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COMPLETE

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Q1 Proponent's Full Name* If this proposal is jointly developed by more than one Working Group member, please write the full names of all proponents involved.

David McAuley

Q2 What type of URS recommendation are you proposing? **Policy**

Q3 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.

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).

Q4 What is your rationale for the proposal? (250 words max)

Under the URS procedures, a registrant defaults if it fails to reply to a complaint within 14 days (Procedure 6.1). All default cases proceed to examination on the merits of the claim (6.3). (I call this Examination #1.)

If the defaulting registrant loses Examination #1, it can file for “de novo review” within six months of default. It can ask for another six-month extension (6.4) (thus up to twelve months after default).

The filing of a response by defaulting registrant after default is not an appeal - the case is considered as if responded to in a timely manner. (6.5). (Examination #2.)

Under procedure #12, either party can file for de novo appeal (12.1) within 14 days after a default or final determination (12.4). (For defaulting registrant this de novo procedure is Examination #3.)

So, defaulting registrant gets up to three examinations which can take up to a year and several months or more.

A registrant who actually responds to a complaint within 14 days, on the other hand, gets up to two examinations – the original examination (under Procedure 9), and the de novo appeal under Procedure 12.1. (This can all happen within two to three months.)

This seems contrary to the ‘rapid’ nature of URS and could encourage defaults.

Q5 What evidence do you have in support of your proposal? Please detail the source of your evidence. (250 words max)

This is a rules-based proposal.

Q6 Where and how has this issue been addressed (or not) by the Working Group or the Sub Teams to date? (250 words max)

I noticed this as a potential issue while on the Documents sub-team.

Q7 Does the data collected and reviewed by the Sub Teams show a need to address this issue and develop recommendations accordingly? (250 words max)

The Document sub-team saw this potential anomaly and I am submitting it for consideration by the WG. A registrant who defaults may need more time, perhaps because of language issues or something similar. But an extra examination and a year or more seems excessive.

Q8 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)

N/A
