



URS 2.0? WIPO Discussion Contribution

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Uniform Rapid Suspension System

- Intended for clear-cut cases of abuse
- To be an efficient, low-cost process
- With appropriate registrant protection
- Operating in complement to the UDRP

WIPO ideas on URS design

- Model Expedited Suspension Mechanism (ESM) of 2009
<http://www.wipo.int/export/sites/www/amc/en/docs/icann030409.pdf>
- Detailed WIPO comments in numerous published submissions and letters to ICANN:
<http://www.wipo.int/amc/en/domains/resources/icann/index.html>
- For one such WIPO list, see 2010 letter to ICANN on proposed applicant Guidebook
<http://www.wipo.int/amc/en/docs/icann021210.pdf>

Main cost drivers of still-current ICANN URS model include:

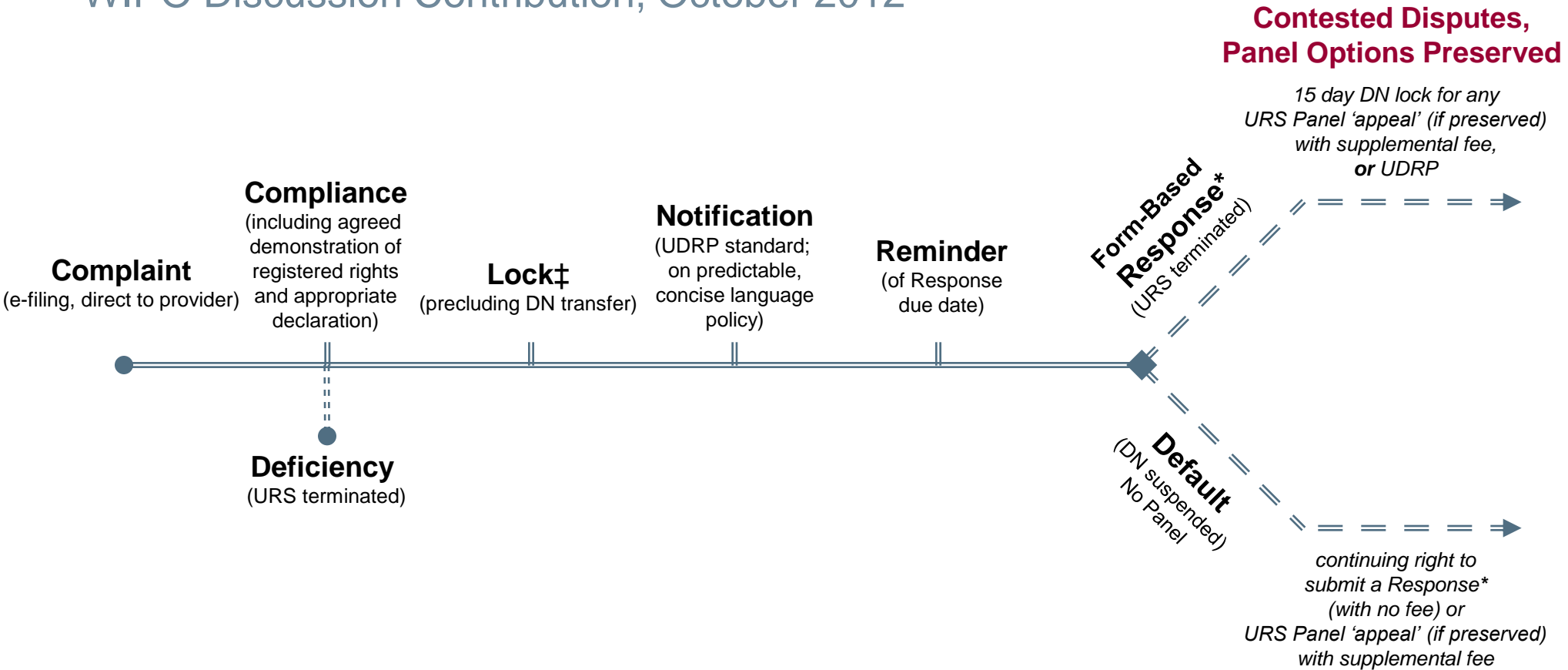
- Expert or panel appointment in all cases (under UDRP, panel typically 2/3 of the cost)
- *De novo* expert review for up to 30 days for default cases (for no supplemental fee), and for up to 6 months (with supplemental fee)
- Procedural complexity (significantly more ‘moving parts’ than the UDRP, means more for parties and providers to do)
- Multiple enforcement layers disproportionate to the available remedy (suspension, subject to appellate and court options) and contemplated cost
- Language (notification provisions uncertain and expensive, in addition to UDRP notification standards)

How can we make the URS the success we all want it to be?

- By recognizing that:
 - we may be trying to do too much, for too little
 - complexity comes at a cost
 - design simplicity may deliver workability and savings, without compromising on quality or fairness
- By asking ourselves:
 - what can we do to truly stream-line the current suspension process, while ensuring sufficient appropriate protections remain?

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‡Alternate option: Lock on filing, with direct copy to respondent, with compliance check to follow. If deficient, URS terminated and DN unlocked.

What do we really want in the URS system?

■ Simple

- Linear, scale-able, straight-forward, efficient

■ Suitable

- Fit-for-purpose, appropriate registrant safe-guards, balance between process and reversible remedy

■ Structured

- Logical complement to UDRP (URS for defaults, UDRP for contested disputes with reasoned decisions)
- 'Clean' division minimizes risk of forum shopping and inconsistent jurisprudence across the two mechanisms

■ Sustainable

- Better chance at approaching target cost, including over longer term
- Possibly avoiding precedent for uncertain and potentially problematic subsidization of neutral providers, via ICANN monies derived from registration/application revenue (including also infringing names)