

QUESTIONS RELATING TO DATA NEEDS – FOR THE URS PRACTITIONERS SUB TEAM
Prepared for the Review of All Rights Protection Mechanisms (RPMs) Working Group URS Documents Sub Team by ICANN staff (updated 4 March 2018)

General:

All URS Practitioners (as identified by the URS Practitioners Sub Team) will be provided with all the questions below. Each Practitioner will be asked to self-identify whether he/she more typically represents Complainants or Respondents.

Topic - Filing a Complaint under the URS:

- URS Practitioners (as identified by the URS Practitioners Sub Team) to be asked about their experiences in relation to Standing, Grounds, and Filing Period. (Consider including additional guidance, e.g. Working Group may be asked to consider whether standing should be expanded to include marks that were abusively registered but not confusingly similar)

Topic – Notice of a URS Complaint:

- The identified URS Practitioners to be asked about what they have been seeing in relation to the issuance of notices to a respondent of a URS complaint.

Topic – Standard of Proof & Scope of Defenses:

- Some (but not all) Documents Sub Team members support soliciting the views of the identified URS Practitioners about how panelists have been applying the “clear and convincing” standard of proof; 58 cases where Respondent prevailed to be reviewed

Topic – Remedies:

- The identified URS Practitioners to be asked about their views on the scope and duration of the current URS remedy.

Topic – Potentially Overlapping Process Steps:

- Practitioners to be asked what in their experience was the average cost to prosecute and/or defend a URS proceeding. The feedback should help WG in their consideration of the question whether to go to a "loser pays" model.

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Deleted: (in addition to Provider views on implementation and review of additional literature, e.g. IRT, STI, INTA, CCT Review Team reports) - further specific guidance to be developed by Documents Sub Team

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Topic – Response (including Duration and Response Fee):

No Practitioner questions suggested (but feedback from Providers and registry operators will be sought, and the 250 cases decided so far where a Response was filed to be reviewed)

Topic - Appeal:

No Practitioner questions suggested (but 14 cases that were appealed and those that went through de novo review to be reviewed)