

ICC DISPUTE RESOLUTION – TWO PLAYERS

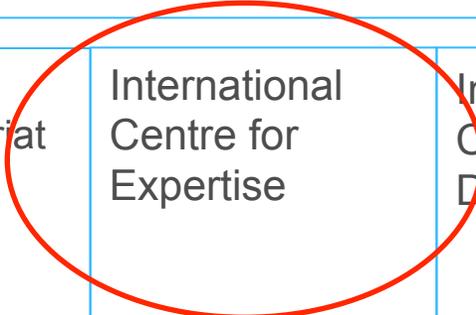
ICC Dispute Resolution Services

**ICC International Court
of Arbitration**

**ICC International Centre
for ADR**

Arbitration

ADR Secretariat	International Centre for Expertise	International Centre for Dispute Boards
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OBJECTION GROUNDS

ICC will administer objections based on two different grounds:

1. Limited Public Interest Objections
2. Community Objections

ADDITIONAL GOVERNING RULES



GENERAL PROCEDURE

1. Filing of the Objection with ICC

- Objection period open since 13 June 2012
- Objection must be filed using Model Form
- Objector must pay Filing Fee when filing the Objection

2. Administrative review of the Objection by ICC

- In case of non-compliance: Possibility to correct within 5 days
- In case of non-correction within time limit: ICC dismisses the objection
- In case of compliance: ICC confirms registration of the Objection

3. Publication of ICANN's dispute announcement

- Within 30 days after closing of objection period (foreseen for late 2012)

4. ICC invites Applicants to file Response within 30 days

- Invitation is notified by ICC immediately after ICANN's dispute announcement
- Response must be filed using Model Form
- Applicants must pay Filing Fee when filing the Response

GENERAL PROCEDURE

5. Constitution of Expert Panel by ICC

- Within 30 days after receipt of Response

6. Invitation to pay Costs

- Within 10 days of constitution of Panel ICC invites payment

7. Payment of Costs

- Each party has to pay full Costs within 10 days

8. Transfer of file to Expert Panel

- Within 45 days after receipt of the file

9. Draft Expert Determination rendered to ICC for scrutiny

10. Notification of final Expert Determination to Parties by ICC

GENERAL PRINCIPLES

- Fully administered procedure
- All procedures in English
- Model Form provided for Objections and Responses
- Scrutiny of Expert Determinations by ICC

SPECIFICITIES OF ICC PROCEDURES

- No Expert Mission (Article 12 of ICC Rules for Expertise)
- Electronic documents only
- Filing Fee can be refunded
- ICC will appoint the Experts
- Constitution of a three member panel
- ICC ADR Rules for any mediation procedure, unless the parties decide otherwise

LIMITED PUBLIC INTEREST OBJECTIONS

- **Ground:**

The applied-for gTLD string is contrary to generally accepted legal norms of morality and public order that are recognised under principles of international law.

- **Experts:**

3 member Expert Panel

- **Standing:**

No limitation. But: subject to “quick-look” procedure by Expert Panel after receipt of the file to exclude frivolous and/or abusive objections

- **Substance:**

Breach of general principles of international law

COMMUNITY OBJECTION

- **Ground:**

There is substantial opposition to the gTLD application from a significant portion of the community to which the gTLD string may be explicitly or implicitly targeted.

- **Experts:**

1 member Expert Panel

- **Standing:**

Established institution associated with a clearly delineated community

- **Substance:**

1. The community invoked by the objector is a clearly delineated community; and
2. Community opposition to the application is substantial; and
3. There is a strong association between the community invoked and the applied-for gTLD string; and
4. The application creates a likelihood of material detriment to the rights or legitimate interests of a significant portion of the community to which the string may be explicitly or implicitly targeted.

EXPERTS

- ICC will establish non-exclusive pool of potential experts
- Special requirements for Limited Public Order Objections: “*Experts recognised as eminent jurists of international reputation*”
- ICC National Committees can but must not be invited to submit nominations
- Confirmation of independence, impartiality and availability of each Expert for each case



COSTS

- Filing Fee: € 5 000
- Expert' s Hourly rate: € 450
- ICC Administrative Expenses normally
 - 1 Member Expert Panel: € 12 000
 - 3 Member Expert Panel: € 17 000
- Expert' s Expenses: Reasonable expenses
- Division of Experts' Fees: 40% to the Chair, 30% to each co-Expert

ONLINE RESSOURCES

www.iccexpertise.org

- General information
- All relevant documents and model forms
- List of cases
- Publication of Expert Determinations

Expertise - Microsoft Internet Explorer provided by ICC

http://www.iccbo.org/court/expertise/jd46205/index.html

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ICC Expertise

International Chamber of Commerce
The world business organization

Expertise
Dispute Resolution Services

Language: English

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ICANN New gTLD Dispute Resolution

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Court Bulletin & DRL

Arbitration

Procedure

The different stages of a case filed pursuant to the New gTLD Dispute Resolution Procedure with the ICC International Centre for Expertise ("Centre") are set out below. We remind parties to carefully read through all relevant documents when preparing to file an Objection or a Response, in particular the New gTLD Dispute Resolution Procedure from ICANN, the Rules for Expertise of the ICC and the ICC Practice Note on the Administration of Cases under the New gTLD Dispute Resolution Procedure.

All documents can be found [here](#).

Step 1: Filing of an Objection

After the opening of the Objection Period, a person or entity can decide to object to one of the applications filed. According to current information, the Objection Period will start on 13 June 2012.

If the Objection is based on the ground of a Morality and Public Order Objection or a Community Objection, the Objector must file its Objection with the Centre.

Step 2: Administrative review of the Objection

The Centre will conduct an administrative review of the Objection to ensure its compliance with the ICC Rules for Expertise, the ICC Practice Note on the Administration of Cases under the Procedure and the New gTLD Dispute Resolution Procedure of ICANN. If the Objection does not comply, the Centre will invite the Objector to correct any deficiencies within five days.

Step 3: Compliance of the Objection with the Requirements

Once the Objection complies with all requirements, the Centre will confirm that the Objection will be registered for processing.

The Centre will post on its website

1) the names of the Objector and the Applicant,
2) the grounds for the Objection and

http://www.iccbo.org/court/expertise/jd461/index.html

Start

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ICANN

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INTERNATIONAL
CENTRE
FOR ADR

LEADING DISPUTE
RESOLUTION
WORLDWIDE

ICC International Centre for Expertise

38, Cours Albert 1er

75008 Paris

France

Phone: + 33 1 49 53 30 53

Email: expertise@iccwbo.org

Website: www.iccexpertise.org



International Chamber of Commerce

The world business organization