2012 New gTLD Program Round – Uniform Rapid Suspension (URS) Cases & Initial Metrics

I. GTLD DELEGATION NUMBERS

The following shows the number of gTLDs delegated by year from the 2012 New gTLD Program round; it helps to provide context for the URS data contained elsewhere in this draft report. This section, including Chart 1, is identical to what was presented to the Working Group for Sunrise Registration metrics.

CHART 1: gTLDs Delegated by Year by Type (as of Aug 2017):
** Based on delegation date as noted on the ICANN 2012 New gTLD Program microsite: https://newgtlds.icann.org/en/program-status/delegated-strings

2012 New gTLD Program gTLDs are all considered "generic" from the perspective of IANA (see: https://www.iana.org/domains/root/db). However, the Applicant Guidebook and subsequent implementation of the round further distinguished generic TLDs from Geographic TLDs that required approval from the respective authority and Brands that qualified for Specification 13. Thus, of the 1227 gTLDs from the 2012 round delegated to date, 694 are considered generic for the purposes of this report, and are not assigned a designation of either a geographic or Specification 13 gTLD.
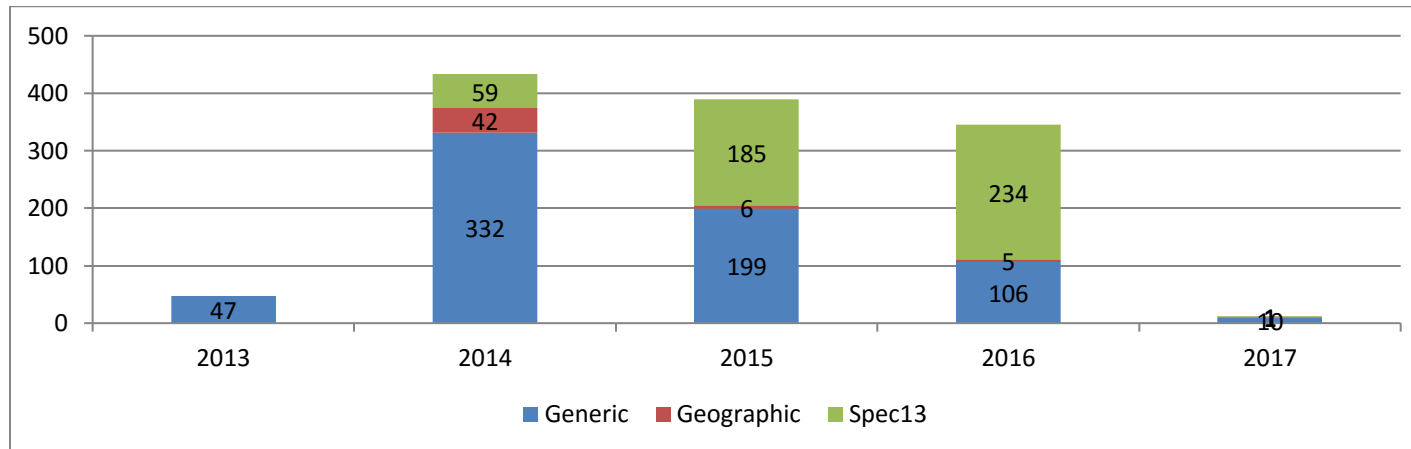
	Generic	Geographic	Spec13	Grand Total
2013	47			47
2014	332	42	59	433
2015	199	6	185	390
2016	106	5	234	345
2017	10	1	1	12
Grand Total	694	54	479	1227

II. URS Definition and Data

The Uniform Rapid Suspension System (URS) is a rights protection mechanism developed for the 2012 New gTLD Program round. Its substantive requirements are based on those in the existing Uniform Domain-Name Dispute Resolution Policy (UDRP), with the most significant differences being the standard of proof required and the remedies permitted. It complements (but does not replace) the UDRP by offering a lower-cost, faster path to relief for rights holders experiencing the most clear-cut cases of infringement[1].

Resource Documents:
- URS Procedure (Published 01 March 2013) - Explains how to file a claim, what fees will be incurred and other information.
- URS Rules (Published 28 June 2013) - Describes how service providers will implement the Uniform Rapid Suspension System in a consistent manner.
- URS Technical Requirements 1.0 (Published 17 October 2013) - Describes how Registries and Registrars will implement the Uniform Rapid Suspension System technical requirements in a consistent manner.

<u>**Data set characteristics**</u>:
- Three URS providers (note: data for this exercise is provided from GDD staff as a part of the CCT-RT that is scrapped from URS provider websites on a quarterly basis):
  - The National Arbitration Forum (FORUM) – Announced 20 Feb 2013
  - Asian Domain Name Dispute Resolution Centre (ADNDRC) – Announced 19 Apr 2013
  - MFSD Srl (MFSD) – Announced 15 Dec 2015
- Scope: Feb 2014 - Jun 2017
- Excluded from Scope:
  - 13 cases in "Pending" status
  - .CN - one case; withdrawn (this is a country-code TLD)
  - .COM - one case; withdrawn (this is a legacy TLD to which the URS did not apply)
  - .PRO - two cases; one suspended, one denied (this is a legacy TLD to which the URS did not apply)
  - .PW - four cases; all suspended (this is a country-code TLD)

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[1] New gTLD Microsite: https://newgtlds.icann.org/en/applicants/urs

TABLE 1: URS Macro Statistics:

	Stat
Scope	Feb 2014 - Jun 2017
Count of Cases	748
Total Domains	1729
Avg. Domain/Case	2.31
Median Domain/Case	1.00

TABLE 2: URS Statistics by Provider (showing total quantity of cases and domains in dispute handled by each Provider):

	Cases	Domains
ADNDRC	29	54
ADR Forum	707	1662
MFSD	12	13
Total	**748**	**1729**

TABLE 3, CHART 2: URS Statistics by Provider (showing total quantity of disputed domains handled by each Provider by Year):

	ADNDRC	ADR Forum	MFSD	Grand Total
2014	38	250		**288**
2015	15	255		**270**
2016	1	762	11	**774**
2017		395	2	**397**
Grand Total	**54**	**1662**	**13**	**1729**

** 2017 half year only
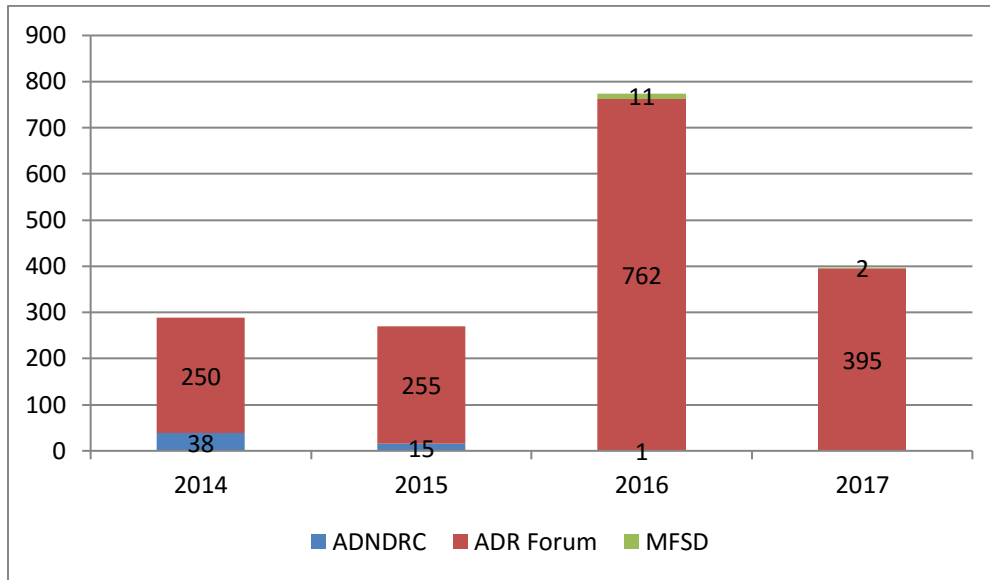
TABLE 4 - Quantity of domains disputed in URS cases, categorized by gTLD (w/ > 10):

gTLD	Domains
xyz	580
win	92
party	81
store	64
club	63
shop	58
top	48
faith	37
wang	36
email	28
online	25
website	24
link	18
site	17
paris	15
vip	14
space	13
today	12
guru	11
international	10
sale	10

** A total of 212 gTLDs for a total of 1729 domain names

TABLE 5, CHART 3: Quantity of domains disputed in URS cases, categorized by Provider and Result of Determination:

|	Claim Denied	Split Decision	Suspended	Withdrawn	Grand Total
ADR Forum	54	1	1560	47	**1662**
ADNDRC	1		49	4	**54**
MFSD	1		12		**13**
Grand Total	**56**	**1**	**1621**	**51**	**1729**
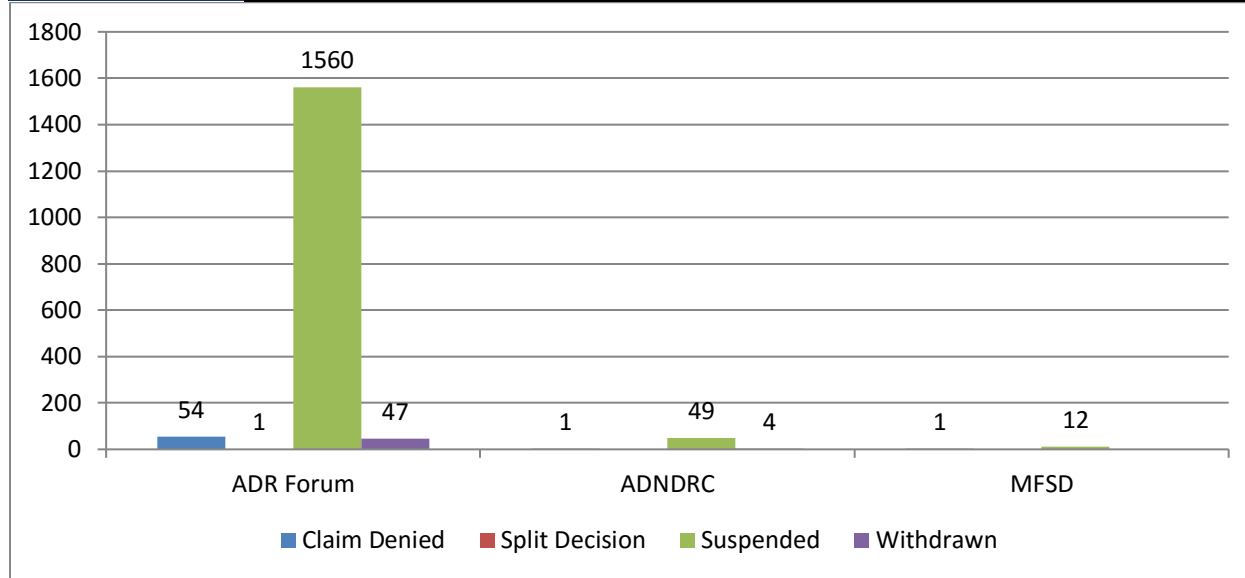
Definitions:

- Claim Denied – This is the result where there is no genuine issue of material fact. Where there is any genuine contestable issue as to whether a domain name registration and use of a trademark are in bad faith, the Complaint will be denied, the URS proceeding will be terminated without prejudice, e.g., a URS Appeal, UDRP, or a court proceeding may be utilized. The URS is not intended for use in any proceedings with open questions of fact, but only clear cases of trademark abuse.[2]
- Split Decision – This refers to the result where a 3-member panel does not reach a unanimous decision.
  - See: http://www.adrforum.com/domaindecisions/1565344F.htm
  - See: http://www.adrforum.com/domaindecisions/1565344A.htm
- Suspended – This refers to a ruling in favor of the Complainant whereby the domain is suspended for the remainder of the registration period (note: the Complainant may extend this period for an additional year by paying the applicable renewal fee).
- Withdrawn – This refers to a situation where the Complainant withdraws the complaint, and the case does not proceed any further.

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[2] URS Procedure, P.8 – 8.5

TABLE 6, CHART 4: Quantity of domains disputed in URS cases, categorized by Provider and Number of Defaults vis-à-vis Final Determination or Withdrawn status:

	Default++	Final	Withdrawn	Grand Total
ADR Forum	1395	220	47	1662
ADNDRC	38	12	4	54
MFSD	11	2		13
Grand Total	**1444**	**234**	**51**	**1729**
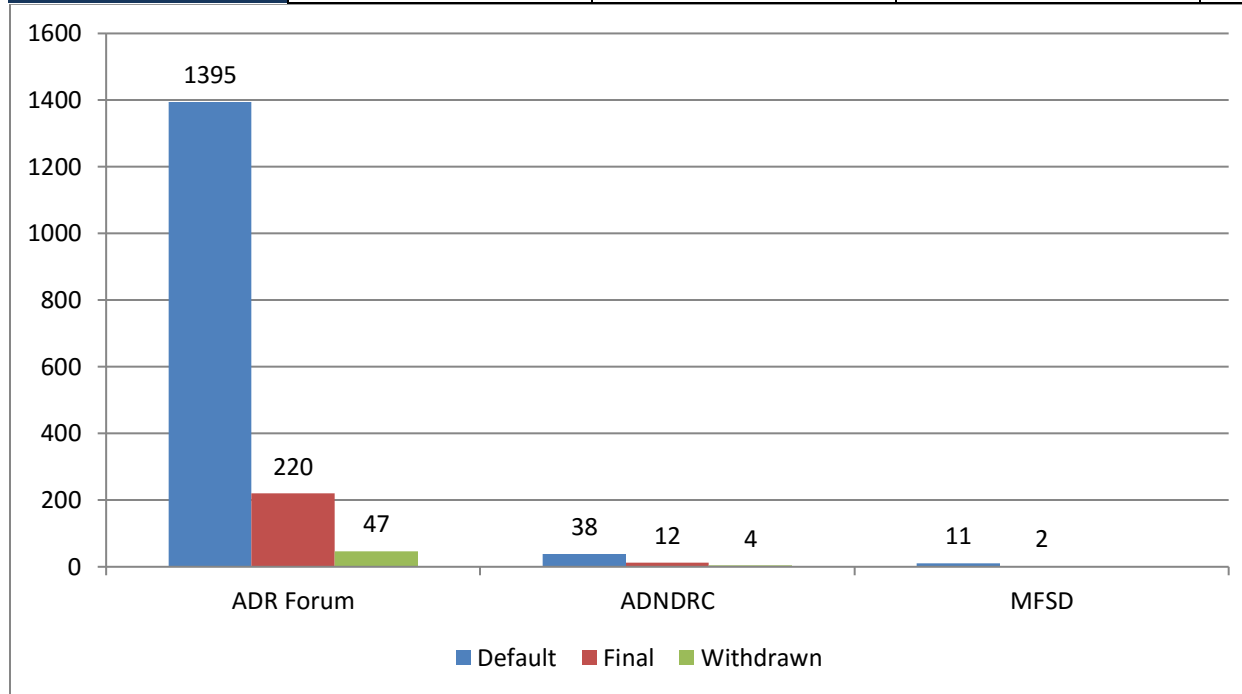
++ NOTE: The number of domains listed in this column reflect those for which a registrant did not submit a Response (i.e. Default status). As the URS requires that all Default cases nevertheless proceed to Examination, there are a few cases where a Default Determination did not result in suspension of the domain (i.e. the Complainant did not prevail). ICANN staff plan to further refine this table in the next iteration, to capture both those Default cases that led to suspension and those that did not.

Definitions:

- Default – Where, at the expiration of the 14-day Response period (or extended period if granted), the Respondent does not submit an answer, the Complaint proceeds to Default status. All Default cases nevertheless proceed to Examination for review on the merits of the claim.[3]

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[3] URS Rules, P.11 – #12

- Withdrawn – Where the Complainant withdraws the complaint and the case does not proceed to a final determination on Examination.

TABLE 7, CHART 5: Quantity of domains disputed in URS cases, categorized by Result and Determination Type:

	Count of Disputed Domain Name
Suspended Total	**1621**
Default	1417
Final	204
Claim Denied Total	**56**
Default	27
Final	29
Withdrawn Total	**51**
Withdrawn	51
Split Decision Total	**1**
Final	1
Grand Total	**1729**
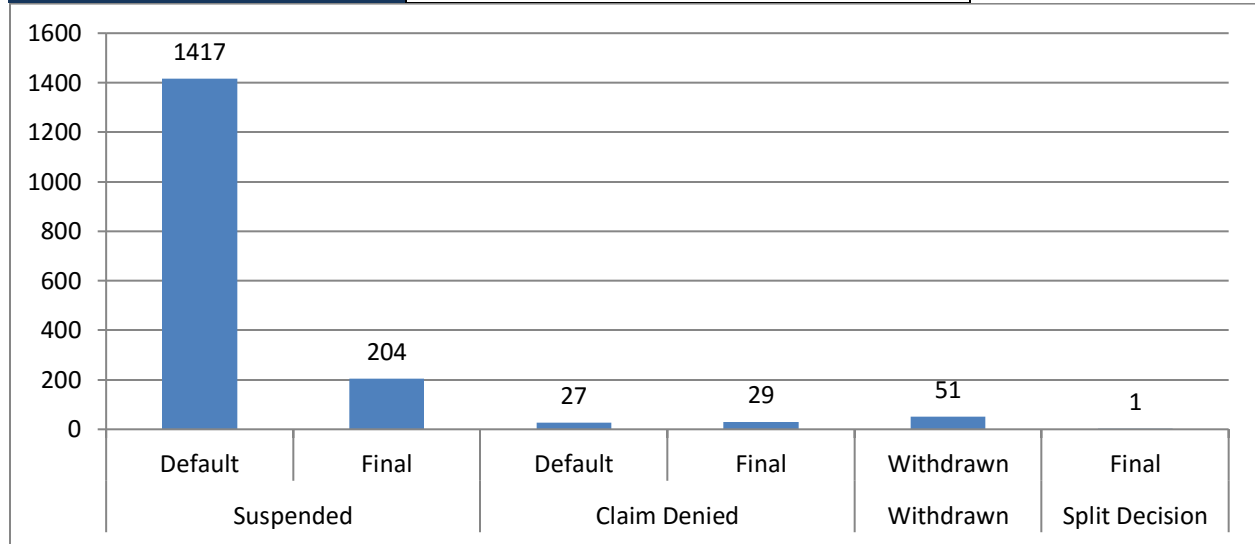
TABLE 8: Quantity of domains disputed in URS cases that were Appealed:

	Count of Disputed Domain Name
ADR Forum	28
Appeal	16
Final	12
Grand Total	**28**

TABLE 9: Average duration in Number of Days of URS cases, by Domains within URS Cases:

	Average of Duration
ADNDRC	18.46
ADR Forum	17.35
MFSD	25.78
Total Average	**17.45**