TOPIC TABLE BASED ON CHARTER QUESTIONS AND SUGGESTIONS RECEIVED
Draft for RPM Working Group Reference – 1 December 2017

The table below has been prepared for the RPM Working Group's reference, and is intended to supplement the brief list of suggested topics that was prepared following the Working Group call of 30 November 2017.

This table expands on that list of topics, and cross-references them to the specific Charter questions and additional suggestions from which the topics were drawn.

Suggested Topic	Original Charter Question	Suggested New Questions up to/at ICANN60	Origin of Charter Question
A. THE COMPLAINT:			
1. **Standing to file** 2. **Grounds for filing**		Should the first element be modified to include names that are abusively registered but that may not be confusingly similar or identical?	
B. THE RESPONSE:			
1. **Duration of reply period**	Should the ability for defaulting respondents in URS cases to file a reply for an extended period (e.g. up to one year) after the default notice, or even after a default determination is issued (in which case the complaint could be reviewed anew) be changed? See http://newgtlds.icann.org/en/applicants/urs/rules-28jun13-en.pdf, Section 6.4		Comments on Draft RPM Staff Paper (Feb 2015); question in PDP Preliminary Issue Report (Oct 2015)
2. **Response fee**	Should the Response Fee applicable to complainants listing 15 or more disputed domain names by the same registrant be eliminated? See http://newgtlds.icann.org/en/applicants/urs/rules-28jun13-en.pdf, Section 2.2.		Comments on Draft RPM Staff Paper; question in PDP Preliminary Issue Report
C. STANDARD OF PROOF:			
1. **Standard of proof**	Is the URS' 'clear and convincing' standard of proof appropriate?		Comments on Draft RPM Staff Paper;

	See http://newgtlds.icann.org/en/applicants/urs/rules-28jun13-en.pdf, Section 8.2		question in PDP Preliminary Issue Report
D. DEFENSES:			
1. **Scope of defenses**	Are the expanded defenses of the URS being used and if so, how, when, and by whom?		Comments on Preliminary Issue Report
E. REMEDIES:			
1. **Scope of remedies**	Should the URS allow for additional remedies such as a perpetual block or other remedy, e.g. transfer or a "right of first refusal" to register the domain name in question? See http://newgtlds.icann.org/en/applicants/urs/rules-28jun13-en.pdf, Section 10.		Comments on Draft RPM Staff Paper; question in PDP Preliminary Issue Report
2. **Duration of suspension period**	Is the current length of suspension (to the balance of the registration period) sufficient? See http://newgtlds.icann.org/en/applicants/urs/rules-28jun13-en.pdf, Section 10.2.		Comments on Preliminary Issue Report
F. APPEAL:			
1. **Appeal process**	How can the appeals process of the URS be expanded and improved? See http://newgtlds.icann.org/en/applicants/urs/rules-28jun13-en.pdf, Section 12.		A comment on Preliminary Issue Report
G. POTENTIALLY OVERLAPPING PROCESS STEPS:			
1. **Potential overlap concerning duration of respondent appeal, review and extended reply periods along the URS process timeline**		Superfluous overlap between: -- A respondent's right to *de novo* appeal within fourteen days from a determination (Section 12.1); versus -- A respondent's right to *de novo* review within six months from a notice of default (Section 6.4); versus -- A respondent's right to request a seven-day extension to respond during the response period,	

		after default, or not more than thirty days from a determination. (Section 5.3) See http://newgtlds.icann.org/en/applicants/urs/rules-28jun13-en.pdf.	
H. COST:			
1. **Cost allocation model**	Is the cost allocation model for the URS appropriate and justifiable? See http://newgtlds.icann.org/en/applicants/urs/rules-28jun13-en.pdf, Sections 1.1.2, 2.2, 5.2, and 12.2. Should there be a loser pays model? If so, how can that be enforced if the respondent does not respond? How can costs be lowered so end users can easily access RPMs? (General Charter question)		Comments on Draft RPM Staff Paper; question in Preliminary Issue Report
I. LANGUAGE:			
1. **Language issues, including current requirements for complaint, response, determination**	What evidence is there of problems with the use of the English-only requirement of the URS, especially given its application to IDN New gTLDs? See http://newgtlds.icann.org/en/applicants/urs/rules-28jun13-en.pdf, Section 4.2. Are there any barriers that can prevent an end user to access any or all RPMs? (General Charter question) Do the RPMs work for registrants and trademark holders in other scripts/languages, and should any of them be further "internationalized" (such as in terms of service providers, languages served)? (General Charter question)		A comment to the Preliminary Issue Report
J. ABUSE OF PROCESS:			
1. **Misuse of the process, including by trademark**	What sanctions should be allowed for misuse of the URS by the trademark owner? See	[Should URS also include provisions for] registrants who might be abusively registering domains?	A comment on the

owners, registrants and "repeat offenders" 2. **Forum shopping** 3. **Other documented abuses**	http://newgtlds.icann.org/en/applicants/urs/rules-28jun13-en.pdf, Section 11.4 and 11.6. Is there a need to develop express provisions to deal with 'repeat offenders' as well as a definition of what qualifies as 'repeat offences'? See http://newgtlds.icann.org/en/applicants/urs/rules-28jun13-en.pdf, Section 11.4 and 11.6. Have there been abuses of the RPMs that can be documented and how can these be addressed? (General Charter question)	To what extent is the forum shopping of URS providers?" and "Whether the current practice of the complainant choosing the URS provider or the respondent to reduce forum shopping?" Or "is there a problem with the existing rules that results in forum shopping?	Preliminary Issue Report Question in Preliminary Issue Report
K. EDUCATION & TRAINING:			
1. **Responsibility for education and training of complainants, registrants, registry operators and registrars**	Has ICANN done its job in training registrants in the new rights and defenses of the URS? Are the Providers training both the Complainants and the Respondents, and their communities and representatives, fairly and equally in these new procedures? Are the Providers training both the Complainants and the Respondents, and their communities and representatives, fairly and equally in these new procedures?	Has ICANN done a good job of training complainants concerning what the remedies are under the URS? Under URS the registry operator is required to suspend the domain name, however registry operators do not control the DNS and so it's really complicated, so how can a registry operator learn how this works?	All Charter questions suggested by a commentator on the Preliminary Issue Report
L. URS PROVIDERS:			
1. **Evaluation of URS providers and their respective processes**	Are the processes being adopted by Providers of URS services fair and reasonable? See http://newgtlds.icann.org/en/applicants/urs/rules-28jun13-en.pdf, Section 7. Are the Providers' procedures fair and equitable for all stakeholders and participants? What changes need to be made to ensure that procedures adopted by Providers are consistent with the ICANN policies and are fair and balanced?	What are the backgrounds of the URS providers and what are their preparations? Should the URS be doing something similar to the UDRP?	All Charter questions suggested by a commentator on the Preliminary Issue Report

	Are Providers exceeding the scope of their authority in any of the procedures they are adopting? What remedies exist, or should exist, to allow questions about new policies by the Providers offering URS services, and how can they be expeditiously and fairly created? Is ICANN reaching out properly and sufficiently to the multi-stakeholder community when such procedures are being evaluated by ICANN at the Providers' request? Is this an open and transparent process? Are the Providers consulting with all stakeholders and participants in the evaluation, adoption and review of these new procedures?		
M. ALTERNATIVE PROCESSES:			
1. **Possible alternative(s) to the URS, e.g. summary procedure in the UDRP**		A more general question is whether there should be some kind of alternative to the URS – such as a summary procedure in the UDRP?	

OTHER GENERAL CHARTER QUESTIONS:

- Do the RPMs adequately address issues of registrant protection (such as freedom of expression and fair use)?

- Will, and if so to what extent, changes to one RPM will need to be offset by concomitant changes to the others?

- Do the RPMs collectively fulfil the objectives for their creation… In other words, have all the RPMs, in the aggregate, been sufficient to meet their objectives or do new or additional mechanisms, or changes to existing RPMs, need to be developed?

- Should any of the New gTLD Program RPMs (such as the URS), like the UDRP, be Consensus Policies applicable to all gTLDs, and if so what are the transitional issues that would have to be dealt with as a consequence?

- Are recent and strong ICANN work seeking to understand and incorporate Human Rights into the policy considerations of ICANN relevant to the UDRP or any of the RPMs?