

URS Individual Proposal Survey Result

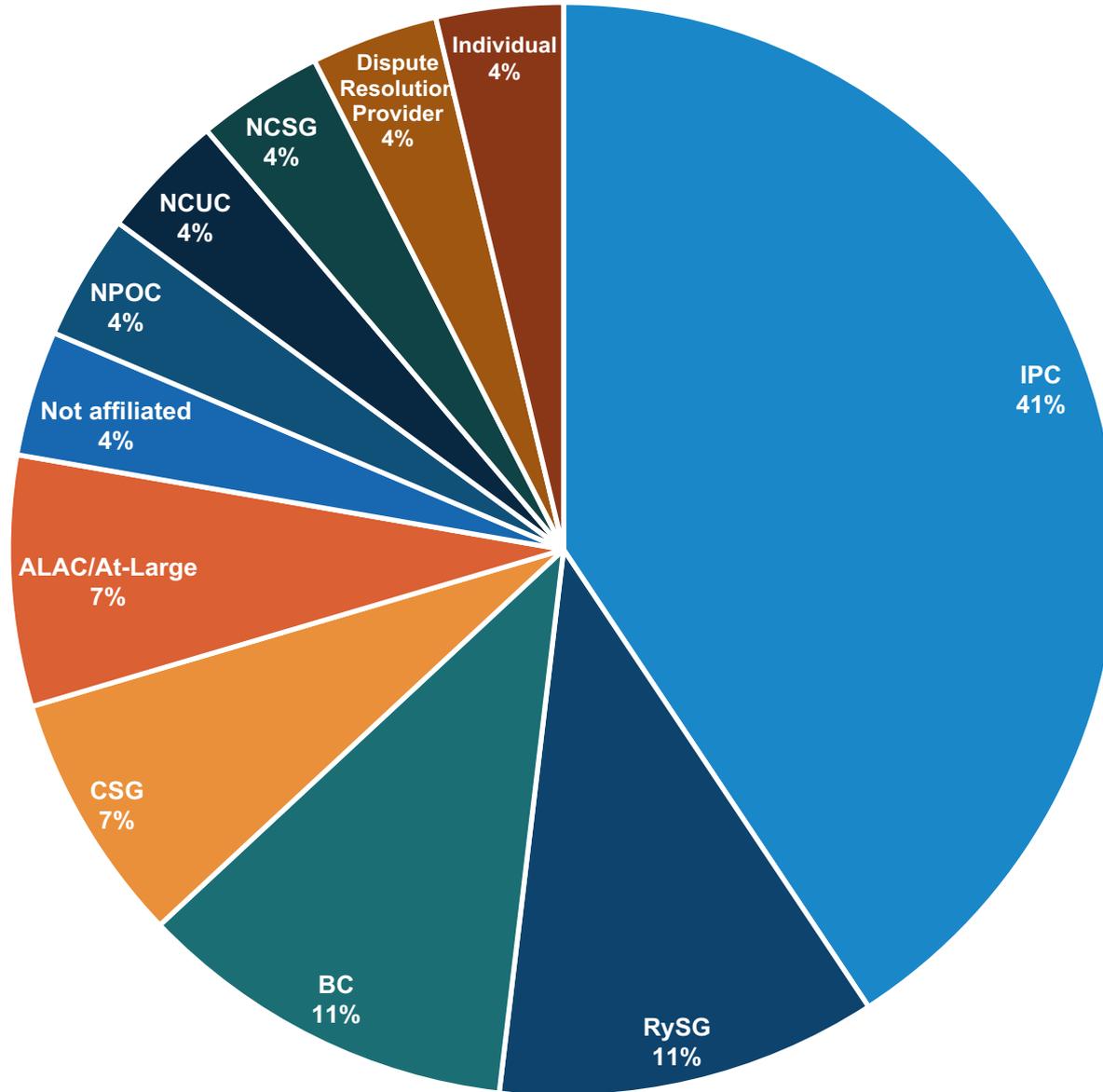


ICANN66 | RPM PDP Working Group Session 3
3 November 2019

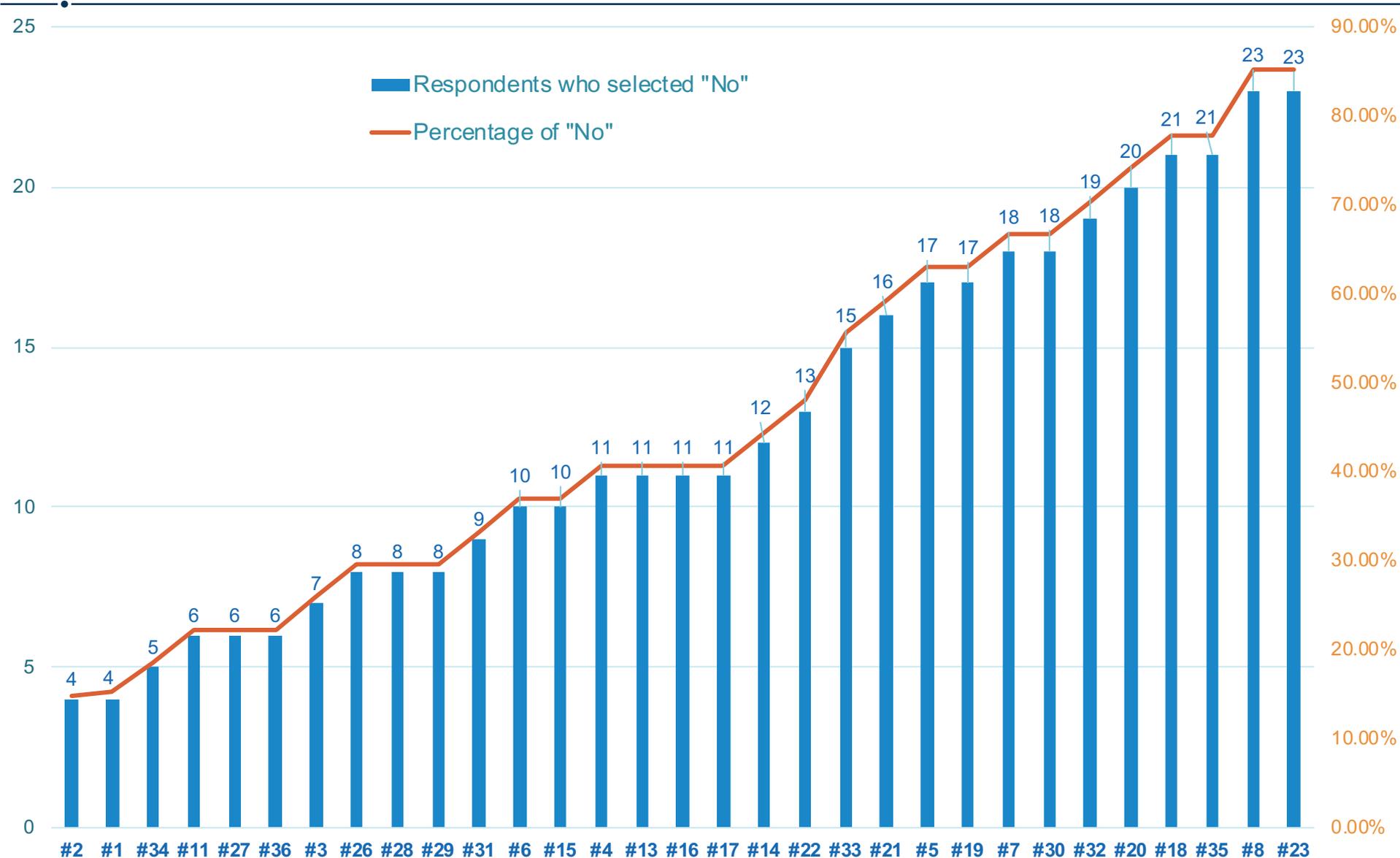
Respondent's Primary Affiliation

| Primary Affiliation | Number | Percentage |
|-----------------------------|--------|------------|
| IPC | 11 | 41% |
| RySG | 3 | 11% |
| BC | 3 | 11% |
| CSG | 2 | 7% |
| ALAC/At-Large | 2 | 7% |
| NPOC | 1 | 4% |
| NCUC | 1 | 4% |
| NCSG | 1 | 4% |
| Dispute Resolution Provider | 1 | 4% |
| Individual | 1 | 4% |
| Not affiliated | 1 | 4% |

Respondent's Primary Affiliation (Cont.)



Stats of “No, do not publish this proposal”



Proposal #1

Proponent: Kristine Dorrain

URS Paragraph 6 says: "6.2 In either case, the Provider shall provide Notice of Default via email to the Complainant and Registrant, and via mail and fax to Registrant. During the Default period, the Registrant will be prohibited from changing content found on the site to argue that it is now a legitimate use and will also be prohibited from changing the Whois information."

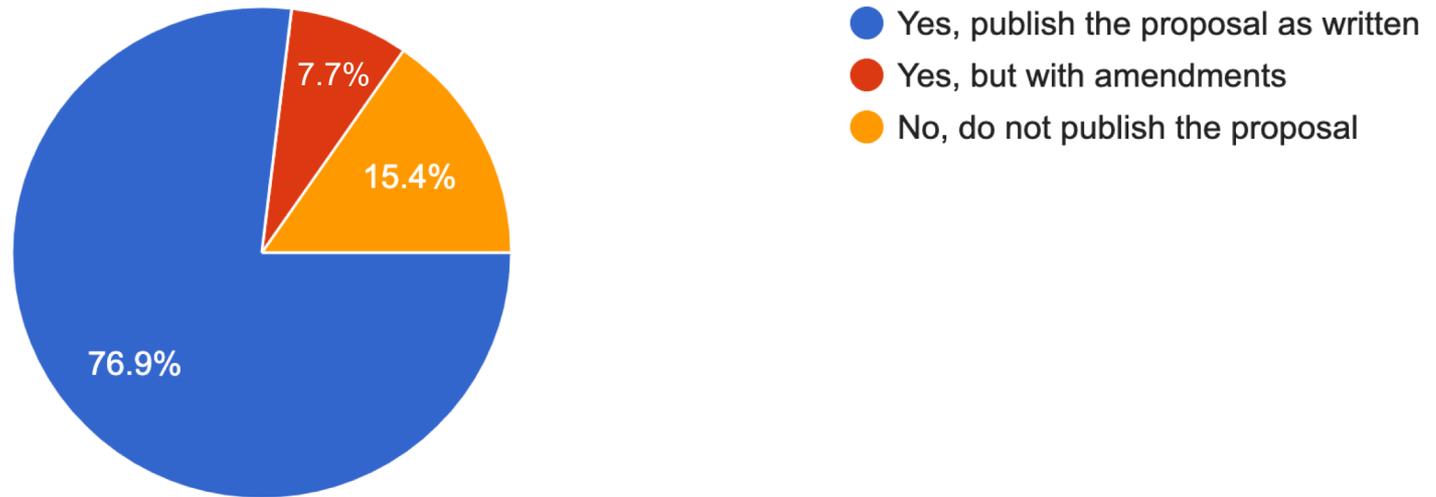
Option 1: Amend to delete "During the Default period, the Registrant will be prohibited from changing content found on the site to argue that it is now a legitimate use and will also be prohibited from changing the Whois information." and move this text to the section in the policy that indicates how bad faith may be proven (i.e. these behaviors may be used by the Examiner to find bad faith).

Option 2: Just delete the "During the Default period" text. [Note, there is no Default period defined here or anywhere - the case goes to the Examiner.]

Proposal #1

Do you support this Proposal being included in the Initial Report for purposes of soliciting public comments on it?

26 responses



Proposal #1

Additional comments:

- Go with option 2
- Agree Option 1
- Delete "During the Default period"
- DNS should NEVER regulate content in their mechanism, and this is a direct regulation on content on a web
- Support whatever is Kristine's suggested path forward on this.

Proposal #2

Proponent: Maxim Alzoba

Legal requirements should be moved from the technical document "URS High Level Technical Requirements for Registries and Registrars" to another document (URS Procedure or URS Rules) or to leave the text, but to rename "URS High Level Technical Requirements for Registries and Registrars" into "URS High Level Requirements for Registries and Registrars" and on ICANN's page <https://newgtlds.icann.org/en/applicants/urs> to change its name from "URS Technical Requirements 1.0" to "URS Registrars and Registries Requirements 1.0"

The concerning "legal requirements" language is as follows:

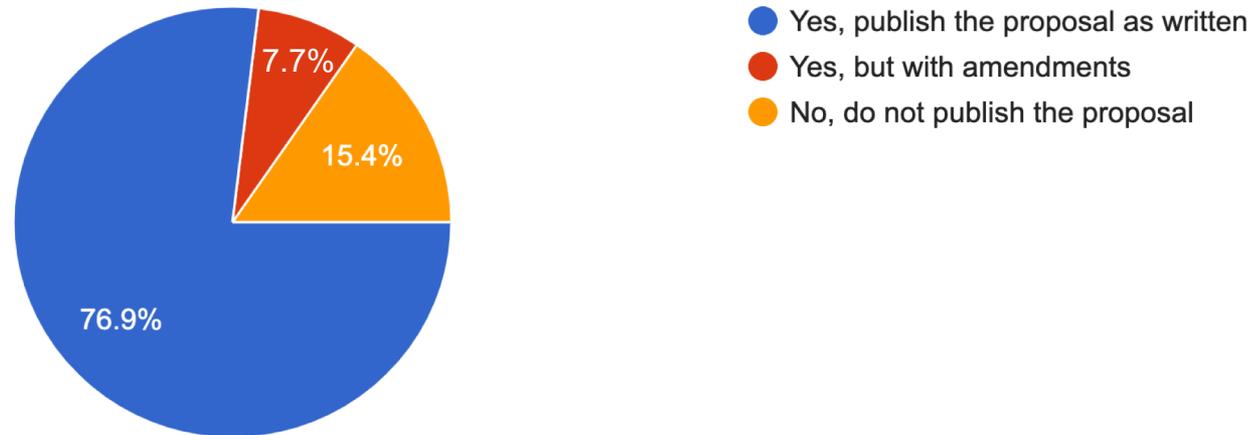
4. Registry-Registrar Agreement:

- The Registry Operator MUST specify in the Registry-Registrar Agreement for the Registry Operator's TLD that the Registrar MUST accept and process payments for the renewal of a domain name by a URS Complainant in cases where the URS Complainant prevailed.
- The Registry Operator MUST specify in the Registry-Registrar Agreement for the Registry Operator's TLD that the Registrar MUST NOT renew a domain name to a URS Complainant who prevailed for longer than one year (if allowed by the maximum validity period of the TLD).

Proposal #2

Do you support this Proposal being included in the Initial Report for purposes of soliciting public comments on it?

26 responses



Additional comments:

- It should be clear that the technical document is not an appropriate place to impose additional contractual requirements beyond the scope of technical implementation.

Proposal #3

Proponent: Zak Muscovitch

Revise URS Policy Paragraph 10 to reflect the following new provisions:

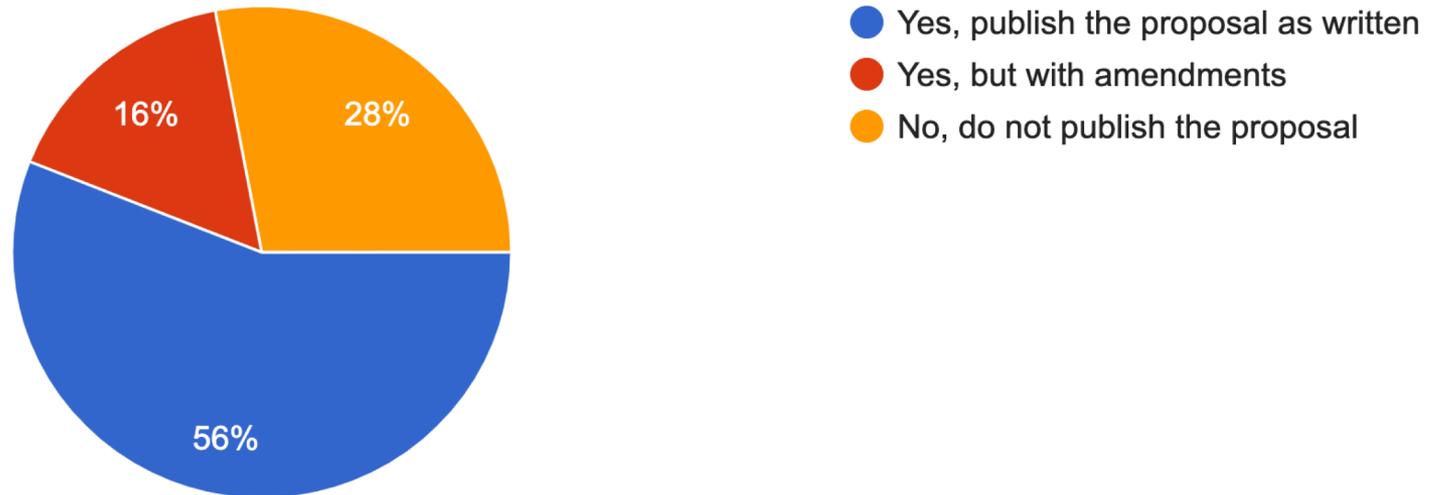
10.3 There shall be an option for a successful or non-successful Complainant to extend the registration period for one additional year at commercial rates.

10.5 Notwithstanding any locking of a domain name pursuant to Paragraph 4.1 and notwithstanding the suspension of domain name pursuant to Paragraph 10.2, a registrant shall be entitled to renew a subject domain name registration and the registry shall permit same in accordance with its usual commercial rates for a period of up to one year.

Proposal #3

Do you support this Proposal being included in the Initial Report for purposes of soliciting public comments on it?

25 responses



Proposal #3

Additional comments:

- Policy can not dictate the prices (commercial rates), it is about picket fence in RA/RAA, also it can not dictate which domains are premium or not (and can not dictate Registrars the price of registration). So the proposal reduced to the number of years, without pricing might be a good thing (forcing pricing is not implementable due to restrictions in RA and RAA)
- I find the proposal confusing and unclear of its objective
- 10.3 should be revised to specify "at the registrar's usual commercial rates..."
- Support, but assume that more explanation will be provided when this will go out for public comment
- Do NOT support allowing losing-URS Respondent/registrant from renewing the domain, which would enable them to continue to use the name in bad faith post-suspension.

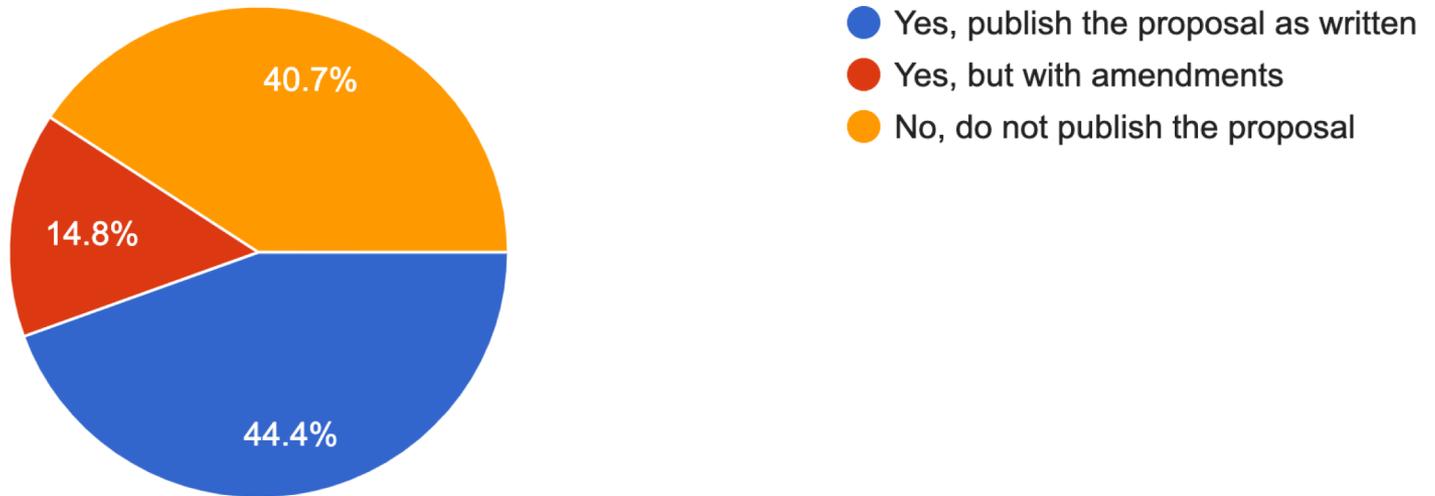
Proposal #4

Proponent: George Kirikos

All URS Suspension pages must be delivered in both HTTP and HTTPS versions.

Do you support this Proposal being included in the Initial Report for purposes of soliciting public comments on it?

27 responses



Proposal #4

Additional comments:

- Add: "if commercially feasible" to the proposal
- add "subject to technical and commercial feasibility".
- Feedback on the extent of https adoption would be particularly useful as the situation may well have changed in terms of https as the standard
- I don't see any need for this - but I think it's a good idea to leave it to the technical community to provide inputs on this topic.
- Change in procedure since 9/18 makes this proposal moot
- I believe this should identify that any adoption of this as a recommendation is subject to technical input as to whether this can be cost-effectively implemented. Should not come at the expense of the complainant

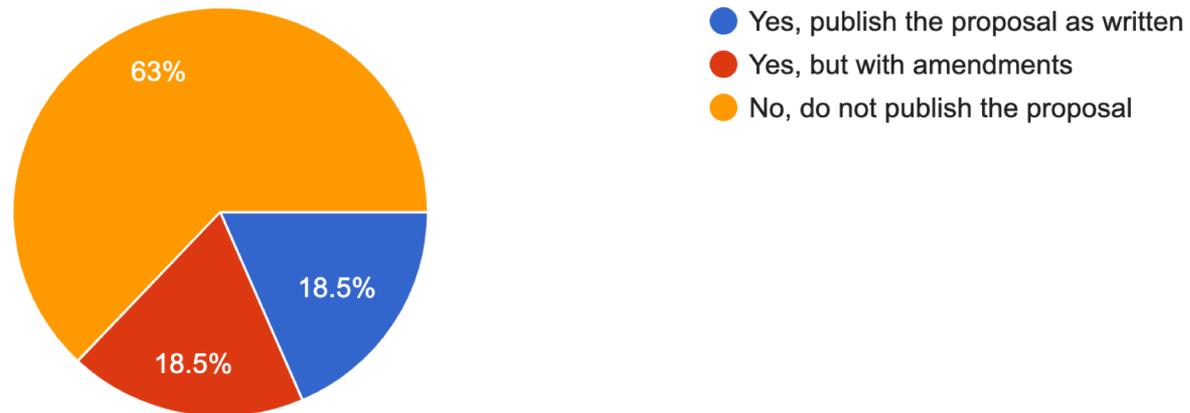
Proposal #5

Proponent: George Kirikos

The URS and UDRP policies should be amended to introduce a limitation period for filing complaints. While specific implementation can be performed by a future IRT, I propose at this point that the limitation period be 2 years, as measured from the creation date of the domain name (this would match the statute of limitation in Ontario, Canada).

Do you support this Proposal being included in the Initial Report for purposes of soliciting public comments on it?

27 responses



Proposal #5

Additional comments:

- A limitation period commencing as of the registration date versus the creation date should be considered. Discussion of including this in the UDRP should be left for when we examine the UDRP.
- Add a limitation period as of the registration date not the creation date. Whether this should be included in the UDRP can be discussed the UDRP is examined
- "...measured from the registration date..."
- Makes more sense to measure the time limit from when the current registrant acquired the domain name, not the original creation date.
- This mirrors the laches defense which is available in many jurisdictions.
- Feedback on using the date of registration by the same or a related entity should also be sought
- This suggestion is in fact a way to kill the policy as such. First: The "creation date" - meaning the date a domain name was initially registered, can be 5, 10, 20 years back, and with a number of different holders. All disputes must be counted based on the date the current holder became the "owner". Secondly: If this limitation is created, all bad owners will just have to wait for the 2 years to pass, and then start to use it in bad faith. Such proposal shall definitely NOT even be published for comments!

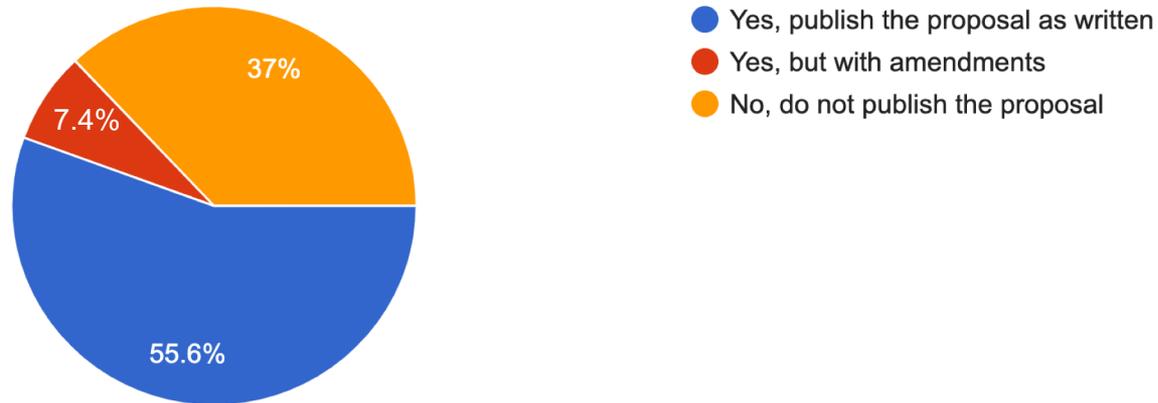
Proposal #6

Proponent: Claudio DiGangi

The recommendation is to permit multiple unrelated complainants to bring a single complaint jointly against a single domain name registrant (or related registrants) who has registered multiple domain names, by deleting the following procedural element within Section 1.1.3 of the URS Procedure: "One Complaint is acceptable for multiple related companies against one Registrant, but only if the companies complaining are related."

Do you support this Proposal being included in the Initial Report for purposes of soliciting public comments on it?

27 responses



Proposal #6

Additional comments:

- URS is meant to be a light weight tool. Creating a complex litigation version would impose significant costs so as to increase cost burdens on litigants and arbitrators.
- Can be interesting to get public comments on, but there may be a need for practical examples for better understanding of the topic/problem.
- This would harmonize the URS with the UDRP rpm.

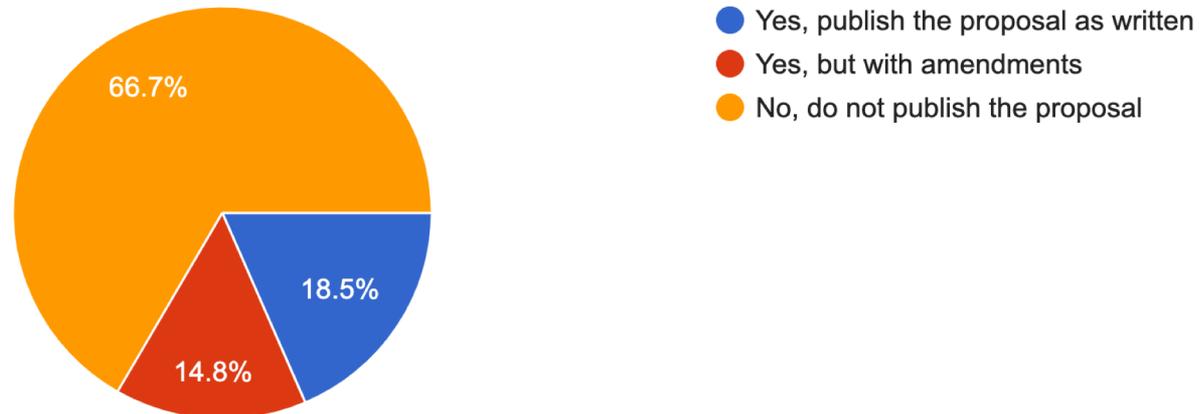
Proposal #7

Proponent: George Kirikos

The URS and UDRP policies shall be changed to require that providers provide notification to a registrant's Legal Contact, in addition to (not replacing) the current required notification to registrants. At the implementation stage of this policy change, WHOIS (or its successor) would be augmented to add that Legal Contact on an opt-in basis. To reduce costs, notices from URS/UDRP providers to the Legal Contact should be by email and FAX only (not courier).

Do you support this Proposal being included in the Initial Report for purposes of soliciting public comments on it?

27 responses



Proposal #7

Additional comments:

- If feasible
- Can be interesting to get some more practical input / comments on this topic.
- Since this is regarding a change to Whois it seems to Ben more in scope for the EPDP than this WG. Should not relate to UDRP at this stage, in any event.
- I would support this being published if Providers do not object.

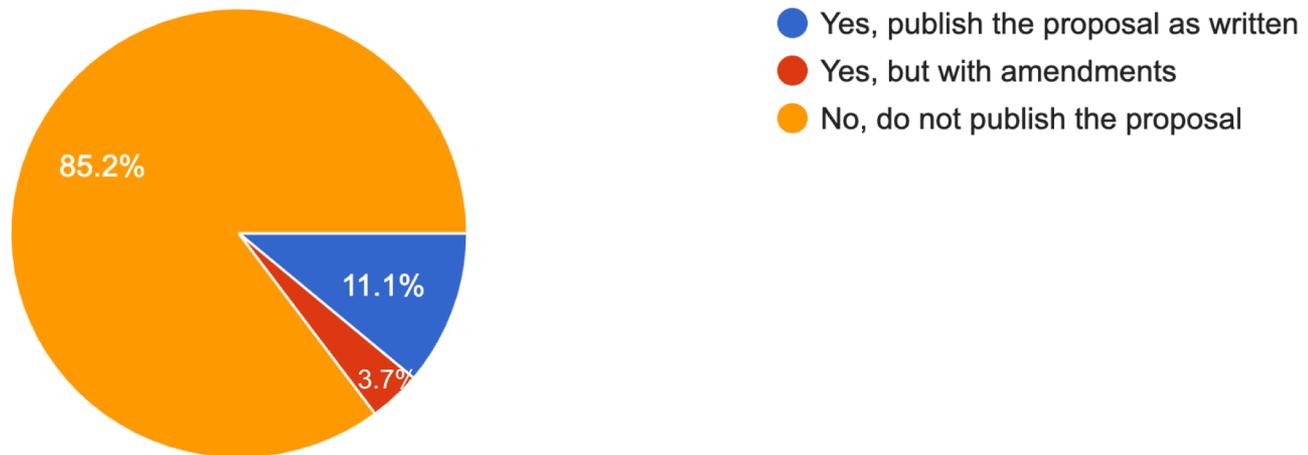
Proposal #8

Proponent: George Kirikos

The URS and UDRP should adjust their response times, by adding 3 additional days to respond for every year that has elapsed since the creation date of the domain in dispute, up to a maximum of 60 days in total.

Do you support this Proposal being included in the Initial Report for purposes of soliciting public comments on it?

27 responses



Proposal #8

Additional comments:

- As said, let's keep it URS, not just Uniform Suspension.
- Unduly complicated, especially for the URS. Should not be seeking input on the UDRP at this stage.

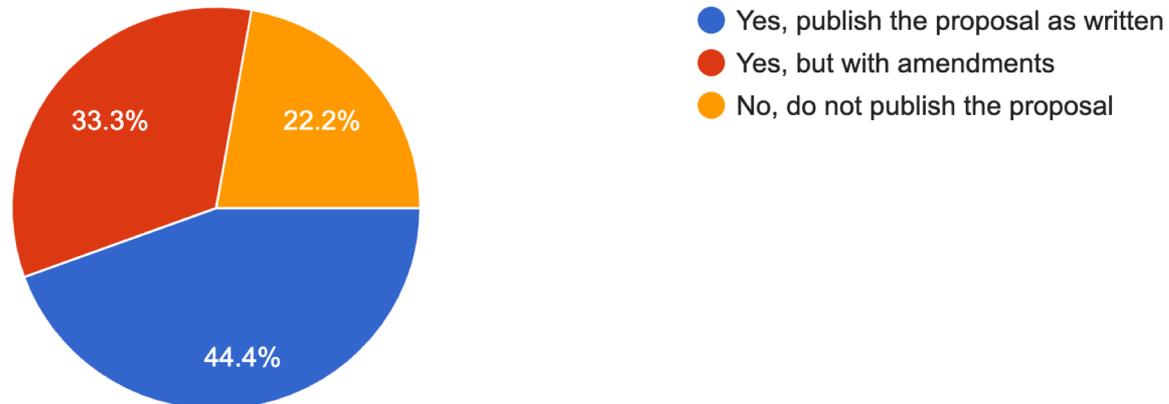
Proposal #11

Proponents: Brian Winterfeldt; Christopher Thomas; Colin O'Brien; Griffin Barnett; Jeff Neuman; John McElwaine; Lori Schulman; Pascal Boehner; Paul McGrady; Susan Payne

The Response Fee threshold should be lowered from 15 domain names to 3, because this is sufficient to demonstrate a clear pattern by the registrant based on relevant URS (and UDRP) precedent. In cases where the named respondent is ultimately determined not to be the actual registrant of all the domain names in the complaint, the fee would only apply if the registrant is confirmed for 3 or more of the listed domain names; otherwise, no such fee would apply.

Do you support this Proposal being included in the Initial Report for purposes of soliciting public comments on it?

27 responses



Proposal #11

Additional comments:

- 3 is far to low. Maybe 10.
- 3 is too low.
- No objection to reducing the number to somewhere between 10-14
- 3 doesn't demonstrate a clear pattern. A threshold of 8-10 is better.
- Wonder if the public comment could solicit a # >3 and <15?
- 3 is extremely low and well w/in legitimate business operations even if they are multiple variants
- Might make sense to seek input on different threshold numbers
- Given that there are 10 proponents, I dispute the characterization of Level of Support that "Many opposed, the proposal; some supported"
- 3 is too low to be a balanced WG proposal

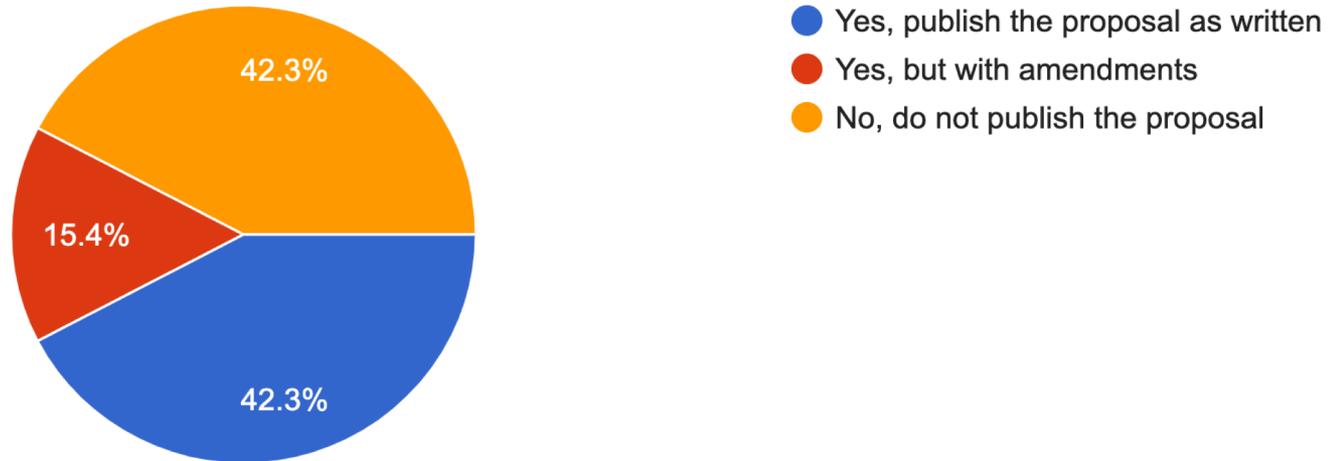
Proposal #13

Proponents: Marie Pattullo, AIM - European Brands Association

That the losing Respondent cannot re-register the same domain name once it is no longer suspended.

Do you support this Proposal being included in the Initial Report for purposes of soliciting public comments on it?

26 responses



Proposal #13

Additional comments:

- Not enforceable.
- Not enforceable
- The URS is supposed to for suspension, not loss of ownership rights.
- This would be impractical to manage because the Registrars don't have the systems in place for this kind of validation.. It could be written that there is a rebuttable presumption of bad faith registration.
- If feasible.
- This is only even thinkable if there is a mechanism for identifying the "same" registrant. Any proposal should suggest at least the beginnings of how this could possibly be done.
- Proposed amendment to add to the proposal: "The losing URS Respondent cannot renew the domain name once upon expiry."
- Too niche and too easy to circumvent

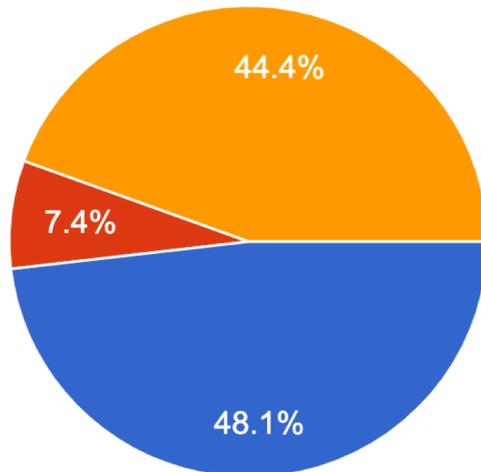
Proposal #14 (Related to Proposal #15)

Proponents: Marie Pattullo, AIM - European Brands Association

That repeat offenders should be sanctioned.

Do you support this Proposal, as merged with Proposal #15, being included in the Initial Report for purposes of soliciting public comments on it?

27 responses



- Yes, publish the merged proposal with no substantive amendments
- Yes, publish the merged proposal but with substantive amendments
- No, do not publish the proposal, despite the merging

Proposal #14 (Related to Proposal #15)

Additional comments:

- No details, cannot support.
- No details, cannot support
- Potential for innocents losing is too high.
- Enforcing attorneys fees against defendants in international arbitration can be a tricky business. Enforcing judgments would be very tricky in varying jurisdictions.
- This is not concrete enough to be a proposal.

Proposal #15 (Related to Proposal #14)

Proponents: Brian Winterfeldt; Christopher Thomas; Colin O'Brien; Griffin Barnett; Jeff Neuman; John McElwaine; Lori Schulman; Pascal Boehner; Paul McGrady; Susan Payne

The URS should be amended to include express provisions (beyond the mention of a “pattern of conduct” in URS par. 1.2.6.3(b)) which provide additional penalties for “repeat offenders” and “high-volume cybersquatting.”

The definition of a “repeat offender” should be any domain name registrant who loses two or more separate URS proceedings. The definition of “high-volume cybersquatting” should be any URS proceeding where the complainant prevails against a single respondent in a complaint involving 10 or more domain names.

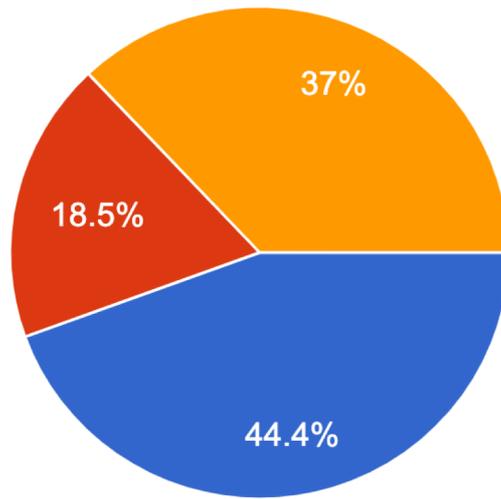
Once either of these standards are established, the penalties should include (i) a requirement that the registrant deposit funds into an escrow account, or provide an equivalent authorization on a credit card, with each new domain registration (such funds could be dispersed to prevailing complainants in future domain name disputes against that registrant as part of a “loser pays” system), and (ii) a universal blocking of all domain registrations for a set period for the registrant (i.e. “blacklisting” the registrant on a temporary basis). There may be other possible enhanced penalties that would also be appropriate.

Such requirements could be included in updated URS Rules, made enforceable against registrars via parallel updates to the RAA and domain name registration agreements of individual registrars. These obligations would be enforceable by ICANN Compliance.

Proposal #15 (Related to Proposal #14)

Do you support this Proposal, as merged with Proposal #14, being included in the Initial Report for purposes of soliciting public comments on it?

27 responses



- Yes, publish the merged proposal with no substantive amendments
- Yes, publish the merged proposal but with substantive amendments
- No, do not publish the proposal, despite the merging

Proposal #15 (Related to Proposal #14)

Additional comments:

- offenders should be limited per period, for example of two years (never expired bans will just lead to new persons used as a registrants by the same entity)
- Ask community to suggest appropriate penalties
- Blacklisting is a remedy far beyond that available in any TM system; it should be removed entirely. This is unworkable without much more detail about how registrant identity could be verified
- Unworkable

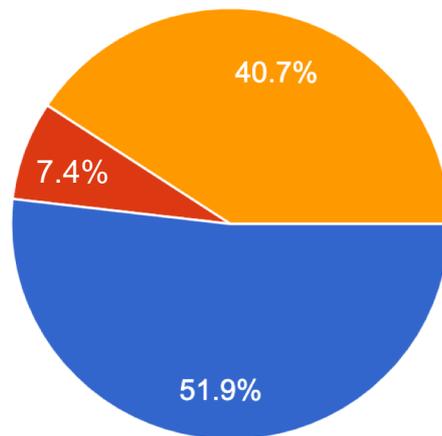
Proposal #16 (Related to Proposal #17)

Proponents: Brian Winterfeldt; Christopher Thomas; Colin O'Brien; Griffin Barnett; Jeff Neuman; John McElwaine; Lori Schulman; Pascal Boehner; Paul McGrady; Susan Payne

The URS should allow for additional remedies such as a “right of first refusal” to register the domain name in question once the suspension period ends or the ability of the complainant to obtain additional extensions of the suspension period.

Do you support this Proposal, as merged with Proposal #17, being included in the Initial Report for purposes of soliciting public comments on it?

27 responses



- Yes, publish the merged proposal with no substantive amendments
- Yes, publish the merged proposal but with substantive amendments
- No, do not publish the proposal, despite the merging

Proposal #16 (Related to Proposal #17)

Additional comments:

- This would turn the URS into the equivalent of the UDRP with all the incentives to abuse the process to seek the force transfer of desirable domain names.
- Contracted parties do not have the systems in place to implement this idea. Would create additional cost burdens in what it intended to be a light weight mechanism. The UDRP is a better forum for this kind of remedy.
- Some feasibility analysis is necessary; if it can't be done, there's no point in holding it out as a possibility

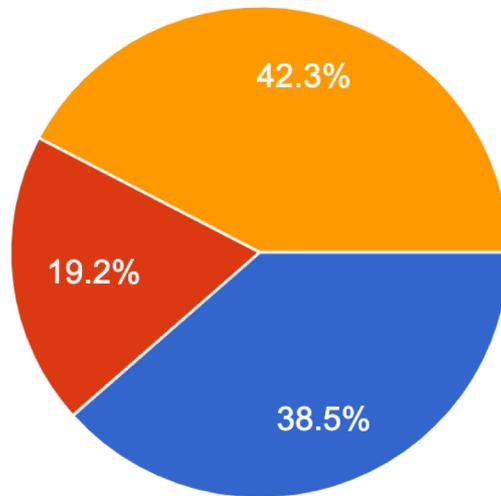
Proposal #17 (Related to Proposal #16)

Proponents: Marie Pattullo, AIM - European Brands Association

That the suspension period be extended from one to five years.

Do you support this Proposal, as merged with Proposal #16, being included in the Initial Report for purposes of soliciting public comments on it?

26 responses



- Yes, publish the merged proposal with no substantive amendments
- Yes, publish the merged proposal but with substantive amendments
- No, do not publish the proposal, despite the merging

Proposal #17 (Related to Proposal #16)

Additional comments:

- there is no reasoning why 1 is not enough, also we (as a Registry) faced at least two cases, where the prevailing party was under impression that the domains are going to be transferred to them (it was their mistake, but lock for 5 years would prevent them from fixing it later)
- Ask community to support 1, 2, 3 or 5-year suspension
- 5 years may be a bit too long - maybe the proposal can be more general described, adding "...extended from one to somewhere between 3 - 5 years".
- Working Group to work toward a compromise period
- Not merged just #17 alone

Proposal #18 (Related to Proposals #19 & #20)

Proponent: George Kirikos

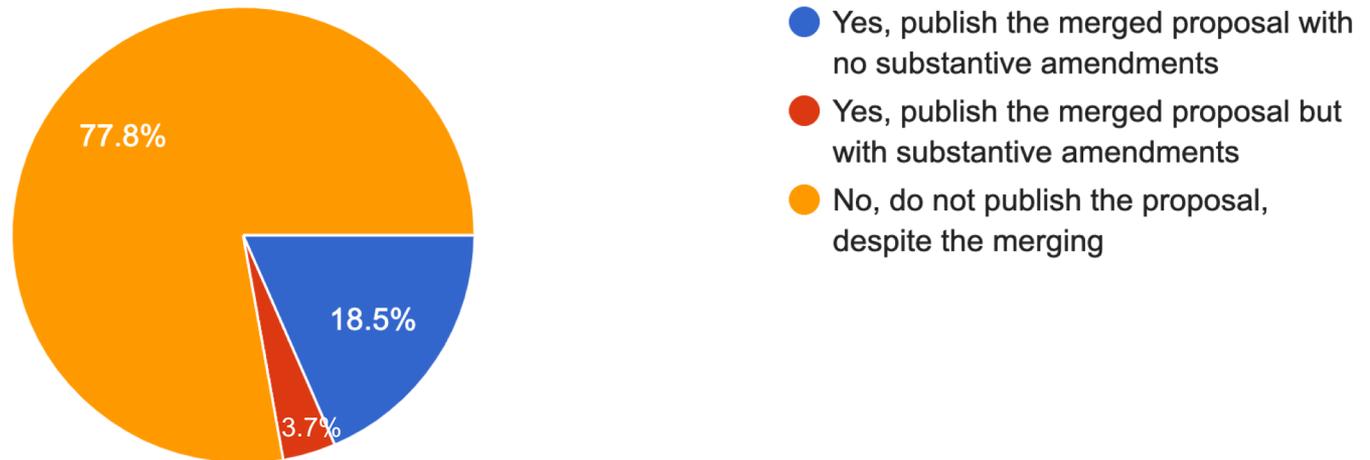
This is the first of three related proposals (alternatives to one another) to address the issue of access to the courts for de novo review on the merits of complaints.

I propose that the URS and UDRP be modified to implement a “Notice of Objection” modeled on a similar appeal mechanism in the British Columbia Civil Resolution Tribunal (see: <https://civilresolutionbc.ca/how-the-crt-works/how-the-process-ends/#what-if-i-dont-agree-with-the-decision>) to set aside ADR decisions by paying a (refundable) fee, allowing disputes to proceed to courts with a clean slate, without having the ADR outcome interfere with the court case. Court costs can be assessed later as a penalty, at the discretion of the courts, if the person who filed the notice of objection did no better in court than in the ADR.

Proposal #18 (Related to Proposals #19 & #20)

Do you support this Proposal, as merged with Proposals #19 & #20, being included in the Initial Report for...es of soliciting public comments on it?

27 responses



Additional comments:

- Per the question, the proposal is not merged.
- #18 should be published alone (#19 & #20 are flawed)

Proposal #19 (Related to Proposals #18 & #20)

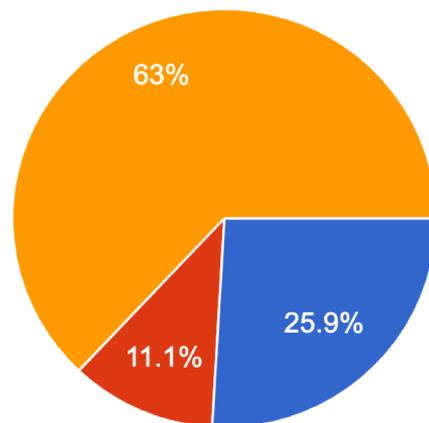
Proponent: George Kirikos

This is the second of three related proposals (alternatives to one another) to address the issue of access to the courts for de novo review on the merits of complaints.

I propose that the URS and UDRP be modified so that in the event that a court finds a registrant has no cause of action to bring forth an appeal of an adverse URS/UDRP ruling in that jurisdiction, that the URS/UDRP decision be vitiated (set aside).

Do you support this Proposal, as merged with Proposals #18 & #20, being included in the Initial Report for...es of soliciting public comments on it?

27 responses



- Yes, publish the merged proposal with no substantive amendments
- Yes, publish the merged proposal but with substantive amendments
- No, do not publish the proposal, despite the merging

Proposal #19 (Related to Proposals #18 & #20)

Additional comments:

- Proposal 19 alone should be put out to comment.
- Proposal 19 should be put out for comment by itself
- Support Proposal 19 standing alone
- Right of review of the merits of the URS claim by a court of competent jurisdiction is critical to ensure that the URS does not create rights that do not exist in the law.
- Too easy to circumvent all RPMs if implemented

Proposal #20 (Related to Proposals #18 & #19)

Proponent: George Kirikos

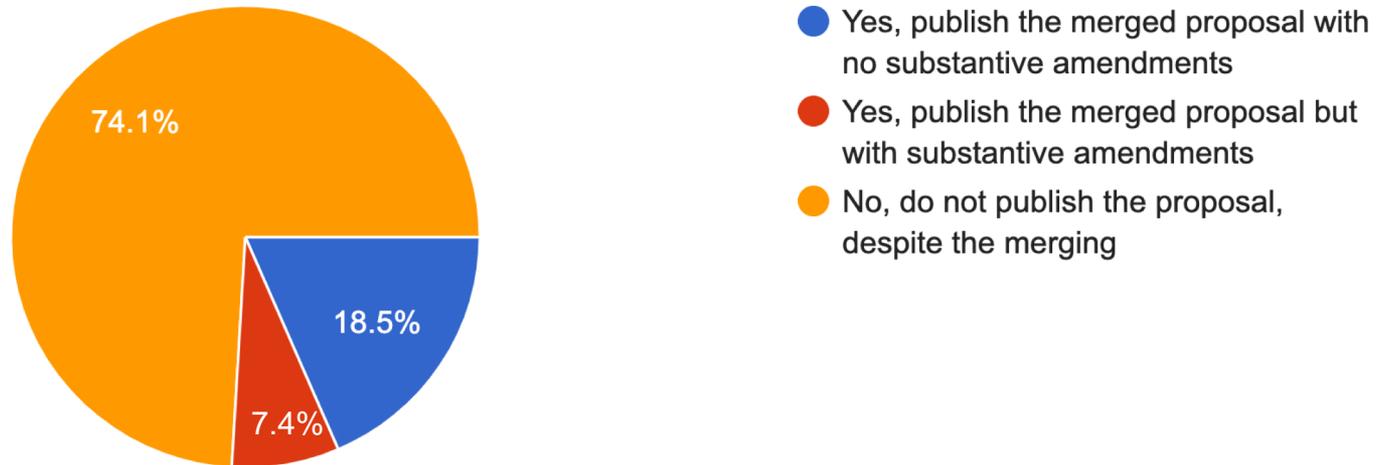
This is the third of three related proposals (alternatives to one another) to address the issue of access to the courts for de novo review on the merits of complaints.

I propose that the URS and UDRP be modified so that in the event that a court finds a registrant has no cause of action to bring forth an appeal of an adverse URS/UDRP ruling in that jurisdiction, that the permitted “mutual jurisdiction” be expanded to always include the United States as a potential jurisdiction that can be utilized by a registrant, with the registrar maintaining the “status quo” pending resolution of the US court case.

Proposal #20 (Related to Proposals #18 & #19)

Do you support this Proposal, as merged with Proposals #18 & #19, being included in the Initial Report for...es of soliciting public comments on it?

27 responses



Additional comment:

- Instead of the United States, it should be the principal place of business of the Registry Operator.
- Unworkable – lack of jurisdiction etc.

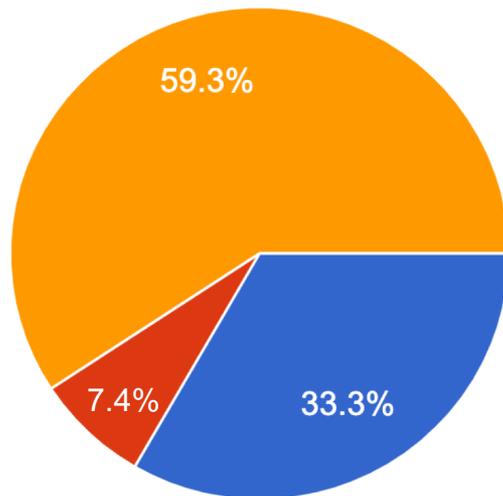
Proposal #21 (Related to Proposal #22)

Proponents: Marie Pattullo, AIM - European Brands Association

“Loser pays”: if the Complainant prevails, the costs of the URS should be carried by the Respondent.

Do you support this Proposal, as merged with Proposal #22, being included in the Initial Report for purposes of soliciting public comments on it?

27 responses



- Yes, publish the merged proposal with no substantive amendments
- Yes, publish the merged proposal but with substantive amendments
- No, do not publish the proposal, despite the merging

Proposal #21 (Related to Proposal #22)

Additional comments:

- it is questionable how to force the registrants to pay if they decide not to do so
- A good idea in principle, but imposing arbitration judgments against international defendants would be extremely complicated.
- Loser pays pays "reasonable" fees to a maximum \$ amount per domain
- Total lack of feasibility; with no mechanism for this, it is not responsible to present it as if it were an alternative
- Too high level question this should be worked through before putting out to public comment.

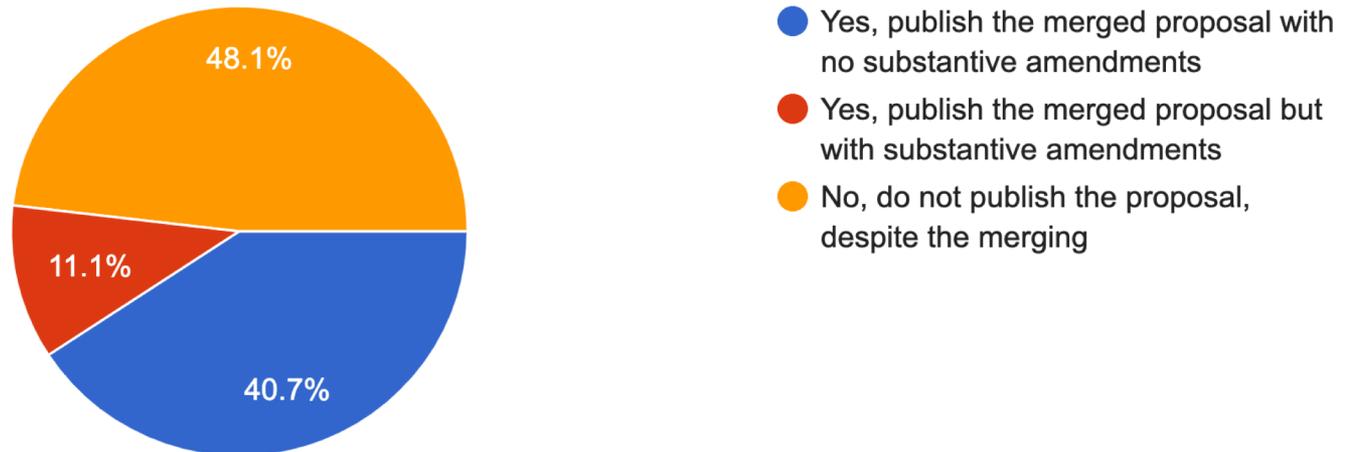
Proposal #22 (Related to Proposal #21)

Proponents: Brian Winterfeldt; Christopher Thomas; Colin O'Brien; Griffin Barnett; Jeff Neuman; John McElwaine; Lori Schulman; Pascal Boehner; Paul McGrady; Susan Payne

The URS should incorporate a “loser pays” model.

Do you support this Proposal, as merged with Proposal #21, being included in the Initial Report for purposes of soliciting public comments on it?

27 responses



Proposal #22 (Related to Proposal #21)

Additional comments:

- it is a questionable how to force the registrants to pay if they decide not to do so
- Loser pays pays "reasonable" fees to a maximum \$ amount per domain
- Same as 21: with no mechanism, it is a false promise.
- "Loser pays" will not work in the majority of the cases, but it is still interesting to get public comments on this topic.
- Too high level question this should be worked through before putting out to public comment. Injecting costs in the absence of judicial safeguards is very problematic and undermines the differences between the administrative and judicial routes.

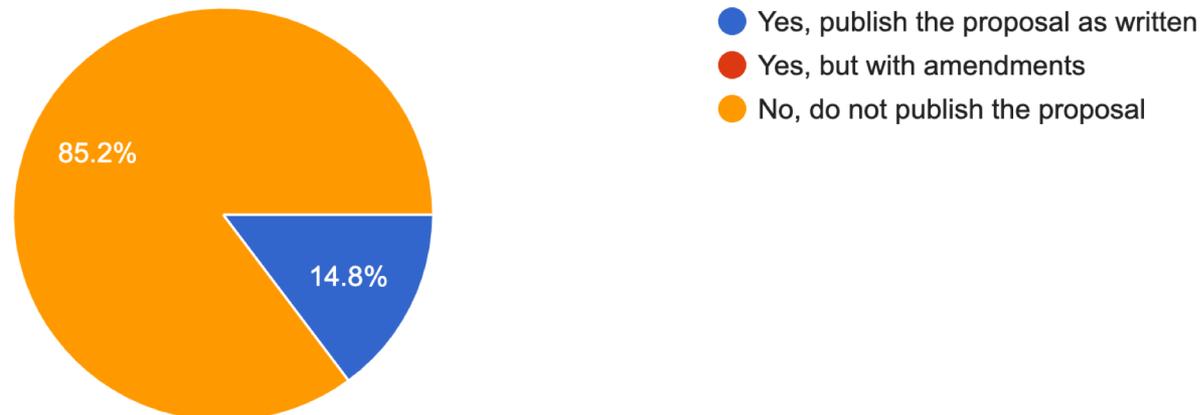
Proposal #23

Proponent: George Kirikos

The URS and UDRP should be updated to permit both registrars and registries the ability to recover from URS and UDRP providers (e.g. WIPO, NAF, etc.) reasonable administrative and compliance costs. Should a provider not pay such costs, which can vary based on the number of domains involved in a dispute, the complaint shall be barred at that provider. If commercial credit is extended to providers, and payment is in arrears, complaints from that provider involving that registrar or registry to be suspended.

Do you support this Proposal being included in the Initial Report for purposes of soliciting public comments on it?

27 responses



Proposal #23

Additional comments:

- The burdens of administration for infrastructure providers are compensated for arbitration forums and TMCH. It is arbitrary to exclude Registry Operators from cost recovery for services it provides to the litigants.
- I see no need for this.
- No prospect of success

Proposal #26

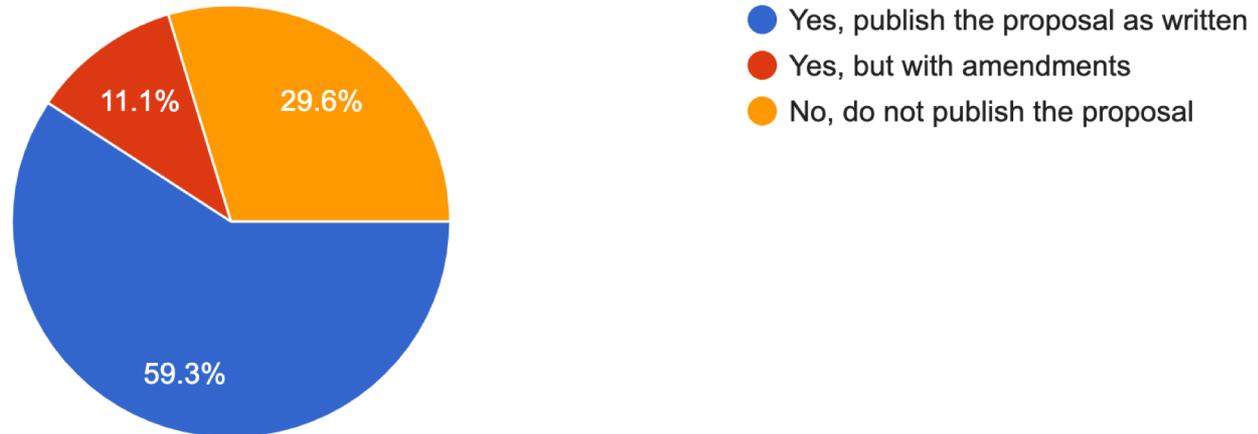
Proponent: Zak Muscovtich

Revise Paragraph 7 of the URS Policy to reflect the following additional provisions:

7.4 Each Provider shall publish their roster of Examiners who are retained to preside over URS cases specifically and identify how often each one has been appointed with a link to their respective decisions.

Do you support this Proposal being included in the Initial Report for purposes of soliciting public comments on it?

27 responses



Proposal #26

Additional comments:

- Suggest adding that provider have a search function for examiner as an alternative to linking to decisions

Proposal #27

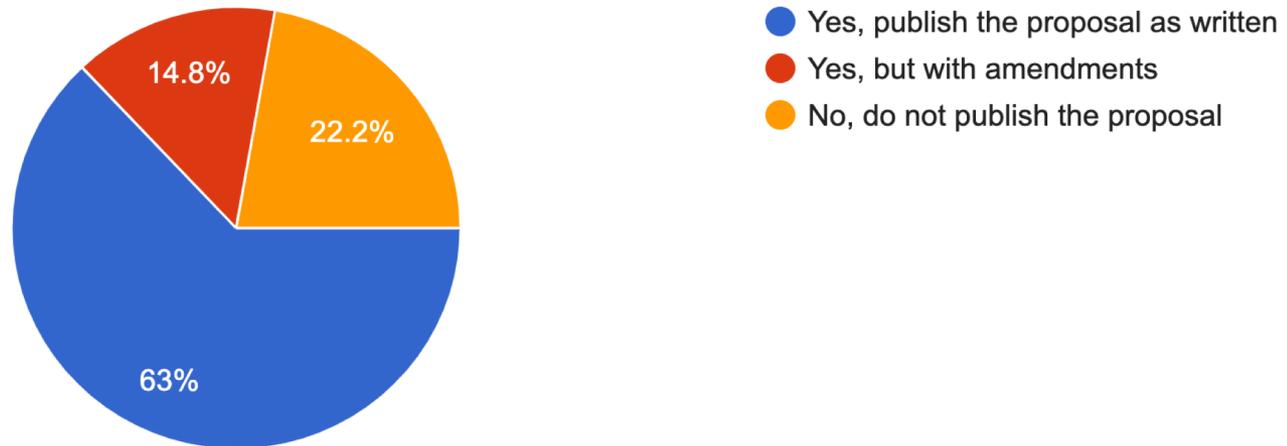
Proponent: Zak Muscovtich

Revise URS Rule 6 to reflect the following new provision:

6(a) Each Provider shall maintain and publish a publicly available list of Examiners and their qualifications by way of publishing a current curriculum vitae updated on a regular basis.

Do you support this Proposal being included in the Initial Report for purposes of soliciting public comments on it?

27 responses



Proposal #27

Additional comments:

- Should be "on a regular basis as information changes" as amendment
- I would also support amendments to solicit feedback on a particular time period
- Seems to overlap with the sub team recommendation

Proposal #28

Proponent: Zak Muscovtich

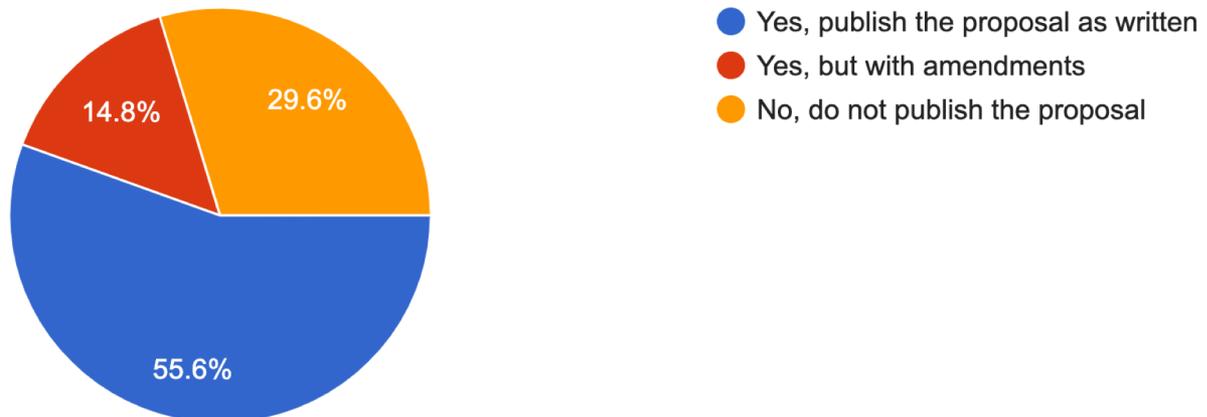
Revise URS Rule 6 to add the following provision:

6(c) Each Provider shall ensure compliance with the Panelist Conflict of Interest Policy.

The "Conflict of Interest Policy" should be developed by the WG and applied to all Providers.

Do you support this Proposal being included in the Initial Report for purposes of soliciting public comments on it?

27 responses



Proposal #28

Additional comments:

- Ensure compliance, but CoIP should be drafted by implementation team
- Good idea, if the proposal is changed to "guidelines".
- Deal with as part of phase 2

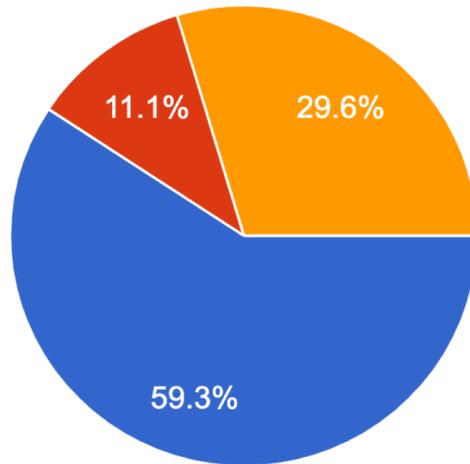
Proposal #29

Proponent: George Kirikos

All URS (and UDRP) decisions shall be published in a standardized machine-readable XML format, to complement existing formats of decisions.

Do you support this Proposal being included in the Initial Report for purposes of soliciting public comments on it?

27 responses



- Yes, publish the proposal as written
- Yes, but with amendments
- No, do not publish the proposal

Proposal #29

Additional comments:

- Add: "to the extent commercially feasible" to the proposal
- Add "to the extent technically and commercially feasible".
- If it is easy to do, with no additional cost, why not.
- Amend to make it clear that any adoption would need to be subject to technical input and cost-effectiveness to implement.

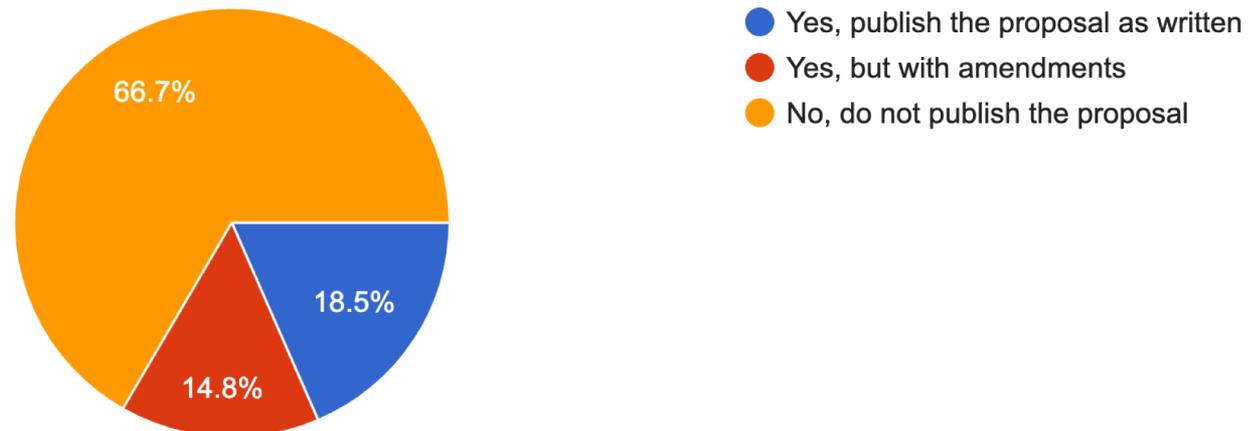
Proposal #30

Proponent: George Kirikos

The URS and UDRP should implement a mandatory mediation step as part of their processes, modeled on the successful Nominet mediation system, in order to encourage early settlement of disputes, thereby reducing the costs on all stakeholders. While an IRT would develop a full implementation, it should be run by professional mediators (not the URS/UDRP panelists), scheduled within 10 days of a notice of dispute, and be for a maximum of 30 minutes (to keep costs low).

Do you support this Proposal being included in the Initial Report for purposes of soliciting public comments on it?

27 responses



Proposal #30

Additional comments:

- Limit proposal to URS.
- Limit the proposal to URS only
- applicable solely to URS proceedings
- Worth exploring as some problematic uses may be inadvertent and could be resolved through mediation. Makes more sense for the URS. Don't think this should apply to the UDRP.
- This is definitely noting for the URS. Again: Let's keep the "R"! However, may be considered once we move over to the UDRP work.

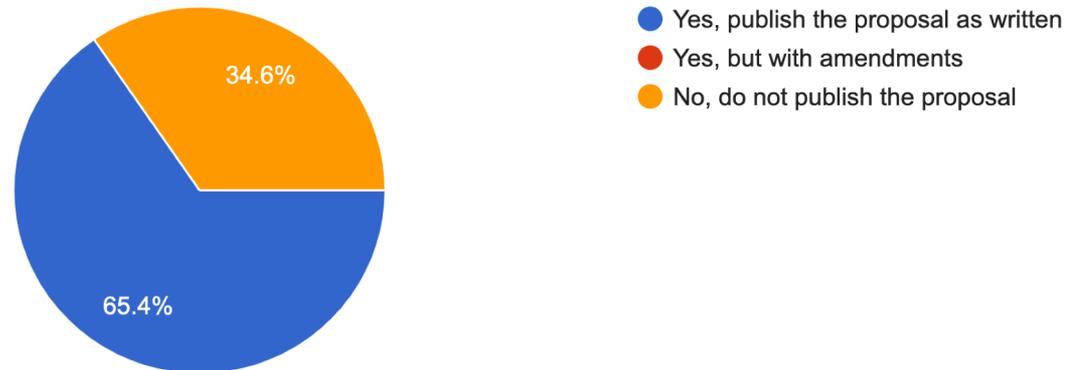
Proposal #31

Proponent: David McAuley

For the sole purpose of assuring that this subject is included in the Initial Report for the solicitation of public comment, I am proposing that the WG put out for Public Comment the issue of whether the URS should become an ICANN Consensus Policy.

Do you support this Proposal being included in the Initial Report for purposes of soliciting public comments on it?

26 responses



Additional comments:

- The unlikelihood of such a big change--and the harm to many registrants with reliance interests--argues against this, which is different in character from even the next largest changes suggested.

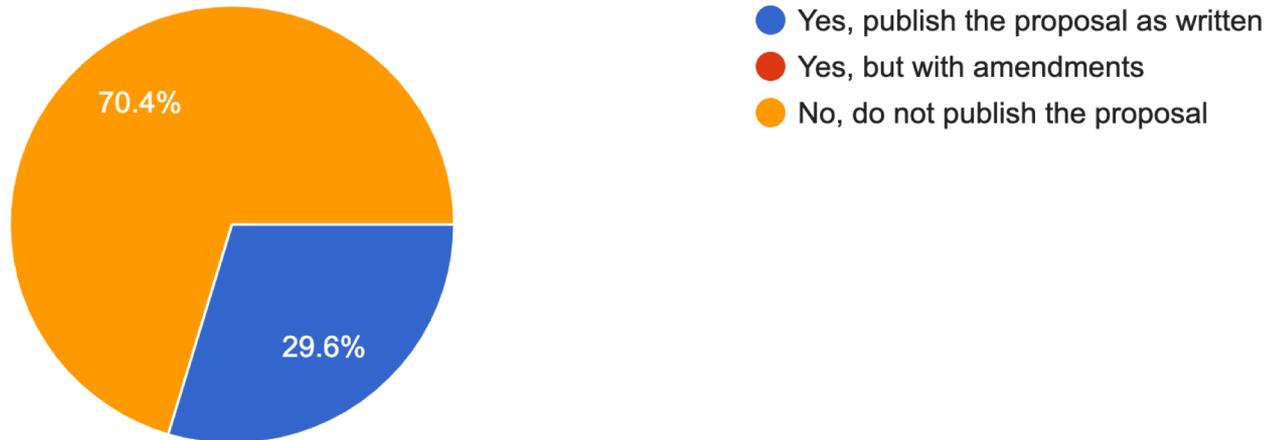
Proposal #32

Proponent: George Kirikos

I propose that the URS be eliminated as a mandatory policy for new gTLDs, and furthermore that it not be a GNSO consensus policy mandated for legacy TLDs. The UDRP alone is sufficient, and should be focused on instead for improvement.

Do you support this Proposal being included in the Initial Report for purposes of soliciting public comments on it?

27 responses



Proposal #32

Additional comments:

- UDRP costs much more than URS and does not look like fast method
- Same reason as 32, but if 31 is published my answer changes to "yes, publish as written"

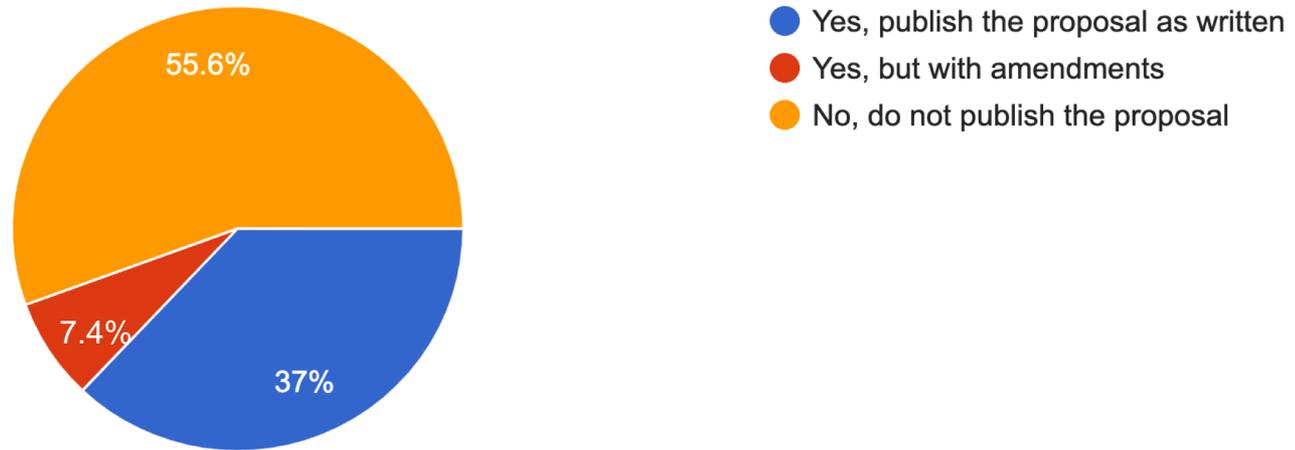
Proposal #33

Proponent: George Kirikos

All current and future URS and UDRP providers should be brought under formal fixed-term contract with ICANN, instead of the current arrangements (MOUs for URS providers, and nothing at all for UDRP providers). Those contracts should not have any presumptive renewal clauses.

Do you support this Proposal being included in the Initial Report for purposes of soliciting public comments on it?

27 responses



Proposal #33

Additional comments:

- The proposal requires more clarification
- I would not ask about presumptive renewal clauses but the basic question of whether there should be formal contracts is an important one
- I don't support the proposal but it did get some support

Proposal #34

Proponents: George Kirikos & Zak Muscovitch

URS shall be amended to incorporate in full Rule #11 of the UDRP Rules regarding “Language of Proceedings”, see: <https://www.icann.org/resources/pages/udrp-rules-2015-03-11-en>

(a) Unless otherwise agreed by the Parties, or specified otherwise in the Registration Agreement, the language of the administrative proceeding shall be the language of the Registration Agreement, subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding.

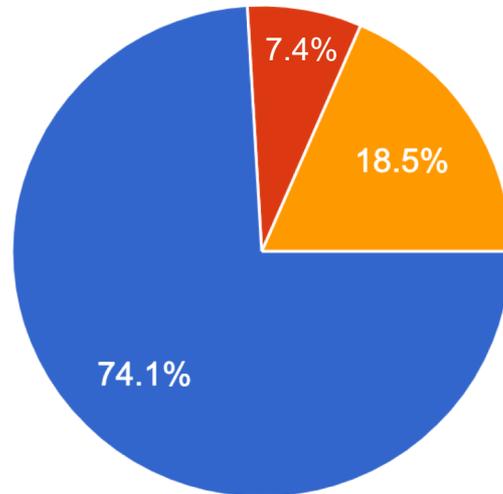
(b) The Panel may order that any documents submitted in languages other than the language of the administrative proceeding be accompanied by a translation in whole or in part into the language of the administrative proceeding.

Preliminary submissions by either side to the Panel regarding the language of the proceeding shall be limited to 250 words, and not be counted against the existing URS word limits. Notice of complaint shall contain a section explaining that the respondent may make a submission regarding the language of the proceedings. If a translation is ordered, exceeding the URS word limits shall be permitted, as long as the original submission met the word limits in the original language.

Proposal #34

Do you support this Proposal being included in the Initial Report for purposes of soliciting public comments on it?

27 responses



- Yes, publish the proposal as written
- Yes, but with amendments
- No, do not publish the proposal

Proposal #34

Additional comments:

- some languages need way less words (this proposal in english - 185 words, Arabic - 142, Chinese traditional - 13?)
- Well, again, can be interesting too see the public comments on this, although the proposal as such is not workable as per today - thinking of keeping the time limits.
- I don't support, but I think it did get some support

Proposal #35

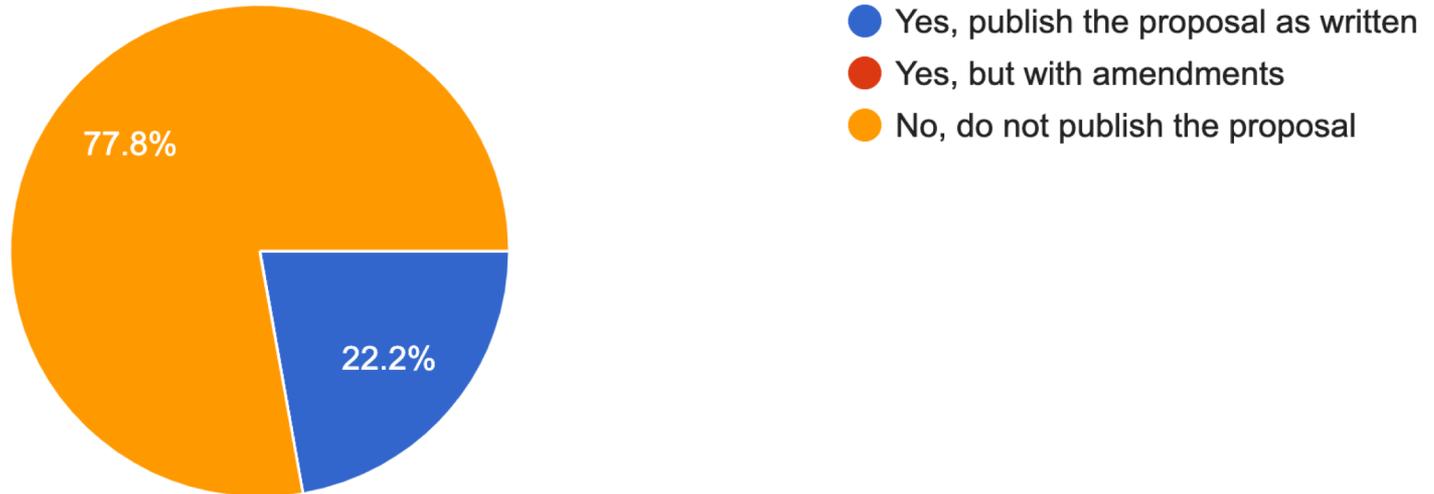
Proponents: George Kirikos

The URS and UDRP policies shall be changed to require that complainants (excluding prior registrants of the domain name) prove that a domain name was created in bad faith (with the creation date of the domain name being the relevant date), replacing the current ambiguous registered in bad faith standard. In the event that a prior registrant of the domain name brings a dispute as complainant, they instead need only prove that a domain name was acquired in bad faith (with the acquisition date of the domain name by the current registrant being the relevant date). All other remaining prongs of the 3-part test shall continue as before (e.g. use in bad faith, no legitimate interest, confusingly similar to a TM).

Proposal #35

Do you support this Proposal being included in the Initial Report for purposes of soliciting public comments on it?

27 responses



Additional comments:

- Wish I could click "Double No" on this one.

Proposal #36

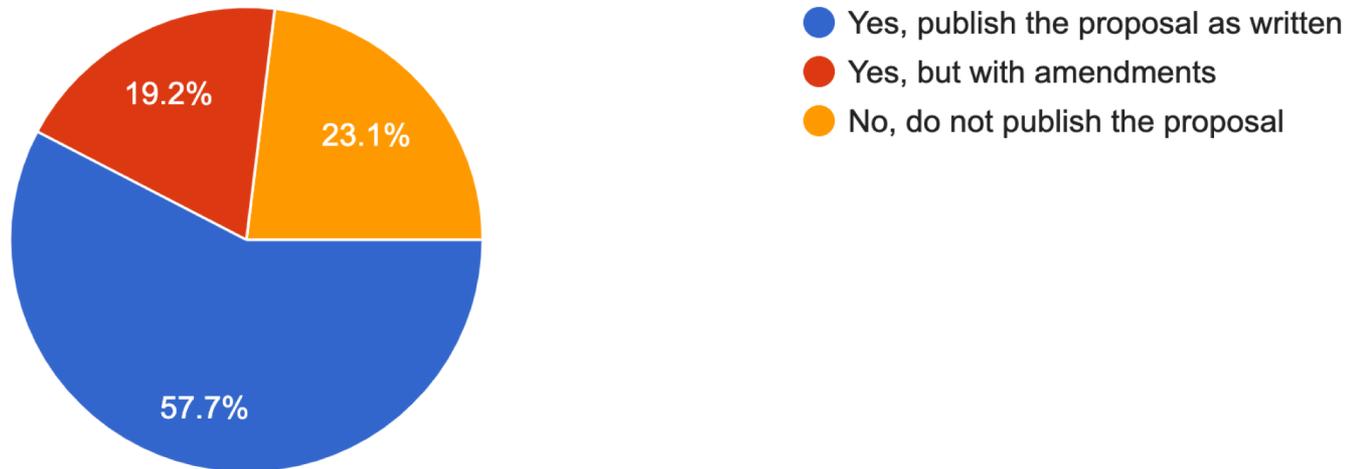
Proponents: David McAuley & Brian Winterfeldt; Christopher Thomas; Colin O'Brien; Griffin Barnett; Jeff Neuman; John McElwaine; Lori Schulman; Pascal Boehner; Paul McGrady; Susan Payne

Eliminate the existing post-default de novo review period and instead replace the current URS appeal filing period to 60 days, with the possibility of obtaining an additional 30 days to file a URS appeal as a matter of right, upon request within the initial 60 day filing period.

Proposal #36

Do you support this Proposal being included in the Initial Report for purposes of soliciting public comments on it?

26 responses



Additional comments:

- More clarification required of the proposal.
- Worth exploring but would benefit from being clarified.
- This needs to be more clearly written.