendations accordingly? (250 words max)**

They didn’t collect such data. I think it would be illuminating if we, as part of our Phase 2 work, had a presentation from Nominet on this topic.

***8. If not already addressed above, on the basis of what information, gathered from what source or Sub Team, is this proposal based, if any? Please provide details. (250 words max)**

Discussed above. The impressive benefits provided by Nominet’s mediation speak for themselves.