**Updated List of Possible New Information or Arguments and Additional Sources for Review**

**1. Lack of suitability of Article 6ter as a legal basis for standing (Recommendation #2)**

1. What might be an appropriate, alternative legal basis?
* GAC list
* Unregistered (“common law”) rights
* Unfair competition and/or consumer protection laws
1. Alternatively, is there a way to scale back recommendation on 6ter, or have a recommendation that says use 6ter to establish procedural standing but it must be coupled with a substantive legal right of some sort?

**2. Not appropriate to import Article 6ter(1)(c) into UDRP/URS jurisprudence (Recommendation #3)**

**3. Opposition to Recommendation #4**

1. Three reasons provided by the OECD
2. Agreeing to the Mutual Jurisdiction clause in the UDRP and URS can amount to waiver of immunity
3. The option of arbitration should be further reviewed and existing examples (e.g. the New York Convention) noted.

**3. Some support emerging for Option #2**

1. WG should consider further review of arbitration as an option
2. How arbitration works
3. Is there a difference between recommending binding arbitration as the sole option for appealing a UDRP decision vs filing a separate, new proceeding in a national court (which is not an appeal from a UDRP panel)?
4. GoDaddy requires arbitration per Article 25 of its Universal Terms of Service (However, there is a relationship between registrar and registrant and unclear how widespread this practice is)

**4. Further discussion of a separate DRP**

1. Specific recommendations from IPC
2. WG had deferred discussion of 2007 draft procedure from ICANN staff until after completion of initial review of all comments

**5. Concerns about proposed scope of a Policy Guidance document**

1. Cannot be used for cases where a WG recommendation amounts to a substantive change of the UDRP (e.g. if Recommendation 4 Option #1 is adopted)
2. Inappropriate