



The FORUM's Supplemental Rules to ICANN's Registrar Transfer Dispute Resolution Policy (TDRP)

1) Definitions

- a) **The Policy** means the Registrar Transfer Dispute Resolution Policy, approved by the Internet Corporation for Assigned Names and Numbers on December 1, 2016.
- b) **The FORUM** also refers to the National Arbitration Forum.

2) Scope

The FORUM will apply 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 3.1 of the Policy and may not exceed ten (10) pages.
- b) In accordance with Paragraph 3.1.2(ix) of the Policy, the Filing Registrar must send or transmit its Complaint to the Respondent under cover of the Complaint Transmittal Cover Sheet posted on the FORUM's website.
- c) The Complaint must be sent to the FORUM by e-mail (domaindispute@adrforum.com) in accordance with Paragraph 3.1.2 of the Policy.
- d) The Complaint must designate whether the Filing Registrar elects to have the dispute decided by a single-member or a three-member Panel and, in the event the Filing Registrar elects a three-member Panel, provide the names and contact details of three candidates to serve as one of the Panelists (these candidates may be drawn from any ICANN-approved Provider's list of panelists).

5) The Response

- a) The Response must include all elements listed in Paragraph 3.2 of the Policy and may not exceed ten (10) pages.
- b) The Response must be sent to the FORUM by e-mail (domaindispute@adrforum.com).
- c) If the Filing Registrar has elected a single-member Panel in the Complaint (see Paragraph 4(d)), the Response must state whether the Respondent elects instead to have the dispute decided by a three-member Panel. If either the Filing Registrar or the Respondent elects a three-member Panel, the Response must provide the names and contact details of three candidates to serve as one of the Panelists (these candidates may be drawn from any ICANN-approved Provider's list of panelists).

6) Extension for Filing a Response

- a) Paragraph 3.2.2 of the Policy provides that the Respondent may request additional time to submit a Response from the FORUM, or may be given additional time if the parties stipulate to an extension and the FORUM approves. Any request by the Respondent for an extension or any joint request by the parties for an extension must:
 - i. be submitted after the parties have first conferred with each other to see if they could reach an agreement concerning the requested extension;
 - ii. be submitted in writing to the FORUM and the parties within the time for the Response to be submitted;
 - iii. state the exceptional circumstances warranting the request for an extension;
 - iv. state the length of the extension being requested (no more than five (5) calendar days); and
 - v. be accompanied by an extension fee of \$100.
- b) The FORUM may exercise its discretion in determining whether exceptional circumstances exist warranting an extension and, if so, the length of the extension. No request for an extension will be approved if any of the conditions set forth in Paragraph 6(a) of the Supplemental Rules have not been performed.

7) Submission of other Written Statements and Documents; No Amendment to the Complaint

- 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 submitted or the last date the Response was due to be submitted to the FORUM, whichever occurs first.
- b) Each submission must:
 - i. be timely received by the FORUM;
 - ii. be accompanied by an additional submission fee of \$400.00;
 - iii. include proof of service of these submissions upon the opposing party(s);
 - iv. be submitted in electronic form to the FORUM and the opposing party(s).
- c) The opposing party may respond in electronic form to an additional submission filed in accordance with Supplemental Rule 7(a); such response must be submitted to the FORUM and the opposing party(s) within five (5) calendar days after the date the additional submission was submitted.
- d) Additional submissions and responses to additional submissions may not amend the original Complaint or Response.

8) The Record of the Administrative Proceeding

In the case of a first-level dispute, the Complaint, Response, and additional written statements and documents provided in Paragraph 7 of these Supplemental Rules constitute the complete record to be considered by the Panel.

9) Appointment of the Panel and Timing of Decision

- a) The FORUM will maintain and publish a list of Panelists and their qualifications to which any party will be directed on the FORUM's website, www.adrforum.com/domains. The FORUM will appoint a Panelist from this list to serve as a single-member Panel.
- b) If neither the Filing Registrar nor the Respondent has elected a three-member Panel (Paragraph 4(d) and 5(c)), the Provider shall appoint, within five (5) calendar days following receipt of the Response by the Provider, or the lapse of the time period for the submission thereof, a single Panelist from its list of Panelists. The fees for a single-member Panel shall be paid entirely by the Filing Registrar.

- c) If either the Filing Registrar or the Respondent elects to have the dispute decided by a three-member Panel, the Provider shall appoint three Panelists in accordance with the procedures identified in Paragraph 9(e). The fees for a three-member Panel shall be paid in their entirety by the Filing Registrar, except where the election for a three-member Panel was made by the Respondent, in which case the applicable fees shall be shared equally between the Parties.
- d) Unless it has already elected a three-member Panel, the Filing Registrar shall submit to the Provider, within five (5) calendar days of communication of a Response in which the Respondent elects a three-member Panel, the names and contact details of three candidates to serve as one of the Panelists. These candidates may be drawn from any ICANN-approved Provider's list of panelists.
- e) In the event that either the Filing Registrar or the Respondent elects a three-member Panel, the Provider shall endeavor to appoint one Panelist from the list of candidates provided by each of the Filing Registrar and the Respondent. In the event the Provider is unable within five (5) calendar days to secure the appointment of a Panelist on its customary terms from either Party's list of candidates, the Provider shall make that appointment from its list of panelists. The third Panelist shall be appointed by the Provider from a list of five candidates submitted by the Provider to the Parties, the Provider's selection from among the five being made in a manner that reasonably balances the preferences of both Parties, as they may specify to the Provider within five (5) calendar days of the Provider's submission of the five-candidate list to the Parties.
- f) Once the entire Panel is appointed, the Provider shall notify the Parties of the Panelists appointed and the date by which, absent exceptional circumstances, the Panel shall forward its decision on the Complaint to the Provider.
- g) In cases involving a three-member Panel, the FORUM will select a Chair from the three-member Panel and will endeavor to select a Chair who was not from the list of Panelist candidates provided by the parties pursuant to Paragraphs 4(d) or 5(c) of the Supplemental Rules. The Chair will sign all Orders and the Decision, coordinate and preside over the proceeding, and forward to the FORUM the Panel's decision, including any concurring or dissenting opinion as required by Paragraph 15 of the Supplemental Rules.
- h) In cases where the Filing Registrar requested a three-member Panel and no Response was submitted as required by Supplemental Rule 5(a), the Filing Registrar may be given the option of converting the three-member Panel to a single-member Panel:
 - i. After the time for the Response has expired, the FORUM will notify the Filing Registrar that no Response was submitted and that the Filing Registrar may convert its three-member Panel request to a single-member Panel request;
 - ii. Within five (5) calendar days of this notification, the Filing Registrar, by e-mail to the FORUM, may request that the three-member Panel be converted to a single-member Panel;
 - iii. If a single-member Panel is requested, the FORUM will select a Panelist from its list of Panelists, not on the list of Panelists submitted by the Filing Registrar; and
 - iv. If a single-member Panel conducts the administrative hearing, the Filing Registrar will be reimbursed \$1,000 of its hearing fee.
- i) If the Filing Registrar fails to request that the three-member Panel be converted to a single-member Panel as provided in paragraph 9(h)(ii) above, the selection of the three-member Panel will be as follows:
 - i. The Filing Registrar must provide a list of three candidates and the FORUM will endeavor to select a Panelist from that list as provided in Supplemental Rule 9(e);
 - ii. The FORUM will select a Panelist from its list of Panel members; and
 - iii. The FORUM will submit to the parties a list of five candidates and will select a Panelist as provided in Supplemental Rule 9(e).
- j) In cases where the Respondent requested a three-member Panel and the Complaint is withdrawn prior to the appointment of a Panel, the Respondent will be reimbursed \$1,000 of its hearing fee.

10) 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 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 Director of Arbitration within five (5) days of the date of receipt of the notice of the selection.
- e) Provided a decision has not already been published by the selected Panelist, the FORUM will promptly review the challenge and determine whether circumstances exist requiring Panelist disqualification in accord with this Supplemental Rule.

11) 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, fax, e-mail, or mail through the United States Postal Service.
- 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).

12) Withdrawal

- a) Prior to Commencement
 - i. The Filing Registrar may withdraw the Complaint without prejudice. A withdrawal request must be submitted to the FORUM in writing and signed by the Filing Registrar.
 - ii. The Filing Registrar may re-initiate the same proceeding within thirty (30) calendar days after a pre-commencement withdrawal. A re-initiation fee of \$100 must accompany the request to re-initiate the proceeding.
 - iii. If the Filing Registrar does not re-initiate the Complaint, at the end of thirty (30) calendar days the Complaint is withdrawn without prejudice and the administrative proceeding is terminated. Any 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: After commencement, but before the FORUM has received a Response that complies with Supplemental Rule 5, the Complaint may be withdrawn without prejudice by

the Filing Registrar. A withdrawal request must be submitted to the FORUM in writing and signed by the Filing Registrar.

- c) After Response 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 with prejudice if both parties agree to the withdrawal. A withdrawal request must be submitted to the FORUM in writing and signed by both parties.
- d) The Complaint cannot be withdrawn after a Panel decision is published.

13) Correction of Clerical Mistakes

Clerical mistakes or errors in the Panel's decision arising from oversight or omission by the Panel may be corrected by the Director of Arbitration for the FORUM.

14) Communication of Decision to Parties; Publication of Decision

The FORUM will publish the decision by submitting the Panel's decision to the parties, the Registry Operator, and ICANN as required by the Policy.

15) Fees (U.S. Dollars)

- a) Hearing Fees:

Number of Disputed Domain Names	Single-Member Panel	Three-Member Panel
1 – 2	\$1,300	\$2,600
3 – 5	\$1,450	\$2,900
6 – 10	\$1,800	\$3,600
11 – 15	\$2,250	\$4,500
16 or more	Please contact the FORUM for a fee quote.	Please contact the FORUM for a fee quote.

- b) Participatory Hearings:

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 Director of Arbitration for 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.

16) Effective Date

These Supplemental Rules apply to all cases filed on or after December 1, 2016.

Contact the FORUM at domaindispute@adrforum.com with any questions or call (800) 474-2371.

