

October 3, 2023

Re: WIPO Arbitration and Mediation Center observations on *Proposed Updates to Existing Rights Protection Mechanisms Documentation (RPM Phase I IRT)*

The following observations are submitted to assist ICANN and the RPM Phase I Implementation Review Team.

Trademark PDDRP

The Definition of Complainant should also refer to the operation of a Top Level Domain (TLD) (see [PDDRP section 6.1 – “Standards Top Level”](#)).

URS

At 1.1.2 the words “which is under consideration” should be removed.

At 1.1.3 “but only if the companies complaining are related” is redundant and should be removed.

At 1.2.1 and 1.2.2 it should say “Complaint” instead of “Complaining Party (Parties).”

At 3.3 the opportunity to amend a pleading following registrar disclosure of registrant information should be reworded so as avoid a misunderstanding that it is a compliance deficiency (“inadequacy” as written); it is not an administrative deficiency.

At 4.2 the registrar provision of the language of the registration agreement should be moved up to 4.1 to be bundled with the registrar lock.

At 4.3 given the intended rapid nature of the URS, postal mail should not be required.

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At 5.4 both given the intended rapid nature of the URS and for parity with the complaint, the word limit should be 500 (not 2,500).

At 6.1 the word “Determination” should be added after “Default”.

At 8.1.2 it should read “right or legitimate interest” (not “legitimate right or interest”) (see URS section 8.3).

At 8.1.4 this entire addition should be removed; it is already covered in 5.9.3, and it is moreover an illustration/consideration factor, not an examination standard.

At 9.6 it should be clarified that the days referred to are business days.

At 10, either the clause “If the Determination is in favor of the Complainant” should be set apart as a preamble for sections 10.1, 10.2, and 10.3, or it should be introduced at sections 10.2 and 10.3.

URS Rules

At 2(a)(i) given the intended rapid nature of the URS, postal mail should not be required.

At 5 it jumps from (a) to (e), i.e., (b), (c), and (d) are missing.

At 5(a)(iii) this should be moved to its own letter, and not sit under (a) (moreover, in that (a) states that the Response “shall” whereas (iii) states that the “Respondent may request”).

At 9(c) it should state that the Examiner should be fluent in English and the language of the “Determination” (not the language of the “Response” given that – as is stated in the final half of this sentence – per the panel’s discretion, the language of the proceedings may be different than the language of the registration agreement/Response).

At 12(d) and (e) instead of “made a prima facie case according the” it should say “satisfied”.

Thank you for your review and consideration of the above, and please do not hesitate to contact us if you have any questions.

These observations are posted on the WIPO website at:

www.wipo.int/amc/en/domains/resources/icann.

Yours sincerely,



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