



## **Supplemental Rules**

### THE FORUM'S SUPPLEMENTAL RULES TO UNIFORM RAPID SUSPENSION SYSTEM PROCEDURE AND RULES

#### **1. Definitions**

- (a) **The Rules** means the Rules for the Uniform Rapid Suspension System, approved by the Internet Corporation for Assigned Names and Numbers (ICANN).
- (b) **The URS Procedure** means the Uniform Rapid Suspension System as approved by ICANN.
- (c) **The FORUM** also refers to the FORUM.
- (d) **Submit.** In these Supplemental Rules or in a FORUM or Panel Order, documents are deemed Submitted when received by the FORUM via the submission method specified;
- (e) **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 URS Rules, the URS Procedure, 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 Examiner.

#### **4. The Complaint**

- (a) The Complaint must include all elements listed in Paragraph 3(b) of the Rules and must be submitted via the FORUM's online complaint filing site at <http://domains.adrforum.com>.
  - (i) All supporting documents must be in a format as specified in Annex A to these Supplemental Rules, unless approved by the FORUM in advance.
  - (ii) 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.
  - (iii) The FORUM may rename electronic files compatible with internal naming conventions, for ease of internal and Examiner use.

(b) The Complaint will be auto-generated electronically based upon the domain names entered, the current Whois information for the domain names, the arguments entered by Complainant, and the documents uploaded per the URS Procedure and Rules.

(c) If the domain name is registered with a privacy or proxy service, the following rules apply to the identification of the Respondent and the naming of the case:

(i) The Respondent shall be named as listed in the Whois when the case is filed.

(ii) If a Registrar or Registry, in their URS Section 4.1 notification to the FORUM, notifies the FORUM of alternate contact information for the Respondent, that information will be included in the Notice of the Complaint referenced in URS Section 4.3.

(iii) The first entity to use the encrypted link (sent with the Notice of Complaint) to respond shall be the Respondent in the case.

(iv) The Respondent may make contentions within the number of words allowed in the Response for the Examiner to rename the case.

(v) The Examiner Determination regarding the name of the case is final.

(d) The Complaint may not be amended at any time.

## **5. The Response**

(a) The Response must include all elements listed in Paragraph 5(b) of the Rules and must be submitted via the FORUM's online complaint filing site at <http://domains.adrforum.com>.

(i) All supporting documents must be in a format as specified in Annex A to these Supplemental Rules, unless approved by the FORUM in advance.

(ii) 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.

(iii) The FORUM may rename electronic files compatible with internal naming conventions, for ease of internal and Examiner use.

(b) The method used by the FORUM to communicate to the Respondent will be:

(i) the e-mail address Respondent provided in the Response;

(ii) if no Response is Submitted or if no e-mail address is provided in the Response, the e-mail address of the Respondent in the WHOIS on the date the Complaint was filed or as provided to the FORUM by the Registry.

(c) See Supplemental Rule 4(c) regarding the identity of the Respondent when the domain name is registered to a privacy or proxy service.

(d) Multiple Respondents.

(i) Where a case has multiple respondents, the first respondent to use the encrypted link to respond will be the Respondent for the case. No other responses will be permitted.

(ii) If you are named in a case that contains domain names not registered or controlled by you, you may request that the Examiner dismiss the case as to any domain names not owned by you. It is up to

the Examiner's discretion to make a factual finding as to whether or not the evidence supports your claim.

## **6. Extensions**

(a) Paragraph 5.3 of the URS Procedure provides that the Respondent may request additional time to Submit a Response. Any request by the Respondent for an extension must:

- i. be Submitted via the Respondent's online portal;
- ii. be timely submitted;
  1. An extension request submitted prior to the expiration of the initial response period, shall, if granted, delay the appointment of the Examiner until the Response is filed or the extension period ends, whichever comes first.
  2. An extension request submitted after notice of Default and Examiner appointment, but prior to the Default Determination, shall if granted, delay the Default Determination until the Response is filed or the extension period ends, whichever comes first.
  3. An extension request submitted within 30 Calendar Days after a Default Determination, shall, if granted, allow Respondent to file a Response during the extension period without payment of the re-examination fee.
- iii. state the exceptional circumstances warranting the request for an extension; and
- iv. state the length of the extension being requested (no more than seven (7) additional Calendar Days).

(b) Paragraph 6.4 of the URS Procedure provides that the Respondent may request additional time to Submit a Response for Re-examination. Any request by the Respondent for an extension of the Re-examination period must:

- i. be Submitted via the Respondent's online portal;
- ii. be timely submitted;
- iii. state the exceptional circumstances warranting the request for an extension;
- iv. state the length of the extension being requested (no more than one hundred eighty (180) additional Calendar Days); and
- v. be accompanied by the Extension Fee.

(c). The FORUM will, in its sole discretion, determine if the circumstances warrant granting the extension.

## **7. Stays of the Administrative Proceeding**

(a) If the Examiner 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 utilize the Stay option on their portals before the first Determination is issued: <http://domains.adrforum.com>.

(b) Prior to expiration of the Stay, at least one party must request via their portal that the case be reinstated or the Complaint will be automatically dismissed.

(c) If an Examiner has been appointed by the FORUM, a request that the administrative proceeding be stayed shall be granted at the discretion of the appointed Examiner.

## **8. The Record of the Administrative Proceeding.**

The Complaint and Response, as submitted through the filing portal, constitute the complete record to be considered by the Examiner.

## **9. Appointment of the Examiner**

(a) The FORUM will maintain and publish a list of Examiners and their qualifications to which any party will be directed on the FORUM's web site, <http://domains.adrforum.com>. The FORUM will appoint an Examiner from this list to serve as a single Examiner.

(b) For Appeal Panel rules, see Supplemental Rule 16 regarding Appeals.

## **10. Impartiality and Independence**

(a) All FORUM Examiners will take an oath to be neutral and independent.

(b) A Examiner will be disqualified if circumstances exist that create a conflict of interest or cause the Examiner to be unfair and biased, including but not limited to the following:

(i) The Examiner has a personal bias or prejudice concerning a party or personal knowledge of disputed evidentiary facts;

(ii) The Examiner has served as an attorney to any party or the Examiner has been associated with an attorney who has represented a party during that association;

(iii) The Examiner, individually or as a fiduciary, or the Examiner's spouse or minor child residing in the Examiner's household, has a direct financial interest in a matter before the Examiner;

(iv) The Examiner or the Examiner'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 Examiner, provided that a decision has not already been published, 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 one (1) Business Day of the date of receipt of the notice of the selection.

(e) Provided a Determination has not already been published by the selected Examiner, the FORUM will promptly review the challenge and determine whether circumstances exist requiring Examiner disqualification in accord with this rule. The decision of the FORUM is not subject to appeal.

## **11. Communications Between Parties and the Examiner**

(a) No party may directly communicate with a Examiner.

(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 Examiner must be communicated via the online portal, where possible, or at least via email to the FORUM and the opposing party(s) if no portal option is available.

## **12. Withdrawal**

(a) Prior to the first issued Determination, the Complainant may withdraw the Complaint without prejudice. A withdrawal request must be Submitted to the FORUM via the online portal. Upon the FORUM's receipt of the withdrawal request, the Complaint will be withdrawn without prejudice and the administrative proceeding will be terminated.

(b) Prior to the first issued Determination, the Complaint may be withdrawn pursuant to a joint request made by both parties. A withdrawal request must be Submitted to the FORUM via the online portal, must be consented to by both parties, and may request dismissal either with or without prejudice.

(c) The Complaint cannot be withdrawn after any Examiner Determination is published.

## **13. Examiner Decisions**

Examiner decisions will meet the requirements set forth in Paragraphs 13 and 15 of the Rules and will be of a length that the Examiner deems appropriate.

## **14. Correction of Clerical Mistakes.**

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

## **15. Communication of Determination to Parties; Publication of Determination.**

(a) The FORUM will publish Examiner Determinations via transmission to the parties, ICANN, the Registry, and the Registrar as required by the Rules, and by publishing the full Determination per URS Procedure Para. 9 and URS Rule 15 on a publicly accessible web site.

(b) All requests pursuant regarding what information a party wants included or excluded from a publicly available Determination must be made in a timely, compliant Complaint or Response.

## **16. URS Appeal Supplemental Rules**

(a) The Notice of Appeal shall be filed by the submission of an online form available in the parties' online portal.

(i) The Appellant shall include the Appeal fee with the Notice of Appeal.

(ii) The Appellant may elect to have the Appeal heard by a three- member Panel for an additional fee.

(iii) The Appellant shall elect to have the Appeal decided on the basis of the originally submitted documents or to include additional materials, in accordance with Rule 18(b) at the time the Notice of Appeal is filed. In either case, the entire prior record shall be provided to the Appeal Panel.

(iv) If an Appeal including additional submissions is elected, the Appeal shall be filed via the online Appeal form on the parties' portal.

(v) All supporting documents must be in a format as specified in Annex A to these Supplemental Rules, unless approved by the FORUM in advance.

(vi) 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.

(vii) The FORUM may rename electronic files compatible with internal naming conventions, for ease of internal and Examiner use.

(b) Within 2 Business Days of the submission of the Notice of Appeal, the FORUM will notify the Registry of the Appeal. If the Determination being appealed granted the domain name to the Registrant, the Registry shall be requested to re-lock the domain name, preventing transfer to a new registrant or registrar during the Appeal.

(c) If an Appeal including additional submissions is elected by the Appellant, the Appellee's Reply shall be filed by the submission of an online form available in the parties' online portal at <http://domains.adrforum.com>.

(i) The Appellee may elect to have the Appeal heard by a three- member Panel for an additional fee, if Appellant has not already done so.

(ii) All supporting 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) The FORUM may rename electronic files compatible with internal naming conventions, for ease of internal and Examiner use.

#### (d) Appeal Panel Appointment

(i) If neither party has timely requested and paid for a three member Appeal Panel, the FORUM shall select an Examiner from its list of qualified Examiners to hear the Appeal. The FORUM will not re-appoint the Examiner who made the Determination being appealed.

(ii) If either party has timely requested and paid for a three member Appeal Panel, each party shall select three Examiners from the FORUM's list of qualified Examiners within the time allotted for the Appeal or Reply submissions as stated in the Rules. The FORUM will make every effort to appoint one of the Examiners from each parties' list to the Panel, but if all three selections are unavailable, or there are insufficient Examiners who are fluent in the language needed, the FORUM will make an appropriate selection. The FORUM will appoint the presiding Examiner from its list of qualified

Examiners. None of the Examiners on the Appeal Panel may be the Examiner who made the Determination being appealed.

(e) The Appeal Examiner or Panel shall ordinarily make its Appeal Determination within 14 Calendar Days from the date of appointment, but may extend the time for its Appeal Determination in the event of exceptional circumstances.

**17. Conclusion of the Proceedings.**

Subject to the provisions of the URS Procedure for a late Response, a URS Appeal, or an appeal to the UDRP, Determinations are final. No requests to the FORUM for reconsideration or changes will be considered. The FORUM may, in its discretion, correct clerical or typographical errors or omissions in Determinations at the request of a party, or an Examiner, or on its own.

**18. Fees (U.S. Dollars)**

(a) (a) Fees:

Fee Type	Paid By	Amount		Refundable/to whom?
		# of DN	Fee	
Filing Fee	Complainant	# of DN	Fee	No
		1-14	\$375	
		15-30	\$400	
		31-50	\$500	
		51+	Please contact the Forum for a fee quote.	
Response Fee	Respondent	# of DN	Fee	Yes – To prevailing party
		15-50	\$400	
		51-100	\$450	
		101+	\$500	
Re-examination Fee (more than 30 days late)	Respondent	\$200		No
Re-examination Extension Fee	Respondent	\$100		No
Appeal (no new material)	Appellant	Panel Size	Fee	No
		1	\$300	
		3	\$950	
Appeal (new material)	Appellant	Panel Size	Fee	No
		1	\$450	
		3	\$1300	
Appeal to UDRP	Appellant (now the Complainant in UDRP)	Forum will credit half of the filing fee paid in a Forum-administered URS case to the filing of a Forum-administered UDRP case for the same domain names, by the same Complainant, and between the same Parties, if the Appeal to the UDRP is filed within 30 Calendar Days.		



## ANNEX A TO FORUM'S SUPPLEMENTAL RULES

The purpose of this annex is to define technical requirements for electronic submissions.

### 1. Types of Files Supported

The FORUM will accept files having the following extensions. If you have a file in a format not specified, you must have advance permission from the FORUM or your submission may be rejected.

- (a) .pdf (preferred)
- (b) .doc [Microsoft Word document]
- (c) .rtf
- (d) .jpg
- (e) .tiff
- (f) .xls [Microsoft Excel spreadsheet]
- (g) .htm/.html

### 2. File Size Restrictions

- (a) No individual file may exceed 10 MB; a preferred file size limitation is < 5 MB.
- (b) No party may submit electronic case documents in excess of 10MB, in the aggregate, per domain name.

The FORUM does not accept links to files located on external servers and is not responsible for gathering electronic files. All files must be sent to the FORUM following the URS Rules and Supplemental Rules.