

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 – 27 March 2018

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:

- Feedback on practitioner experiences in relation to Standing, Grounds, and Filing Period
 - Note from URS Documents Sub Team: Consider including additional guidance, e.g. include a note that the Working Group may be considering whether standing should be expanded to include marks that were abusively registered but not confusingly similar.

Topic – Notice of a URS Complaint:

- Feedback on 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

Topic – Remedies:

- Provide views on the scope and duration of the current URS remedy

Topic – Potentially Overlapping Process Steps:

- Feedback on what, in their experience, was the average cost to prosecute and/or defend a URS proceeding
 - Note from the URS Documents Sub Team: consider asking this question in such a way that practitioners do not feel they are being asked to divulge confidential information or data that gives them a competitive advantage. The objective of the question is to help the WG in its consideration of the question whether to go to a "loser pays" model.

Topic – Abuse or Process:

- Feedback on whether they believe it feasible to add a requirement to sanction abuse of process by respondents