

VERSION #1 (based on EPDP leadership-staff discussions)

Recommendation #3: Exemption from Submission to Jurisdiction for IGO Complainants; Preservation of Registrants' Right to Initiate Court Proceedings

- i. The EPDP team recommends that an IGO Complainant (as defined under Recommendation #1) be exempt from the requirement under Section 3(b)(xii) of the UDRP Rules and Section 3(b)(ix) of the URS Rules.
- ii. The EPDP team further recommends that: (a) an IGO Complainant (as defined under Recommendation #1) be required to specify, at the time it files its complaint, which of a court in either the location of the registrant or the relevant registrar's principal office the registrant should use in the event the registrant decides to challenge a UDRP decision or URS Determination by initiating court proceedings; and (b) the registrant be required to acknowledge the specification and further acknowledge that the making of the specification by the IGO Complainant does not constitute a waiver (whether express or implied) of the IGO Complainant's privileges or immunities, or diminish, abrogate, or otherwise affect the IGO Complainant's right to claim that because of its privileges and immunities it is not subject to the jurisdiction of the specified court.

VERSION #2 (based on IGO-suggested language as sent to Chris and Mary):

Recommendation #3: Exemption from Agreement to Submit to Mutual Jurisdiction for IGO Complainants

- i. In relation to the UDRP: The EPDP team recommends that an IGO Complainant (as defined under Recommendation #1, above) be exempt from the requirement to state that it will "submit, with respect to any challenges to a decision in the administrative proceeding canceling or transferring the domain name, to the jurisdiction of the courts in at least one specified Mutual Jurisdiction".
- ii. In relation to the URS: The EPDP team recommends that an IGO Complainant (as defined under Recommendation #1, above) be exempt from the requirement to state that it will "submit, with respect to any challenges to a determination in the URS proceeding, to the jurisdiction of the courts in at least one specified Mutual Jurisdiction".

IN ADDITION: Place either in explanatory text in relation to Recommendation 3, or as part of Recommendation 4:

"A registrant may challenge a UDRP decision canceling or transferring the domain name or a URS Determination rendered in favor of an IGO complainant by filing a claim in court. If the registrant seeks to challenge the decision in court, it will do so in the court so designated to hear claims involving such IGO, and if no such court is so designated, then in a court at the location of either (a) the principal office of the relevant registrar, or (b) the domain-name holder's address as shown in the relevant registrar's Whois database at the time the complaint is submitted to the UDRP or URS Provider (as applicable). Nothing herein is, nor shall be deemed to be, an express or implied waiver of the privileges and immunities of such IGO, which privileges and immunities are reserved."