



THE FORUM'S SUPPLEMENTAL RULES TO THE usTLD NEXUS DISPUTE POLICY

Effective June 1, 2014

1. Definitions

- a. **The Rules** means the Rules for the usTLD Nexus Dispute Policy, as adopted by the U.S. Department of Commerce (DOC).
- b. **The Policy** means the usTLD Nexus Dispute Policy, approved by the DOC.
- c. **The FORUM** also refers to the National Arbitration Forum.
- d. **“The Holder of a Domain Name Registration,”** as used in The Rules (Rule 1), means the single person or entity listed in the WHOIS registration information at the time of commencement.
- e. **“The Party Initiating a Complaint Concerning a Domain Name Registration,”** as used in The Rules (Rule 1), means the single person or entity claiming to have rights in the domain name, or multiple persons or entities who have a sufficient nexus who can each claim to have rights to all domain names listed in the Complaint.
- f. **Calendar Days** means that all days, including weekends and international and national holidays, shall be counted in determining all deadlines and due dates.

Exceptions-Deadlines:

- (i) In the event that a deadline falls on a United States federal holiday, as defined by 5 U.S.C. §6103, the deadline shall be extended to the following Calendar Day.
- (ii) In the event that a Calendar Day deadline falls on a Saturday or Sunday, the deadline shall be extended to the following Calendar Day.

2. Scope

The FORUM will apply the Rules, the Policy and the FORUM's Supplemental Rules in effect at the time a Complaint is submitted. The FORUM's Supplemental Rules may be amended by the FORUM in its sole discretion.



3. Communications

All communications must be directed to the FORUM and not to the Panel.

4. The Complaint

- a. The Complaint must include all elements listed in Paragraph 3(c) of the Rules and may not exceed ten (10) pages.
- b. The Complaint must be sent to the FORUM by e-mail (domaindispute@adrforum.com) or filed online (domains.adrforum.com).
 - (i) The Complaint (see sub-paragraph (a) above) must be a separate file (file must not include Annexes).
 - (ii) All documents must be in a format as specified in Annex A to these Supplemental Rules, unless approved by the FORUM in advance.
 - (iii) Individual files must not exceed the file size restrictions as set forth in Annex A to these Supplemental Rules unless approved by the FORUM in advance. The Annexes may be divided into multiple files as needed.
 - (iv) No individual email, including attachments, may exceed the email size restrictions set forth in Annex A to these Supplemental Rules unless approved by the FORUM in advance. Multiple emails may be used to transmit a single set of Complaint documents; the subject line of each email relating to a single Complaint must reference the fact that multiple emails have been send (refer to Annex A for suggested wording).
 - (v) The FORUM may rename electronic files compatible with internal naming conventions, for ease of internal and Panel use.

5. Prima Facie Review

- a. The FORUM will conduct a review of the Complaint as required under Paragraph 7(a) of the Rules.
- b. If the FORUM determines that the Complainant failed to establish a prima facie case, it will issue a letter to the Complainant, with a copy to the Registrant, denying the challenge as required under Paragraph 7(b) of the Rules.
- c. If the FORUM determines that the Complainant has established a prima facie case it will issue a letter to the



Registrant detailing the challenge and requesting the Registrant to submit evidence of compliance with the Nexus Requirements in accordance with Paragraph 7(c) of the Rules.

6. The Response

- a. The Response to the FORUM's letter must include all elements listed in Paragraph 8 of the Rules and may not exceed ten (10) pages.
- b. The Response must be sent to the FORUM by e-mail (domaindispute@adrforum.com) or filed online (domains.adrforum.com).
 - (i) The Response (see sub-paragraph (a) above) must be a separate file (file must not include Annexes).
 - (ii) All documents must be in a format as specified in Annex A to these Supplemental Rules, unless approved by the FORUM in advance.
 - (iii) Individual files must not exceed the file size restrictions as set forth in Annex A to these Supplemental Rules unless approved by the FORUM in advance. The Annexes may be divided into multiple files as needed.
 - (iv) No individual email, including attachments, may exceed the email size restrictions set forth in Annex A to these Supplemental Rules unless approved by the FORUM in advance. Multiple emails may be used to transmit a single set of Response documents; the subject line of each email relating to a single Response must reference the fact that multiple emails have been send (refer to Annex A for suggested wording).
 - (v) The FORUM may rename electronic files compatible with internal naming conventions, for ease of internal and Panel use.
- c. In accordance with Paragraph 8(iv) of the Rules, the Registrant must also send or transmit its Response to the Complainant.

7. Stays of the Administrative Proceeding

- a. If a Panel has not been appointed by the FORUM, parties may jointly request a stay for a one-time period of forty-five Calendar Days, provided that both parties have agreed to the stay in writing and that the parties submit the signed agreement to the FORUM; an electronic signature (refer to Annex A) will be accepted. A Model Form is available on the FORUM's website:



<http://domains.adrforum.com>.

- b. Prior to expiration of the Stay, at least one party must request in writing that the case be reinstated. Absent this written request, the FORUM will automatically dismiss the case without prejudice.
- c. If a Panel has been appointed by the FORUM, a request that the administrative proceeding be stayed shall be granted at the discretion of the appointed Panel.

8. Submission of other Written Statements and Documents; No Amendment to the Complaint or Response

- (a) A party may submit additional written statements and documents to the FORUM and the opposing party(s) within five (5) Calendar Days after the date the Response was received by the FORUM, or, if no Response has been filed, the last date the Response was due to be received by the FORUM.
- (b) Each additional submission pursuant to Supplemental Rule 8(a) must:
 - (i) be timely received by the FORUM;
 - (ii) be accompanied by an additional submission fee of \$400;
 - (iii) include proof of service of these submissions upon the opposing party(s); and
 - (iv) be Submitted electronically via email to the case coordinator and/or to domaindispute@adrforum.com.
- (c) The party(s) not filing the original additional submission under Supplemental Rule 8(a) may file additional written statements and documents to the FORUM within five (5) Calendar Days after the date the original additional submission was received by the FORUM.
- (d) Each additional submission pursuant to Supplemental Rule 8(c) must:
 - (i) be timely received by the FORUM;
 - (ii) include proof of service of these submissions upon the opposing party(s); and



- (iii) be Submitted electronically via email to the case coordinator and/or to domaindispute@adrforum.com.
- (e) Each party is limited to one additional submission under either 8(a) or 8(c), but not both.
- (f) Additional submissions must not amend the Complaint or Response.

9. The Record of the Administrative Proceeding.

The Complaint, Response, and additional written statements and documents requested under Paragraph 12 of the Rules and Paragraph 8 of these Supplemental Rules constitute the complete record to be considered by the Panel.

10. Appointment of the Panel

Upon receipt of a Response, the FORUM will appoint a Panelist from its list of qualified neutrals. If no Response is received by the deadline, no Panel will be appointed and the FORUM will issue a Nexus Failure Finding.

11. Impartiality and Independence

- a. All FORUM Panelists will take an oath to be neutral and independent.
- b. A Panelist will be disqualified if circumstances exist that create a conflict of interest or cause the Panelist to be unfair and biased, including but not limited to the following:
 - i. The Panelist has a personal bias or prejudice concerning a party or personal knowledge of disputed evidentiary facts;
 - ii. The Panelist has served as an attorney to any party or the Panelist has been associated with an attorney who has represented a party during that association;
 - iii. The Panelist, individually or as a fiduciary, or the Panelist's spouse or minor child residing in the Panelist's household, has a direct financial interest in a matter before the Panelist;
 - iv. The Panelist or the Panelist's spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person:
 - 1. Is a party to the proceeding, or an officer, director, or trustee of a Party; or
 - 2. Is acting as a lawyer or representative in the proceeding.
- c. A party may challenge the selection of a Panelist, provided that a decision has not already been communicated, by filing with the FORUM a written



request stating the circumstances and specific reasons for the disqualification.

- d. A request to challenge must be filed in writing with the FORUM within five (5) days of the date of receipt of the notice of the selection.
- e. Provided a decision has not already been communicated by the selected Panelist, the FORUM will promptly review the challenge and determine whether circumstances exist requiring Panelist disqualification in accord with this rule.

12. Communications Between Parties and the Panel

- a. No party may directly communicate with a Panelist.
- b. The parties may communicate with the Case Coordinator assigned to their proceeding by phone or e-mail.
- c. Any request by a party for any type of action by the FORUM or Panel must be communicated in writing to the FORUM and the opposing party(s).

13. Withdrawal

(a) Prior to Commencement

- (i) Before the five (5) Calendar Day deficiency period described in Rule 4(b) expires, the Complainant may withdraw the Complaint without prejudice. A withdrawal request must be submitted to the FORUM in writing and signed by the Complainant; an electronic signature complying (refer to Annex A) will be accepted. Upon the FORUM's receipt of the withdrawal request, the Complaint will be withdrawn without prejudice and the administrative proceeding will be terminated.
- (ii) The Complainant may re-initiate a proceeding, which was properly withdrawn pursuant to Supplemental Rule 13(a)(i), within thirty (30) Calendar Days. A re-initiation fee of \$100 must accompany the request to re-initiate the proceeding.
- (iii) If the Complaint was withdrawn pursuant to Supplemental Rule 13(a)(i) and if the Complainant does not re-initiate the Complaint at the end of thirty (30) Calendar Days, a subsequent Complaint will be treated as a new Complaint and must be accompanied by payment of the appropriate fees.

(b) After Commencement and Prior to Response:



- (i) After commencement, but before the FORUM has received a Response that complies with Supplemental Rule 5, the Complaint may be withdrawn by the Complainant. A withdrawal request must be submitted to the FORUM in writing and signed by the Complainant; an electronic signature complying (refer to Annex A) will be accepted. A Complaint dismissed by the FORUM pursuant to Supplemental Rule 13(b)(i) will be dismissed without prejudice.
- (ii) After commencement, but before the FORUM has received a Response that complies with Supplemental Rule 5, the Complaint may be withdrawn pursuant to a joint request made by both parties. A withdrawal request must be submitted to the FORUM in writing and signed by both Parties; an electronic signature complying (refer to Annex A) will be accepted. A Complaint dismissed by the FORUM pursuant to Supplemental Rule 13(b)(ii) will be dismissed with prejudice.
- (c) After Response is Received: After a Response that complies with Supplemental Rule 5 has been received by the FORUM, but before a Panel decision is published, the Complaint may be withdrawn if both parties agree to the withdrawal. A withdrawal request must be submitted to the FORUM in writing and signed by both parties; an electronic signature complying (refer to Annex A) will be accepted. A Complaint dismissed by the FORUM pursuant to Supplemental Rule 13(b)(iii) will be dismissed with prejudice.
- (d) The Complaint cannot be withdrawn after a Panel decision is published.

14. Decisions

- a. If the Panelist determines that the Registrant satisfies the Nexus Requirements, a written finding will be communicated to all parties and the complaint will be terminated.
- b. If the Panelist determines that the Registrant failed to demonstrate that it satisfied the Nexus Requirements, the Panel will issue a Nexus Failure Finding.



15. Response to Nexus Failure Finding

- a. The Response to a FORUM or Panelist issued Nexus Failure Finding must include the elements listed in Paragraph 9(d)(1) of the Rules and may not exceed ten (10) pages.
- b. The Response to the Nexus Failure Finding must be sent to the FORUM by e-mail (domaindispute@adrforum.com) or filed online (domains.adrforum.com).
 - (i) The Response (see sub-paragraph (a) above) must be a separate file (file must not include Annexes).
 - (ii) All documents must be in a format as specified in Annex A to these Supplemental Rules, unless approved by the FORUM in advance.
 - (iii) Individual files must not exceed the file size restrictions as set forth in Annex A to these Supplemental Rules unless approved by the FORUM in advance. The Annexes may be divided into multiple files as needed.
 - (iv) No individual email, including attachments, may exceed the email size restrictions set forth in Annex A to these Supplemental Rules unless approved by the FORUM in advance. Multiple emails may be used to transmit a single set of Response documents; the subject line of each email relating to a single Response must reference the fact that multiple emails have been send (refer to Annex A for suggested wording).
 - (v) The FORUM may rename electronic files compatible with internal naming conventions, for ease of internal and Panel use.
- c. If a Response is submitted to a Nexus Failure Finding issued as the result of the Registrant's failure to respond initially, the FORUM will appoint a Panelist from its list of qualified neutrals.
- d. The Panel will review any Responses in accordance with the Rules.
- e. In the absence of a Response to the Nexus Failure Finding, the FORUM will issue its own written finding.

16. Communication of Decision to Parties.

- a. The FORUM will communicate its own written findings or the Panel's decision to the parties and the Registrar as required by the Rules.
- b. The FORUM will not publish Nexus Dispute Policy decisions publicly.



17. Fees (U.S. Dollars)

a. Hearing Fees

Number of Disputed Domain Names	Hearing Fee
1 - 2	\$900
3 — 5	\$1,000
6 — 10	\$1,100
11 — 15	\$1,250
16 or more	To be determined in consultation with the FORUM.

b. Participatory hearings:

As stated in the Rules, in exceptional circumstances (for example, in the event an in-person hearing is held), the FORUM may require the Parties to pay additional fees, which will be established by agreement of the Parties and the FORUM prior to the appointment of the Panel.

c. Non-Refundable Fees:

Fees to be paid to the FORUM as provided in these Supplemental Rules must be paid in U.S. Dollars and are non-refundable.

d. Forms of payment

Payment shall be made in one of the following forms:

- (i) Credit card;
- (ii) Certified check; or
- (iii) Personal/business check.

e. If any form of payment is cancelled, stopped, returned unpaid or dishonored, without prior written authorization from the FORUM, the FORUM reserves the right to charge a service fee of \$50 for each cancelled, stopped, returned or dishonored payment.



18. Effective Date

These Supplemental Rules apply to all cases filed on or after June 1, 2014.