

## COMMUNITY ELIGIBILITY DISPUTE RESOLUTION POLICY FOR .REIT

The Community Eligibility Dispute Resolution Policy (“CEDRP” or, herein, the “Policy”), adopted by NAREIT, governs the resolution of disputes regarding the application of the Registry’s Second-Level Domain Names Policy as set forth in Section 4 of the .REIT Registry Policies at nic.reit. Other disputes, such as those concerning eligibility to register a domain name in .REIT, are the subject of other policies found at nic.reit.

The National Arbitration Forum (NAF or the Provider) shall administer disputes under the CEDRP, which shall be governed by the rules set forth herein, the Registry Policies and the applicable rules adopted by NAF(collectively, the “Rules”), as posted on NAF’s website.

The CEDRP does not provide for or permit third party challenges to eligibility determinations.

### 1. Definitions

- a. Applicant means an entity that has submitted an application for a second-level domain in the .REIT top-level domain (“TLD”), but which is not yet approved for registration.
- b. Days means calendar days, such that all days, including weekends and international and national holidays, shall be counted in determining all deadlines and due dates.
- c. Domain Name means a Domain Name that is registered in the .REIT top level domain.
- d. Evaluator means an individual appointed by Provider to decide a Request for Reconsideration concerning a Domain Name.
- e. ICANN means the Internet Corporation for Assigned Names and Numbers.
- f. Party means a Requestor and/or, in the event that Registry Operator elects to participate in the administrative proceedings by submitting a Response, the Registry Operator.
- g. Provider means the National Arbitration Forum.
- h. Registrar means the entity through which Requestor applied for or registered the Domain Name that is the subject of the Request for Reconsideration.
- i. Registrant is a holder of a domain-name registration in the .REIT TLD.
- j. Registry Operator means the National Association of Real Estate Investment Trusts (“NAREIT”), the operator of the .REIT top-level domain.
- k. Registry Policies are those policies found at nic.reit.
- l. Requestor is an Applicant or Registrant that has received a determination by the

DVT that it is not eligible to register a given domain name because it does not comply with the Second-Level Domain Name Policy.

- m. Second-Level Domain Name Policy means the requirements regarding naming criteria for a Domain Name set forth in Section 4 of the .REIT Registry Policies at nic.reit.

## 2. Scope

- a. The Registry Operator's Determination and Verification Team ("DVT") reviews all applications to register or renew second-level domains for compliance with the Registry Operator's Second-Level Domain Name Policy.
- b. Applicants/Registrants may only register or renew a Domain Name: (1) that corresponds to the Registrant's legal trade name, or (2) is the name by which the REIT is commonly known, which may include acronyms, registered and common law trademarks, and exchange ticker symbols.
- c. In the event the DVT determines that a Domain Name registration or renewal does not meet the Second-Level Domain Name Policy, the Applicant/Registrant may initiate an administrative proceeding under this Policy by submitting a Request for Reconsideration, as set forth herein.
- d. Registrants are required to maintain their trade name or commonly known name during the term of the Domain Name registration. In the event Registrant's trade name or commonly known name changes, ceases to be used, or is otherwise modified during the term of the registration, Registrant must notify the Registry Operator within seven (7) Days and comply with all reasonable requests regarding provision of verification information. In the event that a change, modification or cessation of use of a trade name or a commonly known name results in non-compliance with the Registry Policies as determined by the DVT, Registrant may initiate an administrative proceeding under this Policy by submitting a Request for Reconsideration, as set forth herein.
- e. Registration of Domain Names using generic or descriptive terms relating to REITs is prohibited, except to the extent the Domain Name qualifies under (2)(b) above.
- f. Only Domain Names consisting of ASCII characters in conformance with the requirements and limitations imposed by applicable technical standards for the Domain Name System are permitted.

## 3. Communications

- a. Requestor shall submit a Request for Reconsideration to Provider within seven (7) Days from the date the Registry Operator notifies the Registrant of the DVT's determination that Requestor's Domain Name does not comply with the Registry Operator's Second-Level Domain Name Policy.

- b. When submitting a Request for Reconsideration, including any annexes, electronically to the Provider, it shall be the Requestor's responsibility to simultaneously provide a copy of all submitted materials to the Registry Operator.
  - c. It shall be Provider's responsibility to send written notice of the receipt of the Request for Reconsideration, including the deadline for submitting any Response, by e-mail to the Requestor and Registry Operator.
  - d. Any written communication to Requestor and/or Registry Operator provided for under these Rules shall be made electronically via the Internet, through e-mail or an online portal made available by Provider.
  - e. All communications shall be in English.
  - f. Any Party may update its contact details by notifying the Provider.
  - g. Once the case is commenced per Rule 5, any communication by the Evaluator to any Party shall be copied to the Provider and the other Party, and by any Party to the Evaluator or Provider, to the other Party.
  - h. The Parties may communicate with the Provider case coordinator assigned to their proceeding by phone or e-mail.
  - i. It shall be the responsibility of the sender to retain records of the fact and circumstances of sending, which shall be available for inspection by affected parties and for reporting purposes.
  - j. In the event a Party sending a communication receives notification of non-delivery of the communication, the Party shall promptly notify the Provider of the circumstances of the notification. Further proceedings concerning the communication and any Response shall be as directed by the Evaluator.
4. The Request for Reconsideration
- a. The Request for Reconsideration, including any annexes, shall be submitted in electronic form and shall:
    - i. Request that the Request for Reconsideration be submitted for decision in accordance with the Policy and these Rules.
    - ii. Provide the name, postal and e-mail addresses, and the telephone and telefax numbers of the Requestor and of any representative authorized to act for the Requestor in the administrative proceeding.
    - iii. Specify the preferred e-mail address(es) the Requestor wishes the Provider and Registry Operator to use for case-related communication.
    - iv. Specify the Domain Name that is the subject of the Request for

Reconsideration.

- v. Identify the Registrar with whom the Domain Name was applied for or registered with.
- vi. Provide a statement of the grounds upon which the Request for Reconsideration is based setting forth facts showing the Requestor is entitled to relief, such as:
  - (1) The Domain Name: (i) corresponds to the Requestor's legal trade name, or (ii) is the name by which the REIT is commonly known, which may include acronyms, registered and common law trademarks, and exchange ticker symbols; or
  - (2) In the event Requestor's trade name or commonly known name changes, ceases to be used, or is otherwise modified during the term of the registration, that Requestor remains in compliance with the Second-Level Domain Name Policy.
- vii. Discuss all aspects of the Second-Level Domain Name Policy that are applicable to the claim and must provide all documentation previously provided to Registry Operator, and any additional documentation that Requestor requests the Evaluator to consider.
- viii. Conclude with the following statement followed by the signature (in any electronic format) of the Requestor or its authorized representative:

“Requestor agrees that its claims and remedies solely concern the Domain Name, and waives all claims and remedies against (a) the Provider and Evaluator, except in the case of deliberate wrongdoing, (b) the Registrar, and (c) the Registry Operator, its directors, officers, employees, agents, and registry services providers.”

“Requestor certifies that the information contained in this Request for Reconsideration is to the best of Requestor's knowledge complete and accurate, that this Request for Reconsideration is not being presented for any improper purpose, such as to harass, and that the assertions in this Request for Reconsideration are warranted under these Rules and under applicable law, as it now exists or as it may be extended by a good-faith and reasonable argument.”
- b. Requestor must submit documentation supporting its eligibility for the requested Domain Name under the Policy and evidencing that the Domain Name corresponds to the Requestor's legal trade name and/or is the name by which the REIT is commonly known, together with a schedule indexing such evidence.
- c. The Request for Reconsideration must be accompanied by the appropriate fee as listed in Provider's Supplemental Rules.

- d. The Request for Reconsideration may not exceed five (5) pages.
- e. The Request for Reconsideration must be sent to Provider by e-mail (domaindispute@adrforum.com) or filed online through Provider's online filing platform at <http://domains.adrforum.com>.
  - i. The Request for Reconsideration must be a separate file from the Annexes.
  - ii. All documents must be in a format and conform with the requirements specified in Annex A to Provider's Supplemental Rules, unless approved by Provider in advance.

5. Notification of Request for Reconsideration

- a. The Provider shall review the Request for Reconsideration for administrative compliance with the Rules and, if in compliance, shall request the Registry Operator to lock the Domain Name and maintain the status quo. Registry Operator shall respond to the Provider's request within five (5) Days.
- b. If the Provider finds the Request for Reconsideration to be administratively deficient, it shall promptly notify the Requestor of the nature of the deficiencies identified. The Requestor shall have five (5) Days within which to correct any such deficiencies, after which the administrative proceeding will be deemed withdrawn unless an extension is requested.
- c. Once the Request for Reconsideration is compliant, Provider shall notify the Parties.
- d. The date of commencement of the administrative proceeding shall be the date on which the Provider notifies the Parties that the Request for Reconsideration is compliant.

6. The Response

- a. Within thirty (30) Days of the date of commencement of the administrative proceeding, the Registry Operator shall submit any Response to the Provider or shall inform the Provider that Registry Operator does not intend to respond, with a copy to the Requestor, at the email address provided by Requestor in the Request for Reconsideration.
- b. The Response, including any annexes, if submitted, shall be submitted in electronic form and shall:
  - i. Respond specifically to the statements contained in the Request for Reconsideration and include any and all bases for the Registry Operator to deny registration of the Domain Name.

- ii. Specify the preferred e-mail address(es) the Registry Operator wishes the Provider and Requestor to use for case-related communications.
  - iii. Conclude with the following statement followed by the signature (in any electronic format) of the Registry Operator or its authorized representative:

“Registry Operator certifies that the information contained in this Response is to the best of Registry Operator’s knowledge complete and accurate, that this Response is not being presented for any improper purpose, such as to harass, and that the assertions in this Response are warranted under these Rules and under applicable law, as it now exists or as it may be extended by a good-faith and reasonable argument.”
  - iv. Annex any documentary or other evidence upon which the Registry Operator relies, together with a schedule indexing such documents.
- c. At the request of the Registry Operator, the Provider may extend the period of time for the filing of the Response. The period may also be extended by written stipulation between the Parties, provided the stipulation is approved by the Provider.
  - d. If a Registry Operator does not submit a Response, in the absence of exceptional circumstances, the Evaluator shall decide the dispute based upon the Request for Reconsideration including the documentary evidence submitted.
  - e. The Response may not exceed five (5) pages.
  - f. The Response shall conform to the same provisions as in Section 4(d).

7. Extensions and Stays

- a. At the request of either Party, the Provider may extend the period of time for the filing of the Request for Reconsideration or Response. The period may also be extended by written stipulation between the Parties, provided the stipulation is approved by the Provider. The request for extension shall be submitted in writing to the Provider within the time period for submission and state the length of the extension being requested, which shall be not more than twenty (20) Days absent exceptional circumstances.
- b. The Parties may jointly request a stay for a one-time period of forty-five (45) Days, provided that both Parties have agreed to the stay in writing and that the Parties submit the signed agreement to Provider. This request may be granted at the discretion of Provider. Prior to expiration of the stay, at least one Party must request in writing that the case be reinstated. Absent this written request, Provider will automatically dismiss the case without prejudice.

8. Withdrawal

a. Prior to Commencement

- i. Before the five (5) Day deficiency period described in Rule 5(a) expires, the Requestor may withdraw the Request for Reconsideration without prejudice. A withdrawal request must be submitted to Provider in writing and signed by the Requestor. Upon Provider's receipt of the withdrawal request, the Request for Reconsideration will be withdrawn without prejudice and the administrative proceeding will be terminated.
- ii. The Requestor may re-initiate a proceeding, which was properly withdrawn pursuant to Rule 8(a)(i), within thirty (30) Days. A re-initiation fee as set forth in the Provider's Supplemental Rules must accompany the request to re-initiate the proceeding.
- iii. If the Request for Reconsideration was withdrawn pursuant to Rule 8(a)(i) and if the Requestor does not re-initiate the Request for Reconsideration at the end of thirty (30) Days, a subsequent Request for Reconsideration will be treated as a new Request for Reconsideration and must be accompanied by payment of the fees set forth in the Provider's Supplemental Rules.

b. After commencement and prior to Response

- i. After commencement, but before Provider has received a Response that complies with Rule 6, the Request for Reconsideration may be withdrawn by the Requestor or by joint request of the Parties. A withdrawal request must be submitted to Provider in writing and signed. A Request for Reconsideration dismissed by Provider pursuant to Rule 8(b)(i) will be dismissed without prejudice unless the withdrawal confirms that it should be a dismissal with prejudice.

c. After Response is received

- i. After a Response that complies with Rule 6 has been received by Provider, but before a decision is issued, the Request for Reconsideration may be withdrawn if both parties agree to the withdrawal. A withdrawal request must be submitted to Provider in writing and signed by both parties. A Request for Reconsideration dismissed by Provider pursuant to Rule 8(c) will be dismissed with prejudice unless the Parties agree that it shall be dismissed without prejudice.

- d. The Request for Reconsideration cannot be withdrawn after the Evaluator's decision is communicated by the Provider to the Requestor and Registry Operator, provided that the Parties may, by joint request, agree to terminate the proceedings at any time beforehand. Such a request must be submitted to Provider in writing and signed by both parties, and shall result in a dismissal with prejudice.

9. Submission of Additional Written Statements or Documents

- a. A party may submit additional written statements or documents to Provider within five (5) Days after the date its submission was received by Provider.
- b. Each additional submission pursuant to Rule 9(a) must:
  - i. Be timely received by Provider;
  - ii. Be accompanied by any fee required by Provider pursuant to its Supplemental Rules;
  - iii. Include proof of service of these submissions upon the Parties; and
  - iv. Be submitted electronically via email to the case coordinator and/or to domaindispute@adrforum.com or uploaded through Provider's online portal.
- c. The Party not filing the original additional submission under 9(a) may file additional written statements or documents to Provider within five (5) Days after the date the original additional submission was received by Provider.
- d. Each additional submission pursuant to Rule 9(c) must:
  - i. Be timely received by Provider;
  - ii. Include proof of service of these submissions upon the Parties; and
  - iii. Be submitted electronically via email to the case coordinator and/or to domaindispute@adrforum.com or uploaded through Provider's online portal.
- e. Each party is limited to one additional submission under either 9(a) or 9(c), but not both.
- f. Additional submissions must not amend the Request for Reconsideration or Response.

10. The Record of the Administrative Proceeding

The Request for Reconsideration, Response, and additional written statements and documents provided in Rule 9 constitute the complete record to be considered by the Evaluator.

11. Appointment of the Evaluator

- a. Provider shall appoint a single Evaluator within five (5) Days of whichever is later:
  - i. The Response period under Rule 6 elapses without a Response;



- ii. The receipt of a Response under Rule 6; or
  - iii. Any additional submission compliant with Rule 9.
- b. Provider shall maintain and publish a list of Evaluators and their qualifications on Provider's web site at <http://domains.adrforum.com>. Provider will appoint an Evaluator from this list and will notify the Parties of the name of the Evaluator assigned and the date on which a decision, absent exceptional circumstances, is expected.

12. Impartiality and Independence

- a. An Evaluator shall be impartial and independent and shall have, before accepting appointment, disclosed to the Provider any circumstances giving rise to justifiable doubt as to the Evaluator's impartiality or independence. If, at any stage during the administrative proceeding, new circumstances arise that could give rise to justifiable doubt as to the impartiality or independence of the Evaluator, that Evaluator shall promptly disclose such circumstances to the Provider. In such event, the Provider shall have the discretion to appoint a substitute Evaluator.
- b. All Evaluators will take an oath to be neutral and independent.
- c. An Evaluator will be disqualified if circumstances exist that create a conflict of interest or cause the Evaluator to be unfair and biased, including but not limited to the following:
- i. The Evaluator has a personal bias or prejudice concerning a party or personal knowledge of disputed evidentiary facts;
  - ii. The Evaluator has served as an attorney to any party or the Evaluator has been associated with an attorney who has represented a party during that association;
  - iii. The Evaluator, individually or as a fiduciary, or the Evaluator's spouse or dependent, has a direct financial interest in a matter before the Evaluator;
  - iv. The Evaluator or the Evaluator's spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person is:  
(1) a party to the proceeding, or an officer, director, or trustee of a Party;  
or (2) acting as a lawyer or representative in the proceeding.
- d. A Party may challenge the selection of an Evaluator, provided that a decision has not already been published, by filing with Provider a written request stating the circumstances and specific reasons for the disqualification.
- e. A request to challenge must be filed in writing with Provider within five (5) Days of the date of receipt of the notice of the selection.

- f. Provided a decision has not already been published by the selected Evaluator, Provider will promptly review the challenge and determine whether circumstances exist requiring Evaluator disqualification in accord with this rule.
  - g. No Party or anyone acting on its behalf may have *ex parte* communication with the Evaluator.
13. Conduct of the Proceedings by the Evaluator
- a. The Evaluator shall conduct the administrative proceeding in such manner as it considers appropriate in accordance with the Policy and these Rules.
  - b. In all cases, the Evaluator shall ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case.
  - c. The Evaluator shall ensure that the administrative proceeding takes place with due expedition. It may, at the request of a Party as provided herein, or in its discretion, extend a period of time fixed by these Rules.
  - d. The Evaluator shall determine the admissibility, relevance, materiality, and weight of any evidence, and may request that any Party submit additional information as needed to assist in making a determination on the Request for Reconsideration.
14. Default
- a. In the event that a Party, in the absence of exceptional circumstances, does not comply with any of the time periods established by these Rules or the Evaluator, the Evaluator shall proceed to a decision on the Request for Reconsideration.
  - b. If a Party, in the absence of exceptional circumstances, does not comply with any provision of, or requirement under, these Rules or any request from the Evaluator, the Evaluator shall proceed, in its discretion, to a decision on the Request for Reconsideration.
15. Evaluator Decisions
- a. The Evaluator shall decide a Request for Reconsideration on the basis of the statements and documents submitted and in accordance with the Policy, these Rules, and any rules and principles of law that it deems applicable.
  - b. In the absence of exceptional circumstances, the Evaluator shall forward its decision on the Request for Reconsideration to the Provider within fourteen (14) Days of its appointment pursuant to Rule 11.
  - c. The Evaluator's decision shall be in writing, provide the reasons on which it is based, indicate the date on which it was rendered, and identify the name of the Evaluator.

16. Communication of Decision to Parties

- a. Within three (3) Days after receiving the decision from the Evaluator, the Provider shall communicate the full text of the decision to the Requestor and the Registry Operator.
- b. The decision shall not be published by the Provider.

17. Correction of Clerical Mistakes

Clerical mistakes or clerical errors in the Evaluator's decision arising from oversight or omission by the Evaluator may be corrected by Provider.

18. Conclusion of the Proceedings

Once the Evaluator's decision is issued, the case is closed with Provider. No further submissions or requests will be considered.

19. Exclusion of Liability

Except in the case of deliberate wrongdoing, neither the Provider nor an Evaluator shall be liable to a Party for any act or omission in connection with any administrative proceeding under these Rules.

20. Amendments

The version of these Rules in effect at the time of the submission of the Request for Reconsideration to the Provider shall apply to the administrative proceeding commenced thereby. These Rules may not be amended without the express written approval of the Registry Operator.

21. Effective Date

These Rules apply to all cases filed on or after the date of posting at nic.reit.