

REGISTRATION ELIGIBILITY DISPUTE RESOLUTION POLICY

1.0 Title: Registration Eligibility Dispute Resolution Policy
Version Control: 1.0
Date of Implementation: DRAFT-20141217

2.0 Summary

This Registration Eligibility Dispute Resolution Policy (the “Policy”) describes the process and standards that will be applied to names registered in <.TLD> on the basis of failure to meet or maintain the eligibility or restriction criteria required by the Registry Operator.

This Policy is incorporated by reference into the Registration Agreement for each domain registered in <.TLD>. This Policy shall remain in effect as long as the Registry Operator maintains the eligibility criteria or restrictions.

This Policy is administered by the National Arbitration Forum (“Forum”) on behalf of Registry Operator. This Policy may be invoked by filing a complaint with the Forum. The Rules governing the Policy process may be found at <http://domains.adrforum.com>.

3.0 Applicable Disputes

A registered domain name in <.TLD> will be subject to an administrative proceeding upon submission of a complaint showing by a preponderance of the evidence that the registration was improperly granted/denied under one or more of the circumstances in this section.

3.1 Name Selection Restrictions

A complaint under this section shall be required to show that a registered domain name in <.TLD> does not comply with the provisions set forth in the Registry Operator’s Name Selection Policy.

The complaint must show that at the time the challenged domain name was registered, the provisions of the Registry Operator’s Name Selection Policy were not met. The complainant shall submit a copy of the Registry Operator’s Name Selection Policy with a complaint based on Policy paragraph 3.1.

3.2 Registration Eligibility Restrictions

A complaint under this section shall be required to show that a registered domain name in <.TLD> does not comply with the provisions of the Registry Operator's Registrant Eligibility Policy.

The complaint must show that after the challenged domain name was registered, the Registrant failed to comply with the Registry Operator's ongoing restrictions or requirements for maintaining the registration. The complainant shall submit a copy of the Registry Operator's Registrant Eligibility Policy with a complaint based on Policy paragraph 3.2.

3.3 Denial of Registration

A complaint under this section shall be required to show that the Registry Operator did not allow a registration of a domain name that was properly submitted in compliance with the Registry Operator's Registrant Eligibility Policy.

The complainant shall submit a copy of the Registry Operator's Registrant Eligibility Policy and the reason for the denial with a complaint based on Policy paragraph 3.3.

4.0 Remedies

The remedies available to a complainant for a proceeding under this Policy shall be:

4.1 Ineligible at Registration

If the Panel finds that the domain name was ineligible for registration under Policy paragraphs 3.1 and 3.2, the sole remedy shall be cancellation of the registration and return of the cancelled domain name to the pool of available names available for registration in <.TLD>.

4.2 Improper Maintenance of Eligibility

The remedies for a complaint filed under Policy 3.2 are either:

- i. The Panel may allow the complainant up to 14 days to bring the registration into compliance and submit proof of compliance and ongoing eligibility; and/or
- ii. The Panel may order cancellation of the registration and return of the cancelled domain name to the pool of available names available for registration in <.TLD>.

4.3 Improper Denial of Registration

If the Panel finds that the complainant had met all of the requirements set forth by the Registry Operator as conditions to registration, and that the Registry Operator had failed to register the domain

name accordingly, the decision shall so state and the Panel shall order the Registry Operator to permit the registration. The complainant will have thirty days (30) from the date of the decision to complete any requirements for registration of the domain name. After thirty (30) days, the domain name may be released into the pool of available names.

5.0 Procedure

5.1 Dispute Resolution Provider / Selection of Procedure

A complaint under this Policy shall be submitted to the National Arbitration Forum (“Forum”) by submitting the complaint directly to the Forum. The Forum will administer the proceeding and select a qualified and eligible Panel (“Panel”). The Forum shall establish Rules, setting forth a fee schedule and other technical and process requirements for a dispute under this Policy (“Rules”). The proceedings under this Policy will be conducted according to this Policy and the applicable Rules of the Forum.

5.2 Registry Operator’s or Registrar’s Involvement

Neither the Registry Operator nor Registrar will participate in the administration or conduct of any proceeding before a Panel, except that the Registry Operator may provide evidence supporting its denial under Policy paragraph 3.3. In any event, neither the Registry Operator nor the Registrar is or will be liable as a result of any decisions rendered by the Panel. Any domain names in <.TLD> involved in a Policy proceeding will be locked against transfer to another domain name holder or another registrar during the course of a proceeding. Unregistered domains against which a claim under Policy paragraph 3.3 is brought shall not be available for registration pending the outcome of the Policy case. The contact details of the holder of a registered domain name in <.TLD> will be provided to the Forum by the Registrar’s publicly available Whois database record for the relevant Registrant. The Registry Operator and the applicable Registrar will comply with any Panel decision and make all appropriate changes to the status of the domain name registration(s) in their Whois databases.

5.3 Parties

The Registrant of a registered domain name in <.TLD> shall be promptly notified by the Forum of the commencement of a dispute under this Policy, and shall have thirty (30) days in which it may contest the allegations of the complaint or show other cause why the complaint should not be granted in accordance with this Policy or the conditions under which the domain name in <.TLD> has been registered or used. In all cases, the burden of proof shall be on the complainant, and default or other failure of the holder of the registered name shall not constitute an admission to any allegation of the complaint. The Forum shall promptly notify all named parties in the dispute, as well as the Registrar and the Registry Operator of any decision made by a Panel.

5.4 Decisions

- 5.4.1 The Panel may state the basis on which the decision is issued in summary format and may include such commentary or guidance as the Panel deems appropriate;
- 5.4.2 The decision shall state whether a registered name in <.TLD> is to be cancelled or the status quo maintained; and
- 5.4.3 Decisions made under this Policy will be publicly published by the Forum on its website.

5.5 Implementation

If a Panel's decision requires a change to the status of a registered name, the Registrar and/or Registry Operator will wait ten (10) business days after communication of the decision before implementing that decision, unless the Registrant submits to the Registry Operator (with a copy to the Forum) during that ten (10) day period official documentation (such as a copy of a complaint, file-stamped by the clerk of the court) that the Registrant has commenced a lawsuit to preserve its claimed rights in a court of competent jurisdiction over the parties and the domain name. If such documentation is received no further action shall be taken until the Registry Operator receives (i) evidence satisfactory to the Registry Operator of an agreed resolution between the parties; (ii) evidence satisfactory to Registry Operator that registrant's lawsuit has been dismissed or withdrawn; or (iii) a copy of an order from such court dismissing such lawsuit or otherwise directing disposition of the domain name.

5.6 Representations and Warranties

Parties to a dispute under this Policy shall warrant that all factual allegations made in the course thereof are true and correct to the best of their knowledge, shall remain subject to all representations and warranties made in the course of registration of a disputed domain name.

6.0 Maintaining the Status Quo

During a proceeding under the Policy, the domain name shall be locked against transfers between Registrants and/or Registrars. In the event the domain name(s) is due to expire during a proceeding, the name shall proceed to a temporarily reserved status if it is not renewed by the Registrant; the Policy proceeding, in that case, shall be terminated.

7.0 Indemnification/Hold Harmless

The parties shall hold the Registrar, the Registry Operator, the Forum, and the Panel harmless from any claim arising from operation of the Policy. Neither party may name the Registrar, the Registry Operator, the Forum, or the Panel as a party or otherwise include the registrar, the Registry Operator, the Forum, or the Panel in any judicial proceeding relating to the dispute or the administration of the Policy. The parties shall indemnify, defend and hold harmless the Registrar, the Registry Operator, the Forum, the

Panel and their respective employees, contractors, agents and service providers from any claim arising from the conduct or result of a proceeding under this Policy. Neither the Registrar, the Registry Operator, Forum, the Panel and their respective employees, contractors, agents and service providers shall be liable to a party for any act or omission in connection with any administrative proceeding under this Policy or the corresponding Rules. The complainant shall be directly and solely liable to the Registrant in the event the complaint is granted in circumstances where the registrant is lawfully entitled to registration and use of the domain name(s) in <.TLD>.

8.0 Relation to Other Dispute Resolution Policies

This Policy is in addition to and complementary with the Uniform Domain Name Dispute Resolution Policy (“UDRP”), the Uniform Rapid Suspension System (“URS”) and any Charter, Nexus, or Eligibility Dispute Policies adopted by ICANN or the Registry Operator. The conditions herein may constitute lack of legitimate interests and/or bad faith as appropriate under the UDRP or URS in relation to domain names in <.TLD>.

9.0 Effect of Other Proceedings

The administrative proceeding under the Policy shall not prevent either party from submitting a dispute concerning the domain name in <.TLD> to concurrent administrative proceedings or to a court of competent jurisdiction for independent resolution during a pending Policy administrative proceeding or after such proceeding is concluded. Upon notice of such other proceeding, the Policy proceeding will be suspended or terminated (in the sole discretion of the Panel) in deference to the outcome of such other proceeding. If a domain name in <.TLD> is subject to a UDRP proceeding, the factors set forth in the Policy may be alleged in such proceeding as applicable terms of legitimate rights or registration and use under the UDRP in addition to any allegations or defenses available.

10.0 Amendment

The Registry Operator reserves the right to modify this Policy at any time subject to the terms of its Memorandum of Understanding with the Forum. Such revised Policy shall be posted on the Registry Operator’s website at least fifteen 15-calendar days before it becomes effective; unless this Policy has already been invoked by the submission of a complaint, in which event the version of the Policy in effect at the time it was invoked will apply until the dispute is concluded, all such changes will be binding with respect to any dispute, whether the dispute arose before, on or after the effective date of the change. In the event that Registrant objects to a change in this Policy, the sole remedy is to cancel the registration, provided that Registrant will not be entitled to a refund of any fees paid in connection with such registration.