

DURBAN – URS Demo: Uniformed Rapid Suspension Demonstration

Wednesday, July 17, 2013 – 13:15 to 14:15

ICANN – Durban, South Africa

UNIDENTIFIED MALE: This is the live audio recording for URS Demo: Uniformed Rapid Suspension Demonstration going from 1:15-2:15 in Hall 1A.

DENNIS JENNINGS: Welcome, everyone. This is the URS Demo session. We'll get started right away here. So to my left are from ICANN, Krista and Olof. I'll let them introduce themselves a little more in detail. To my right are the two URS providers from FORUM who will be doing the demonstration today and ADNDRC who will have PowerPoint slides of their screen that I'll be uploading to the session. This session – the slides, whatever you see here – will be captured and provided to you on the session schedule. Krista, do want to say a word of welcome?

KRISTA PAPAC: Thanks, Dennis. My name is Krista Papac and I'm a gTLD Registry Services Director on ICANN staff. I thank you, everyone, for coming to the session. I don't really have a whole lot to say about myself.

OLOF NORDLING: Okay. Thank you. My name is Olof Nordling and I'm the Senior Director for GAC Relations. Now what on earth would I do with the URS? Well, nothing for the time being. I mean it's all shifted to Krista but I was deeply involved in the implementation of that particular system, so

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*Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.*

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that's why I'm here. I might have to leave early since the GAC is pretty busy right now.

KRISTINE DORRAIN: I'm Kristine Dorrain. I'm the Director of Internet and IP Services for the National Arbitration Forum (FORUM) URS Provider.

DENNIS CAI: I'm Dennis Cai from the ADNDRC (the Asian Domain Name Dispute Resolution Centre). It's also a URS Provider.

DENNIS CHANG: My name is Dennis Chang and I'm the Project Manager for the URS from ICANN. So we'll get started right away with the demonstration from Kristine. I'll turn it over to you. Go ahead.

KRISTINE DORRAIN: Great. Thank you. So I was planning to do a fully live presentation today but my test last night worked, but this morning the connections to the office suddenly died. So they've been watching my phone and I don't think they're going to get it fixed. So I did prepare a PowerPoint presentation as a backup, so I'm going to kind of be going back and forth between the PowerPoint presentation and our website.

I want to start out by – I'm told to get really close to the mic so I'm trying to make this work here – I want to start out by just telling you the way to access the URS online filing is to go to our website, policies,

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rules, forms and filing over here on the left. Scroll down to the policy that you need. In this case, it would be URS.

Once you click on that, you'll find some information about the URS. You'll be able to view our Frequently Asked Questions. Here's the link for online filing for URS complaints. Down at the bottom you'll see instructions for how to file a URS complaint, what you need to gather, all the information you need to have at your fingertips. Or if you're going to have a file a URS response, the information that you need is there. You can also find links to the URS policy itself, the rules and the supplemental rules.

Now I'm going to switch to the PowerPoint presentation because I don't think that the test environment is going to let me file, but we can try. So when you click on the "File URS Complaint" you're allowed to either log in as an existing user or file as a new user. If you need to think about – you don't have to enter your name and your business but if you enter one or the other, your username is going to be based on whichever you enter. If you enter both, it will be based on your business.

We e-mail you your username and then you set up your own password. The password link is e-mailed to you so you need to watch your e-mail account for that password in order to get your username set up. If you already have one from UDRP – see, it's not even working at all – if you already have one from UDRP, you can... let me try one more. Okay. We're not going to do that then. If you already have one from UDRP, you can simply use that one as well to just file your complaint.

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This PowerPoint is actually set up to go online on our system as being a demonstration. So there's a bunch of information here about filing complaints and a bunch of preliminary information as well.

I'm going to talk about – here is the login place for signing or filling in your username and password or for setting up yourself as a new user. If you want to log in through your portal – and I'll show you a demonstration of the portal in a minute – but if you're already a user, you're already on our portal, you can log in to the portal and then you can click from the portal into the online filing system as well. So here's a screen shot from our portal and this is your dashboard. You would click over here to "New Filing." Select "URS" and select "Begin Filing." That will get you back to this screen to log in. Those are two different ways you can get into the system. Either directly from our website or from your portal.

The first screen that you're taken to identifies you as either the complainant or the complainant's representative and it is all of the certifications of the URS requires. So the URS 1.2.8 Rule 3B9 and Rule 3B10 all have certifications that need to be agreed to before you can file or in order to file a URS complaint. These are tick boxes. You tick through these asserting that you've agreed to the different terms listed in the URS.

The next screen you're taken to is where you're going to enter the domain names at issue. Here you can see dot-com was in our test environment which is where the screens were created. We had to stop the validation process because we had to be able to test with something. So this screen does a lot of validation.

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You're going to enter your domain name and it's going to check and make sure that the domain name is validly registered, it's not expired, it's not available for registration, and that it is a new top-level domain or a top-level domain that has adapted the URS in the case of ccTLDs.

Currently, if you are to test our system now, you would find that you could only file for dot-pw domains because dot-pw has adapted the URS as a country code TLD and there are no other existing TLDs that have adapted the URS. So you would only be able to file for dot-pw at this point.

I should back up and just tell you if you log in as an existing user, you can save your session at any point, go away and come back and it will allow you to re-login and pick back up where you left off, which is not something our UDRP system allows you to do. Part of that is because there's only three screens for UDRP and there's a lot more here.

Once you click "Save and Continue," the WHOIS Lookup is going to start running in the background. So while that's happening, it wants to you to – we're going to collect your information and any alternate responded information that you have. If you're a registered party and you're already on our website, this page will pre-populate for you. If you don't like what's here because you're going on vacation and you want to be reached to a different number, maybe your mobile number, you can update your information on the screen. It will not permanently update your record with us or your master record. It will only update your record for this case. All of the other information will remain static.

If you want to update your permanent record information at the party level, you can just contact your case coordinator and they can help you

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do that. But here is where you enter complainant information. If there's more than one complainant, you can click – say even add new at the bottom here and it will add another place for you to add another complainant if there are two linked complainants. In some cases, it's a complainant and maybe it's IP Holding Company or something.

Then when you click "Next" in that case, you'll be presented with a box – a text box – in which you will define how the complainants are linked. One is IP Holding Company, they're related, their subsidiary areas. Currently under UDRP, you have to do the same thing. This is a text box where you tell the panel "Yeah, this isn't a class complaint, these are two actually related complaining entities."

You can also click this checkbox here and a screen will appear when you click "Save and Continue" to add respondent's – or complainant's representative information.

As I mentioned, there's a WHOIS Lookup being performed in the background and it's supposed to be pulling and parsing the WHOIS information. In a perfect world, that's what's going to happen. However, you might in your investigations have found alternate contact information for the respondent. So it's important that you can enter that information here if you have it. If you know that complainant or respondent has a representative, you can have that at the screen. Otherwise, you can skip the alternate respondent information and just go with whatever is in the WHOIS and just click this top button and it will just proceed to the next page.

Then as the WHOIS Lookup is still performing in the background, we're going to collect the arguments that you're raising. The URS requires the

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complaint only be a checkbox form. So that's what this is. It's a checkbox form. You're going to check all of the elements that apply to your complaint. And then you will be presented with the text box. You can see at the bottom of the screen – and I think when I click "Enter" it's going to show the rest of the screen – where you can have your 500 rules of explanatory text and that would be entered on the screen as well. There's the second half of that screen.

Also, in the screen you can see this is the place where you would identify any other legal proceedings as required under the URS. So you could click the box if there's no legal proceedings. Otherwise, you can enter some information describing the nature – you've had previous litigation or something going along with this particular party.

Now by the time you get to this page, all of the WHOIS Lookup should've been performed and on the left-hand side of the screen, you'll see a list of all the domain names in the case. And starting with the first one, you're going to enter information based on the – for that specific domain name. In this case, we only have one domain name. But we tried testing dot-com. The registry that pulled was fabulous.

Then you're going to provide your trademark information on the first line, classification, goods and services on the second line, and then you can upload documents. You're going to be allowed to upload three documents per domain name. One is going to be your trademark information. One is going to be your site screen shot which you have to provide. Then one is going to be your proof of use. For your proof of use, it can be whatever you're going to upload for proof of use. Otherwise, that's where you would upload your Trademark

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Clearinghouse SMD file and just call that – that’s your proof of use. So you can upload that there.

If you have, for instance, three domain names on this list and they all maybe rely on the same trademark information, that doesn’t matter. On the next page, you’ll just re-upload that document. So you’ll upload that three times.

The point of this is to make it super easy for the examiner. We’re cutting down the amount of time and money the examiner has for doing these cases. The point is to make this as simple as possible for the examiner. So they’re going to be able to go into their portal, look on the domain name, look for the three documents attached to that domain name, quickly review them and move on to the next one. This is a way of making that a lot easier for the examiner.

One of the things that I wanted to make clear in this presentation is that as a result of the fact that this community one of the cost significantly lowered, this is turning into somewhat of an automated and self-service system. So that’s why you’re entering your own case information, automated e-mails are going out, automated WHOIS pages are pulling, and you’re uploading documents maybe even redundantly in order to make things a lot easier for the panelist to do their job.

At the bottom of the screen – and I’m going to see. I don’t remember if I have – yeah. This is the bottom half of that same screen. So here the WHOIS pulled, as you can see, it’s showing at the very bottom, you can see what it says. But it also says at the top “Incomplete registrant. NAF coordinator will manually update the party information.” So we have a third party service provider that’s pulling and parsing the WHOIS data.

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If there's an error in the parsing or the pulling of the WHOIS data, you'll be allowed to proceed but we will be notified on the other end that the respondent information is missing. In this case, the WHOIS pulled but it wasn't parsed. So we will need to go in when we do our deficiency check and the case coordinator will need to manually enter the respondent information off of the WHOIS record or records if there's more than one.

When your complaint gets auto-generated, it's going to be generated with a missing respondent. So what will happen is after the case coordinator enters the information from the WHOIS record, we will push a button on our screen and it will regenerate the complaint and add into the system at that time.

We've been working closely with our third party provider and they're assuring, ensuring, or ushering us that there will be significant code changes and updates for the new gTLD program to make sure that they're able to search the WHOIS and parse it as quickly and as speedily as possible and as accurately as possible after these New gTLDs enter the root.

Then after you've got all the information entered for your domain names, you are able to see a summary of what you have entered. So everything that you've checked or ticked or written will show up on the screen and again you'll be able to glance at your documents to make sure you sent the right ones. You can back up if you didn't. You can acknowledge that the information on the page is accurate and ready to be filed. And at that point, you proceed to payment. This is just a test

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credit card number. So, lest you be hurriedly writing that down, you're not going to get anything from that.

We'll verify that everything you've said is accurate and true to the best of your knowledge and submit the case. At that point, you get your confirmation page which is what you currently get for UDRP and it's also your receipt. It shows your credit card number and the authorization code. If the credit card fails, I believe the system requires you to try two or three times. But, if the credit card fails, the complaint will go into our system. And you need to contact us immediately because we're going to reject that case within 24 hours if payment isn't at our office. We will contact you as well but it will be very helpful if you contact us and say, "Hey, here's my filing number. You can see the filing number, the FA number, on the screen here. Here's the domain name and issue. I'm trying to pay and it didn't work, so will you help me figure out how to pay?" And our case coordinators will do that. While there's a lot of automation and self-service, the case coordinators that you're used to are still available to help if you need to call us.

The way a response is filed is similar except for the security of the respondent. The respondents are sent an e-mail containing an encrypted link to get to their specific online filing site.

In this case, when they are served with the complaints, so they're sent a notice of complaint and the complaint itself, and in that document is a link to file the response and the case coordinator's name. If a respondent tries to go online and file a response, the website will tell them "Please contact the case coordinator. If you don't know who it is,

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go to [domaindispute@adrforum.com](mailto:domaindispute@adrforum.com) and talk to a case coordinator.” They can go in and file a response.

If the respondent simply wants to look at the documents in the case and doesn’t really want to go in and file a response at this point, they just have to contact the case coordinator to get a username set up and they can do that. By the way, that e-mail can be regenerated and sent to the respondent as needed if that’s lost or something.

Same requirements for the respondent. You can either use your existing username or you can create a new one. Again, you’ll identify as either the respondent or the representative and there’s just a little information here for respondents about whether or not they're going to have to pay a fee at the end, whether or not they're going to be allowed to respond some options available to them. It’s a little bit more sort of instruction on this page as far as what to expect on the process.

Then because the response has been served in all of the languages associated with the countries in the WHOIS, those languages have been listed in our internal case management system as being possible case languages.

This top drop-down here will show all possible case languages. So if I had three domain names and a complaint and I had three different registrars – one was located in the U.S., one was located in France, and one was located in Germany – then I would send service notices in English, French, and German. And the language choices at the top of this box would be English, French, and German. The respondent would get to choose which language they were going to participate in – English, French, or German. So then from there, the determination of

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things that the case generates would be generated in that language. They could fill in their information. Again, if you already have an account, it will just pre-populate.

So then when you get to the online filing screen, this screen shows all of the boxes that the complainant has checked and allows the respondent to click different places to see the complaint. This is that complaint filing screen showing all the summary information that was filed against the respondent. The respondent can click and see that. The respondent can click and see the complaint itself by clicking the PDF document. Then the respondent could also click and see all of the annexes that are filed against the respondent in this document as well. So there's no need to toggle back and forth between the case portal and the online response filing site. All of the information should be available at the respondent's fingertips.

Additionally, you can't see it very well. But if you click at this hyperlink here, all of the defenses that the URS provides are listed for the respondent. So anything that the URS says is defense that the respondent could raise is listed on this little popup so that they know – it directs them to the right portion of the URS that they need to be addressing.

As you scroll down, you can see that the respondent is allowed a direct response. So a respondent has 2500 words according to the URS. All of the text boxes are being totaled in the aggregates, so if a respondent only wants to spend ten of its words up on 1.2.6.1 but wants to spend a lot more time discussing 1.2.6.3, they can do that because it just aggregates the total words being entered.

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Then at the bottom the respondent would upload a single file with any annexes that it believes supports its contentions. We don't call them anything specific because for each response, those could be different.

Also on the screen it doesn't show but the screen also allows the respondent if you keep scrolling down to file a claim of abuse or material falsehood. And so there's a place for that as well at the bottom of the screen, which unfortunately got cut off I guess in this slide.

Then the same thing. The next screen just shows all the certifications that the respondent has to agree to for the URS, identify any legal proceedings, and again the respondent also gets the confirmation. All of this gets uploaded immediately to the party's portal so they can see all of this immediately on their portal as well.

The portal itself is something we've been using for a while for UDRP. We use it for our parties and for our panelists and we allow the users to interact with their cases. So you would enter your information, your username and your password, and you're given a dashboard. On your dashboard – it shows up on this bottom screen – but any case, with new documents will kind of show up in this screen. So you can see if you had a whole bunch of cases for instance with us, you could see where all the activities have been happening, where documents have been added frequently and you can narrow the date range as well. Like I said, online filings you can do here, respondents are directed to request their e-mail from the case coordinator.

We do have – this is new messages here – we do have sort of a messaging system that allows parties to message one another.

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Nobody's used it yet but it's actually been around for a couple of years. So feel free to use that.

The communication becomes part of the record. The panel will see it if you decide to use that to communicate with the other party. But because UDRP and URS requires the other parties to be copied and the panel to be copied anyway, it sort of handles that in and of itself.

You will click on "MY Cases" and that takes you to your dashboard. In this case, there's only one case on the dashboard or on your case list but there could be 30 or 40 or however many you have pending, and they're sorted by file number but you can actually click case names, status, or due date and sort by those things as well.

I don't know how many of you are aware, but we started with RES and it also works for URS. If when you file your complaint you enter your attorney reference number, it will perpetuate onto the letters that we send you with regard to that case. So if you have a docketing system and you want your docket number also associated with the letters that go out in the case, then you can enter that and that will be associated as well.

We click on the hyperlinked file number and that would take you actually into the case itself. So for each case, you would see the case number, name, the date it was filed, the date it was commenced – it's clearly not filling in here. The status that the case is currently at and when the status ends. Which type of proceeding it is. So like I said, you could have URS, an RES, UDRP, ERDRP, you could have – every policy could be on here. This one tells you that this a URS case.

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There are no panelists appointed in this case and you can see who the complainant is and who the respondent is. If there's a representative, the representative's information will show up. You can also see who your case coordinator is and their e-mail address as well.

On the left-hand side, you can see all the documents in the case and on the right-hand side is where you take action. You can see on the left-hand side here there's an expanded section for the different documents. You can see what's showing up. So if you're the panelist, you can see they're all sorted by domain name, all the independent [state] dot-com domain names are lumped together so that panelist can click and easily look through the evidence provided.

On the right-hand side you'll see some options for case actions. In this case, I'll show you how request an extension works but it works similarly for a stay as well. The party clicks "Select" and they're offered to enter the date or select the date for their extension. And it only shows dates that are available. It doesn't let you request an extension that you can't have. In fact, if you can't request an extension at all, it won't show up. So if an option doesn't exist on your portal, it's not available to you under the URS. Then once you pick a date, you can enter your reason for the request and then you'll click "Submit." That works that way for withdrawals, stays, and extensions.

Stays are jointly requested, so either party can request the stay but the other party gets an e-mail saying, "Hey, there's a stay request in your portal. Please go online and click yes or no if you want to join it. And then we'll take that to be a mutual [ascent] then if you want to join the stay."

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If you don't like the stay – for instance, complainant and respondent negotiated a 25-day stay and the complainant went in and accidentally requested a 35-day stay, so the respondent says, "Well hey, this isn't the stay we asked for." You can simply ignore it and it will go away. And then you can re-request a stay after that time is up.

The withdrawal complainants can move to withdraw at any point before a default determination or final – actually before the first determination. If for some reason the parties want a joint withdrawal, they can do that and then the same process. The respondent will be told "Hey, the complainant wants you to agree to the dismissal of the case or the withdrawal of the case," and then you can do that as well.

We currently still approve all the dismissals, stays, and extensions, but as I was telling the IPC yesterday when I met with them, we may do away with that if we find out that it's unnecessary because there's no reason as long as the parties are agreeing to these things and as long as the requests are within the rules, there's really no reason for us to go through and do the extra step of approving these stays. The system is validating these things as they go.

Then just to show you examples of what the default and final determinations look like, they're going to look – okay, that didn't work. They're going to look very similar to – let's see if that works – to the UDRP decisions. They are going to be auto-generated but they have a lot of the same features. And if it doesn't work, it doesn't work. They're available on – the slide show is available already I think in the Adobe Room or on the page. So you can click on that and these are embedded in that PowerPoint presentation.

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As far as the registries are concerned, the registries in addition to getting the letter requesting the lock, etc., will also receive an e-mail with the copy of the determination and instructions on what they need to do to comply with the determination.

I don't have any screens for the appeals only because the screens look really the same and it would be very, very boring for me to re-show you some of those same screens. But I just thought I would go over quickly who can appeal, look through the slide, and then how to get – what you can get with an appeal. You can get an appeal either of the exact same documents or you can get an appeal that allows you to submit new documents for a different filing fee.

I showed you our website at the very beginning. It's where you find links to everything you need. I'm including this demo which will be broken into chunks and posted on our website probably next week. We're working right now on just finalizing some of the languages and examiner training for getting the URS up and running. I think probably I'm running out of time, so thanks to everybody. And I don't know if we're taking questions yet, Dennis, or if we're going to wait.

DENNIS JENNINGS:

Yes. We're going to take questions right now. I know there are some questions remote, and in this room, we need a microphone.

UNIDENTIFIED MALE:

I can speak up loud as well.

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DENNIS JENNINGS: We need it for the recording, please.

ALEXANDER MAYRHOFER: Alex Mayrhofer, dot-at. Backend operator for a couple of TLDs. Are you interested in doing any backend testing with backend registries or communication with the backend registries not established yet? Because I understand there is a specification document that was created by ICANN recently and I haven't seen any actual implementation of that. It's a technical question, I know.

KRISTINE DORRAIN: Yeah. Well, I created a Registry Best Practices Document that I think ICANN is still working on.

KRISTA PAPAC: This is Krista with ICANN staff. We are still working on that document, but we will get something out.

ALEXANDER MAYRHOFER: Will you want feedback on that document? Because I saw there was a [inaudible] draft coming out recently that was e-mail encryption and things like that. I don't know what the name of the document was.

KRISTINE DORRAIN: Do you remember the name of it? I'm trying to – I can't remember the name of it.

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UNIDENTIFIED MALE: [inaudible]

ALEXANDER MAYRHOFER: I'm sorry. I'm focused on the technical focus here.

KRISTINE DORRAIN: No, no. It's quite all right.

UNIDENTIFIED MALE: Yeah. Please send your feedback to the TLD Technical Mailing list.

ALEXANDER MAYRHOFER: Okay, thank you.

KRISTINA ROSETTE: Hi, Kristine. Kristina Rosette from the IPC. Two questions. First, I'm hoping that you could give us some information as to how [proxim] registrations or private registrations will be handled. And second, I don't know that it matters whether you're pulling the data from the registry, WHOIS or the registrar WHOIS, the bigger question is how is NAF going to deal with [rate] limiting that's being put in place by the source of the WHOIS data?

KRISTINE DORRAIN: Can you repeat the second question? I'm sorry, the echo.

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KRISTINA ROSETTE: I'm curious as to whether NAF is going to pull the WHOIS data from the registry or the registrar. But the more important question is that currently many registrars put in rate limiting, which means that there's only a certain number of WHOIS inquiries that they'll accept from a particular IP address within a particular day. How is NAF going to deal with rate limiting?

KRISTINE DORRAIN: Okay. Let me answer the second question first, because it's a shorter answer. So currently, we pull WHOIS pages from UDRP. So we do it [counter] rate-limiting now. And then we work with those registrars to sign their agreements and get that rate-limiting banned.

But we have a third-party provider who is pulling the data for us, and as I understand it, they do direct Port 43 calls to the registrars or registries. What we find is that it's pretty accurate and we're getting most data for UDRP. The biggest question is going to be how quickly can they rebound and get all the new gTLD data in their system. And because every different registrar and registry parses the data differently and passes the data differently, it's making it harder for them. But they're aware of it and working on it.

KRISTINA ROSETTE: So let me just ask a follow-up. Am I correct in understanding that a URS complaint wouldn't be rejected solely because the third-party provider isn't able to quickly obtain and parse that data?

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KRISTINE DORRAIN: That's correct. We would do a manual pull at that point and we would just manually go in and enter it the same way we do for UDRP, which we hope we don't have to do a lot.

KRISTINA ROSETTE: All right. Thanks. And as to the first question?

KRISTINE DORRAIN: And as to the first question as far as proxy providers. So the way it works right now is we are treating – we are saying that every domain name that you enter, each record gets pulled as a new respondent. So if you have more than one respondent, meaning separate WHOIS entry, you are going to have to submit a paragraph that says "These respondents are the same because..." which is currently what you do under UDRP for us when there's proxy privacy services.

So we're going to take it all in and all of that information will go to the panel and the panel will just determine based on the WHOIS records and what you've written in that box as far as why you think they're related, the panel will determine if they really are related and if not.

If so, if they are related, your determination will go against all of those domain names. If they're unrelated, if the panel says, "Hey, you got five domain names. I think two are not owned by the same guy," the panel will decide, "I want to make a determination against these three. These two get dismissed. File again tomorrow."

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KRISTINA ROSETTE: So just so that I'm clear, if under that circumstance the panel makes the determination that – say I've got five domain names. They're all against – the registrations are all under proxy. And let's make it a little bit more complicated and say it's two different proxy providers.

For purposes of the discussion, the panel makes the determination that all five names are in fact related such that it appears that it's kind of a single respondent. Will the determination then be made against the proxy provider?

KRISTINE DORRAIN: Yes. Assuming there's two proxy providers, it would have to pick one proxy provider to go against.

KRISTINA ROSETTE: Okay. Thank you.

PHILLIP CORWIN: Hi. Philip Corwin from VirtuaLaw. I have some questions on behalf of Internet Commerce – it should be real quick. First one, Kristine, in your demo you showed for the credit card payment by the complainant a fee of \$375. Is that in fact the fee you've set and is there a respondent fee – a response fee?

KRISTINE DORRAIN: Yes. The fee is \$375 for 1-14 domain names, 15-50 is I think \$400. It's in our fee table. The most a URS complaint would ever cost is \$500 and that is with 101 or more domain names. A respondent does not pay a

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fee unless one of two things happens. Either the case has 15 or more domain names, in which case their fee would match what the complainant paid, and they would not be allowed to respond unless that fee is paid. The other situation in which a respondent would incur a fee is if there's been a default determination and then more than 30 days have passed since the default determination. They would be required to pay what is called under the URS a reexamination fee. It's basically a fee telling the panel, yeah, you're going to have to open this case up and look at it again.

PHILIP CORWIN: Okay.

DENNIS JENNINGS: There's no need to write it down because it's on the FORUM's website in the supplemental [inaudible].

PHILIP CORWIN: Okay. Well, it's a memory aid. For the gentleman from the [Asian], are you developing or have you developed a similar interface for complainant and respondents?

DENNIS CAI: Yes. Thanks for that question. Actually, the ADNDRC is honored to be selected as a URS provider and we are currently in the process of developing online case filing and case management system, which is similar to the one as demonstrated by Kristine. So hopefully it will be up and running in early October this year. So that's the status.

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PHILIP CORWIN: For Kristin, I asked in Beijing whether ICANN was developing a standard contract for URS providers and ICANN, in written responses post-Beijing, said that such a contract was under development. Can you give us any idea of what the status of that is or if it is in fact being developed?

KRISTA PAPAC: Krista Papac, ICANN staff. Thanks for the question, Phil. What we have with the URS providers are memorandums of understanding (or MOUs) and those have been—

DENNIS JENNINGS: Exactly where in the discussion on the [inaudible] contracting for URS providers [inaudible] contracting, I'm not sure but I don't think it has advanced from the discussions that were held in Beijing. Then again, I defer that to those who are actually currently involved.

PHILIP CORWIN: Okay.

KRISTA PAPAC: Phil, I think I know some of the answer, but not all of it and rather than give you misinformation, let me take that down and just liaise with the legal department on that and come back.

PHILIP CORWIN: Sure. Just let me state, I've seen the MOU of course. I thought I made it quite clear in my question in Beijing that I didn't consider it the same as

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a detailed, enforceable contract and the response seemed to indicate a contract was being developed. So we can discuss it offline later.

KRISTA PAPAC:

No. I understand exactly what you're saying as far as MOU versus contract. But we'll get you a detailed response.

PHILIP CORWIN:

Sure. And my final question, which can be Kristine or the gentleman from Asia or both, in your examiner training, I'm particularly concerned since one must prove to a very high level burden of proof that the registrant has both registered and used the domain in bad faith to [inaudible], how are you training your examiners in regard to the presumption, if any, created by the receipt of a notice of possible infringement from the Trademark Clearing House?

Because obviously if you go on – if it's based on the trademark and you go on to register a domain for the same class of goods and services, that doesn't look very good in terms of bad faith. But if it's a completely different class or if it's just a UDRP that perhaps was appealed or a court case in one jurisdiction. How are the examiners going to deal with the impact of that TMCH notice on the bad faith registration element? Because I think that's a critical question.

KRISTINE DORRAIN:

And that is a good question. So we're basically faced with training examiners on a process that hasn't started yet for which we have absolutely no data yet. So we've worked on – right now we're putting

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together a training package that puts a lot of emphasis on that high standard of clear and convincing evidence and that the panelists must be really, truly, firmly convinced that there was bad faith, both in registration and in use.

And we're going to train them on not only the availability of the IP Claims Notice, but also the defenses listed in the URS and the differences between UDRP and URS, because right now, at least with my examining panel, all of our current panelists for URS are UDRP panelists. So they're all lawyers with 15 or more years of experience, which is beneficial, and they all have done these before. But they need to be trained I think primarily on the differences. So they don't think this is just the same as the UDRP, rinse, repeat, rinse, repeat.

So I think that's going to be evolving and I think that as we get cases, and I have it on my screen right now are decision index, our determination index. As we get public decisions, we're going to be able to fine hone that training even more as far as what other panelists are doing and showing panelists different examples of what other panelists are doing.

So they're going to be able to look back immediately on other determinations and see what other panelists before them have done. So I think that'll be really helpful. But we are really starting from scratch here.

PHILIP CORWIN:

Sure. Okay. Well, thank you very much for your responses.

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UNIDENTIFIED FEMALE: I have a few questions from the Adobe Connect room. “Who is the contractor that NAF is using to support its URS activities?”

KRISTINE DORRAIN: Hexillion.

UNIDENTIFIED FEMALE: Thank you. Next question. “In the step 8 of 11 in the field trademark, you need the trademark name or number, or both?”

KRISTINE DORRAIN: Oh, okay. Either. I’m sorry, no. For the top line, for trademark, you want to put the trademark name. If you want to put the number in, you can. Theoretically, in your evidence that you would submit for confirming your trademark, you would have your actual registration certificate, or it would come in – if you have a court validated mark, it would come up in that court document.

So it would be less important to have the registration number on that line because you would ideally and theoretically have it in your evidence. [inaudible] need that trademark information on that line.

UNIDENTIFIED FEMALE: Next question. “Are only credit card payments accepted?”

KRISTINE DORRAIN: At this time, yes. However, we are investigating the possibility of thinking about other sorts of payment. Because the URS is so rapid, we

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don't have time to wait for a check or wire transfers to clear. And so, at this point, we are only doing credit card payments.

UNIDENTIFIED FEMALE: Regarding language choice, what about the attachments?

KRISTINE DORRAIN: The respondent would be able to submit attachments in the language that it elected. So in my example of English, French and German, the pleadings would be able to be submitted in the language that the respondent elected to respond in, and English. So English is always an option. It's just if a second language is chose, the exhibits can be submitted in that language. They could not be submitted in a third language.

UNIDENTIFIED FEMALE: Okay. And does an app offer an API for URS submission?

KRISTINE DORRAIN: Not yet, but it's interesting that you mention that because we just had a business meeting about that, and if there is interest, I would love to hear about that. But we are currently looking into whether or not we would have some sort of an app.

UNIDENTIFIED FEMALE: That's the end of the remote participation questions. Thank you.

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CHUCK GOMES:

Chuck Gomes from VeriSign. Thanks for your presentation. My comments are going to be related to the interface for registries, though. I don't see Gustavo now, but I thank him for posting the draft URS technical requirements on the gTLD tech list. And our technical people have looked at that. Their assessment is that it's really not technical requirements. It's at too high a level and that's probably known already, so I'm probably not seeing anything that's new there.

And they also don't think there's been much technical discussion about the interface with registries, and we should learn from what we've learned with the Trademark Clearing House and [inaudible] and a bunch of other things where there's still work going on. So we certainly would suggest that a call be set up with registry operators and your team, ICANN staff, etc., to discuss those requirements to make sure that we avoid some of the pitfalls that we've experienced in some of these other areas like the Trademark Clearing House and so forth.

If we collaborate together, we're going to save ourselves some time and we're certainly willing – and I know that all registry operators and applicants are going to be willing – to do that.

We would say that's really premature to cut off the discussion on the draft requirements July 23<sup>rd</sup> because there really hasn't been any discussion and that's awfully close. We certainly need the high level collaboration. We'll probably have to get into more details, but always have the same goal – to make sure the interface works, to make sure that security and stability is ensured.

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And last of all, a question. Will there be opportunity for registry operators to test the interface once it is up and running and we have all the requirements?

KRISTINE DORRAIN:

Well, I'm told I'm not supposed to get into the tech stuff too much today because this was just a demonstration. But I'll tell you that our model does not include any technological interface with the registries. We plan to conduct the interface with the registries just like we handle the registrars for UDRP, which is we'll send you an e-mail when we need a verification on a domain name and you can e-mail us back.

The security around that is that we send e-mails from specific domain and we ask that you set up an e-mail account that only we know about. So you could make up some random string of characters if you want, so that you know that all the e-mails coming to that box are coming from us and that you check it periodically for UDRP or URS related communication and just reply.

So it's very low-tech because it's working and it seemed really way too complicated to try to devise some sort of an API that would work for every registry and both providers and everything else.

So I'm open to any sort of interface suggestions, but our model does not have any interfacing at all. It's simply just we're going to send you a polite letter and you're going to send us a polite letter back.

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CHUCK GOMES: Thanks a lot. That's helpful. But I would still suggest that we have that call on that and people on the gTLD tech list, and we make sure we're all on the same page and see what [inaudible]. And you may be right. There may not be any. But let's make sure early on.

KRISTA PAPAC: It's Krista with ICANN staff. Chuck, let me liaise with Gustavo and come back to you on that.

CHUCK GOMES: That's great.

KRISTA PAPAC: Perfect. Thanks.

UNIDENTIFIED FEMALE: Hi, Kristine. Following up on the question that was made about payment options, I think it would be really useful if it's at all possible to do so for folks to set up deposit accounts with NAF much in the same way that they do with the USPTO or with WIPO or with the Clearing House, particularly given quite candidly expected volume of these, finding – and how long it takes my accounting department to reimburse me. I could easily see maxing out my corporate card pretty quickly on this. Thanks.

KRISTINE DORRAIN: Thank you for that suggestion.

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[DENNIS JENNINGS]: Wendy, were there any other questions from the remote participants?

[WENDY]: In the URS rules dates 20 June relating to abusive complaints, there's a reference to an abuse case database that all providers will have access to. Who is building this database?

KRISTINE DORRAIN: We are building and maintaining the database, but we're working together with Dennis and the ADNDRC so that it meets both of our needs and it will just be a provider database. Our website – and I anticipated this question, so that's why this website is up. Generally users can go to our website and check this little tick-box here for "URS Finding of Abuse" and then click "Search" and all cases with a URS Finding of Abuse or Material Falsehood will show up in the search list. So that will be one way that the users will be able to search our website and find abusive – cases of abuse.

DENNIS JENNINGS: Okay, then. If there are no more questions, we'll wrap up here. The PowerPoint charts that Kristine used will be posted on our scheduled session, along with the charts from ADNDRC which has similar screenshots of their system.

[KRISTA PAPAC]: Thank you, Dennis. I just wanted to thank Kristine and Dennis for being here today. Dennis Cai and also Dennis Chang. Olof had to get back to

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the GAC meeting, but I'll thank Olof also for making time for us and thanks to all of you.

[DENNIS CAI]:

Thanks again. I'm very happy to be given this opportunity to share with you from latest development of ADNDRC in terms of the URS implementation. Maybe if [inaudible] five minutes to talk about the latest update. Actually as I mentioned earlier in the responding question and we are still in the process in developing a similar system, and actually the system has several features and actually we intend to provide an online system for six types of users.

One is the complainant, respondent, case administrator, domain name examiner, and registry operator and URS provider as well. So the system will serve as an online platform and we function as a file sharing and publication of the examination decisions. It will be very similar to the URS system demonstrated by Kristine.

So I would also like to highlight. The second point is we have already scheduled some training and conferences in terms of the URS in Asia. [inaudible] planning a half-day seminar in Hong Kong – hopefully to take place in Hong Kong in September or October. And in November, we have another full-day conference to be held in Kuala Lumpur in Malaysia which is an annual ADNDRC conference.

And before the ADNDRC one-day conference, we have scheduled workshops on URS and UDRP panelists. That will be the first workshop to take place in Asia in terms of the training of the URS. We will talk

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about all the procedures and substantive issues at the seminar. So this is the update from my side. Pass back to you, Mr. Chang.

DENNIS CHANG: Thank you, Dennis. That was good. We still have time. This session goes to 2:15. So we're fine.

UNIDENTIFIED FEMALE: [inaudible] question pop up.

DENNIS CHANG: Let me just check the remote side, one more question. Okay. I'll just read this one. Oh. Let me just cover this online question. One more question for Kristine. "Will NAF require that all URS neutrals be also UDRP panelists, or this is only in the beginning of URS implementation?"

KRISTINE DORRAIN: It's not a requirement that the URS panelists be UDRP panelists. It was just the easy pool with which I had to draw to start with. I certainly have had a lot of interest from people who want to be on both panels. So I'll probably be adding to the panels and then letting people choose which – or both if they want to be on them both.

JOHN BERRYHILL: Hi. My question is for Dennis. John Berryhill. The ADNDRC URS system, will that be independently administered by all of the separate ADNDRC offices or will it be a single system?

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DENNIS CAI: Thank you very much for [inaudible]. Actually we have a current up-and-running system for UDRP and it is within – the [inaudible] portals are different, but the database are the same. Take, for example, [inaudible] of the four offices [inaudible] in one database. But a case filings portal, we have four case filing portals – one for each office. So this is how we work with the four offices. So, yeah.

JOHN BERRYHILL: Is the ADNDRC a single corporate organization or are those branch offices owned by parties other than whoever owns the central office of the ADNDRC?

DENNIS CAI: That’s a very good question. Allow me to give an introduction to ADNDRC. ADNDRC is a charitable institution, which is also a non-profit making organization registered in Hong Kong in 2001. At that time, ADNDRC was jointly established by Hong Kong International Arbitration Center and the China International Economic Arbitration Commission. So the two organizations formed the ADNDRC in Hong Kong with an aim to provide UDRP service to the region and [inaudible] development of the ADNDRC, we have included the Korean office, the Seoul office, and a Kuala Lumpur office. These four offices of ADNDRC operate by four independent organizations under the Memorandum of Understanding. So this is the framework.

JOHN BERRYHILL: So it’s sort of a franchise operation.

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DENNIS CAI: It is not – this Memorandum – it is not a franchise. It’s hard to say—

[DENNIS CHANG]: Yes. I think maybe we can get offline with you if you would like to know more about the corporate structure.

JOHN BERRYHILL: Thank you.

[DENNIS CHANG]: I think I need to bring this session to an end because there’s another session that’s coming in right now. Okay, thank you everyone.

[ END OD AUDIO ]