

Issue	URS Strawman Proposal	ICANN Default Proposal	Notes
Mandatory	Mandatory for all New gTLDs	Best Practice for new TLDs, with scoring for participation	Tentative Consensus, based on resolution of other issues
Elements of the Complaint	Same elements as found in the UDRP text (such elements will be under review per recommended mandatory URS/UDRP review below)	Domain name is identical or confusingly similar to a mark in which Complainant holds a valid registration issued by a jurisdiction that conducts a substantive examination of trademark applications prior to registration and The Registrant has no legitimate right or interest to the domain name; and/or the domain was registered and is being used in bad faith	Some Consensus on maintaining UDRP elements, provided there are examples of safe-harbors to illustrate defenses but this is not a full consensus at this point; NCSG seeking revision of UDRP elements
Format of Complaint	Simple and as formulaic as possible; Limits on the length of complaint and answer, but should allow space for some explanation, should not be solely a check box	n/a	Consensus
Standard for Evaluation	No genuine issue of material fact -- similar to Rule 56 of U.S. Fed. Rule of Civil Procedure.	Clear and Convincing Evidence	Consensus
Mode of Notice	E-mail, fax, hardcopy	same	Consensus
Notice Contents	Notices should be clear to the registrant. Staff to evaluate options to implement this, including language issues, in an efficient manner, (Deleted: without requiring changes to WHOIS). Implementation Issue for Staff to make sure that registrant understands notice;	n/a	Consensus

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Effect of Filing Complaint	Upon passing initial examination, an Initial Freeze -- no Transfers, no WHOIS changes, but domain name still resolves and other features would function (e.g. e-mail)	same	Consensus
Time to Answer	20 days with no answer fee	14 days with a limited extension of 7 days with no answer fee	Consensus
Commencement of Evaluation	Immediately upon expiration of 20 days, or submission of answer , to be completed on an expedited basis (goal - around 3 business days, but implementation detail for Staff to determine based on provider's need);	n/a	Consensus
Number of Examiners	Examination to be done by one Examiner with legal background on an expedited basis	n/a	Consensus
Assignment of Examiners	Rotation of examiners within a provider to avoid forum shopping , but not random among providers (staff to examine implementation option to have a pool of examiners shared by multiple providers); Examiners to be trained and certified, and Provider have right to drop nonperforming examiners;	n/a	Consensus
Evaluation on the Merits	Unless withdrawn by complainant, the examiner will evaluate the claim on the merits in every case -- regardless if the registrant defaults or answers.	same	Consensus

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Remedy if Successful on the Merits	Domain Name suspended for the balance of the registration Period (does not resolve to original website); WHOIS to reflect domain name is on hold and cannot be transferred. Option for successful complainant to pay to extend the registration period for one additional year for at commercial rates.	Same, but no option to extend the registration period for one year	<p>Consensus? Should successful complainant be able to extend for an additional year? Could be difficult for Ry to implement. Should complainant be able to auction? Or should name transfer immediately?</p> <p>Concern about successful complainant automatically being allowed to re-register. "Hold" status would need to be released manually at the RR level. Distinction between RR hold and RY hold - RY hold requires more work to implement.</p> <p>Transfer Remedy still a key, gating issue for the BC</p>
Effect of Filing Answer After Default	If respondent fails to file an answer within 20 days and the panelist rules in favor of complainant, respondent could seek de novo review by filing an answer at any time. If filed within 30 days of default decision, no answer fee. If filed after 30 days, respondent to pay a reasonable answer fee. In either case, filing an answer causes the Domain Name to resolve immediately to original website.	n/a	Consensus

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Appeal of Decision	After a decision in any case (default or contested), either party has a right to seek a de novo appeal within the URS process for a reasonable fee to cover the costs of the appeal. (Deleted: In all cases, either party has right to de novo review on the merits in the UDRP (not applicable to the registrant) or court of competent jurisdiction). URS Remedy does not preclude any other remedies available to the appellant, such as UDRP or as may be available in a court of competent jurisdiction.	Appeal to an ombudsman on arbitrary and capricious grounds or an abuse of discretion by Examiner or appeal into a court of competent jurisdiction	Consensus, but should clarify who pays for appeal. Suggestion that the losing appellant should pay the fees.
Evaluation of Appeal	Standing 3 person panel or panelists appointed by the appellant	Appeal to an ombudsman	Consensus
Abuse of Process	2 abusive complaints or one finding of perjury-barred for 1 year from URS); 2 complaints of perjury per entity that multiple complaints must be from the same entity; perjury to be defined as "deliberate material falsehood"; 3 or more complaints against panelist that are overturned by Appeal, loses accreditation to serve as a panelist. Staff to implement guidelines for what constitutes abuse.	If Complainant held to have filed abusive complaints on 3 occasions, barred from using the URS for one year	Consensus
Review of URS and UDRP	Mandatory Review one year after URS first date of operation; (Delete: Review of UDRP at the same time); No sunset of URS. Requirement to publish examination statistics for use in the review of the URS.	none	No Consensus yet