



# New gTLD Objection Process

*January 2013*

# Webinar Information

## Dial-in #s

### US Toll-free

1-877-941-9321

### US Toll

1-480-629-9846

### Access Code

4591393

## International #s

[http://  
newgtlds.icann.org/  
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webinars/dial-  
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Also available on the  
webinar page of the  
Microsite

- Session is being recorded
  - Play back is available on the microsite at the end of the webinar.
- Q&A session at the end
  - We will answer questions submitted by phone first.
  - Questions in the Questions & Comments pod in Adobe Connect will be addressed as time permits.

# Agenda

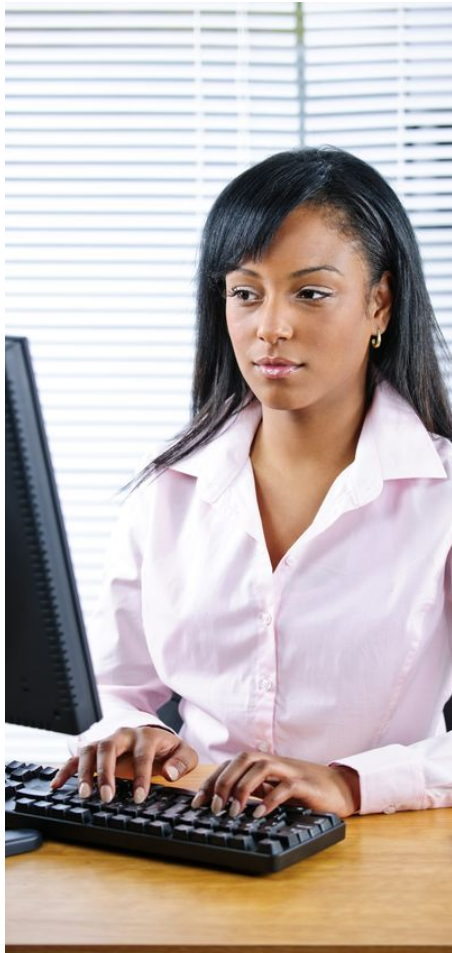


- Background
- Dispute Resolution Service Providers
  - ICDR
  - WIPO
  - ICC
- Wrap up
- Questions

# New gTLDs are coming.

- ICANN received 1917 applications for new domain name extensions.

# Objection Process



- You, as an Internet user, have the right to review applied-for new gTLDs.
- In some cases, you can file a formal objection to one or more.



# Grounds for Objection

Objection period extended to 13 March 2013



**String Confusion**

**Legal Rights**

**Limited  
Public interest**

**Community  
Objection**

# Standing to Object



- TLD operators or applicants can file String Confusion objections.
- Rights holders can file Legal Rights objections.
- Established institutions can file Community Objections.
- ANYONE can file Limited Public Interest Objections.

# Filing a Dispute



- File online objection (in English) with appropriate Dispute Resolution Service Provider.
- Pay required, non-refundable filing fee.
- Follow the process.



# Where to File

- ICDR: String Confusion Objections
- WIPO: Legal Rights Objections
- ICC: Limited Public Interest and Community Objections



# Independent Objector



Professor  
Alain Pellet

- Acts solely in the best interest of global Internet users.
- May lodge Limited Public Interest and Community Objections where no other objection is made.
- <http://www.independent-objector-newgtlds.org/>



# International Centre for Dispute Resolution (ICDR)



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for Dispute Resolution®

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## ICANN's NEW gTLD PROGRAM

String Confusion Objections

*Speaker:*

**Thomas Ventrone**

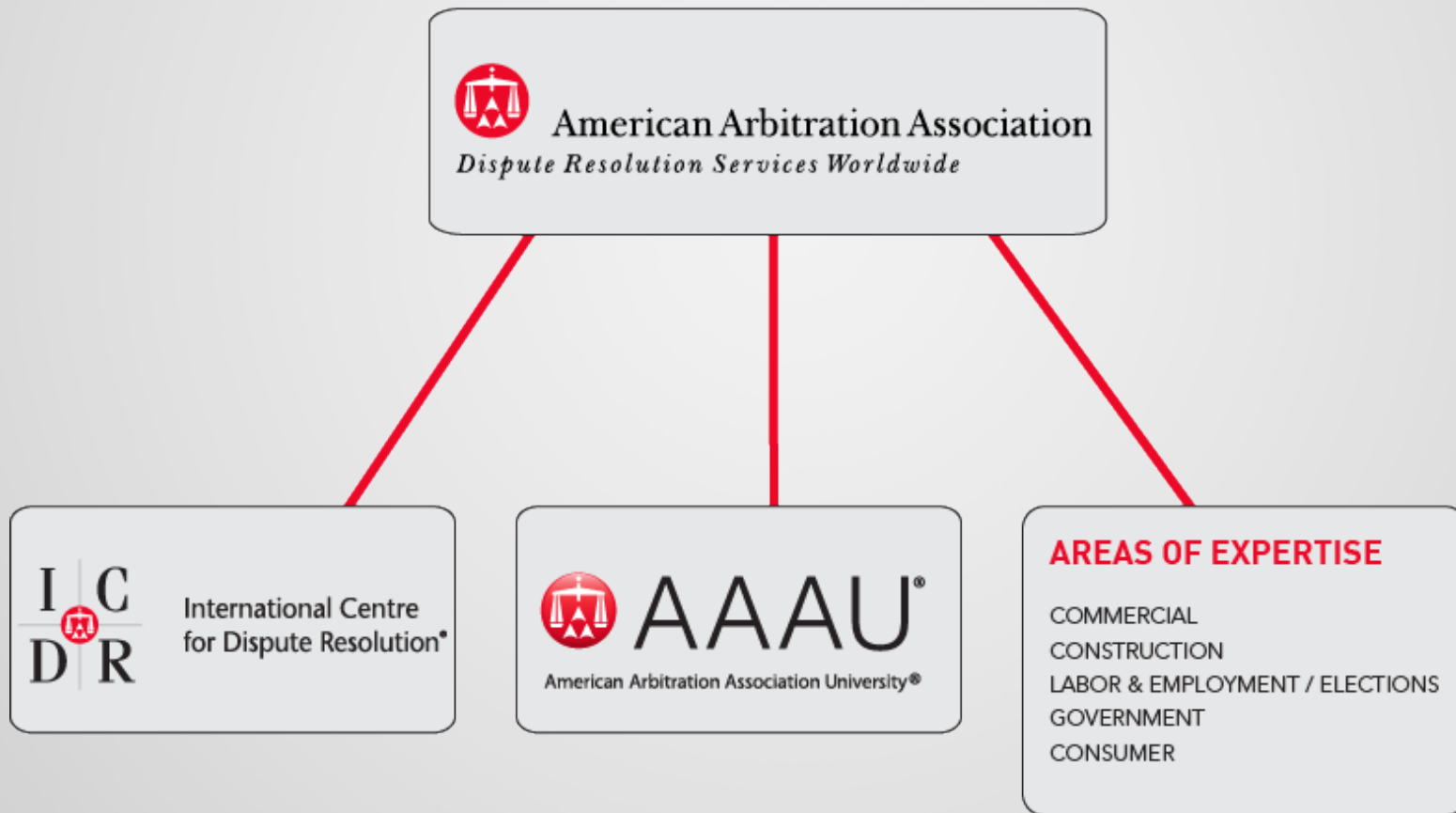
*Vice President*

*International Center for Dispute Resolution*

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# INTERNATIONAL CENTRE FOR DISPUTE RESOLUTION



- Established in 1996 as the international division of the American Arbitration Association.
- One of the most recognized and prominent providers of international dispute resolution services in the world.
- Largest Number of International Arbitration Filings last five years.
- Staff fluent in 14 languages
- 4 international offices
- 650+ worldwide independent mediators and arbitrators



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## STRING CONFUSION OBJECTIONS

- Standing to Object (3.2.2.1)
  - Existing TLD operator asserting confusion between applied-for gTLD and the TLD it currently operates
  - Any gTLD applicant in the current round asserting confusion between an applied-for gTLD and the gTLD for which it has applied. (Both have passed the initial evaluation)

STRING CONFUSION

REGISTER  
WITH WEBFILE

FILE NEW  
OBJECTION

ACKNOWLEDGE  
RECEIPT

ONLINE DATA

- ABOUT WEBFILE
  - Secure, Proprietary System
  - Registration Required
  - 24/7/365 Availability
  - Payment Processing
  - Document Upload
  - Case Status



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STRING CONFUSION

REGISTER  
WITH WEBFILE

FILE NEW  
OBJECTION

ACKNOWLEDGE  
RECEIPT

ONLINE DATA

- Select ICANN gTLD String Confusion Procedures Rules / Expert Determination
- Enter Objector Information
- Enter Applicant Information
- Enter String
- Upload Documents / English Language / 5000 words or 20 pages
- Submit Fee
  - Credit Card
  - \$2,750 Filing Fee
    - Possible additional fees for expert compensation and hearing costs



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STRING CONFUSION

REGISTER  
WITH WEBFILE

FILE NEW  
OBJECTION

ACKNOWLEDGE  
RECEIPT

ONLINE DATA

## NEW gTLD OBJECTION ADMINISTRATIVE REVIEW (ARTICLE 9)

- Acknowledge Receipt of Filing
- Perform Administrative Review
- Advise if Incorrectly Filed
- Allow for Correction of Deficiency
- Possible Administrative Dismissal of Objection
- Notify Applicant of Completed Objection Filing



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- Objections Filed Report continually updated
- ICANN to publish Dispute Announcement 30 days from close of objection period
- ICDR Notice to Applicant for a response will initiate promptly after Dispute Announcement

THE PROCESS

THE RESPONSE

THE EXPERT

THE  
DETERMINATION

CONCLUSION

- Applicant Reply Due within 30 days of ICDR notice
- Allow for correction of deficiencies
- Failure to timely reply is a default
- Responses shall contain
  - Name and Contact Information
  - Point-By-Point Response to Objectors Statements
  - Filing Fees, Including Expert Compensation Deposit and Hearing Fees
- Possible Consolidation of objections
- Negotiation and Mediation encouraged



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THE PROCESS

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DETERMINATION

CONCLUSION

- ICDR gTLD String Confusion Panel
  - Minimum 15 years of senior-level or professional experience
  - Experience in one or more of the following areas: Domain Name disputes; WIPO disputes; Internet, Intellectual Property
  - Training and substantial experience in arbitration, mediation, and/or other forms of dispute resolution
  - Freedom from bias and prejudice
  - Ability to evaluate and apply legal, business or trade principals
  - Ability to manage the process and provide a thorough and impartial evaluation of evidence
  - Dedicated to upholding the AAA Code of Ethics for Arbitrators
  - Located in 21 Different Countries in Europe, Asia, The Middle East and The Americas



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THE PROCESS

THE RESPONSE

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DETERMINATION

CONCLUSION

- Expert will review all uploaded submissions
- Expert may decide if further written submissions are required
- Expert to decide issue based on documents submitted, ICANN Standards, and Rules or Principles it determines to be applicable
- Expert may decide to hold a hearing by only in extraordinary circumstances
- Objector has burden of proof to sustain objection
- Expert to issue a written, reasoned determination
- Prevailing party(s) to receive refund of expert compensation deposit



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THE PROCESS

THE RESPONSE

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CONCLUSION

FOR MORE INFORMATION:

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# World Intellectual Property Organization (WIPO)



**WIPO | ADR**

Arbitration  
and Mediation  
Center



# New gTLD Objection & Dispute Resolution Webinar

**David Roache-Turner**

Head, Internet Dispute Resolution Section  
Section WIPO Arbitration and Mediation Center

January 29, 2013

# Pre-Delegation Objection Procedures

- **New gTLD Dispute Resolution Procedure (Att. to AGB § 3)**
  - String Confusion Objection confusingly similar to existing/applied for TLD
  - Limited Public Interest Objection contrary to generally accepted legal norms of morality and public order recognized under principles of international law
  - Community Objection substantial opposition from a significant portion of the intended target community
    - Public Interest/Community: Independent (public interest) Objector
  - Legal Rights Objection (LRO) infringes existing trademark or IGO rights
- ICANN's Governmental Advisory Committee (GAC) may provide an Early Warning or "GAC Advice on New gTLDs" concerning applications identified by governments as problematic

# What is a Legal Rights Objection?

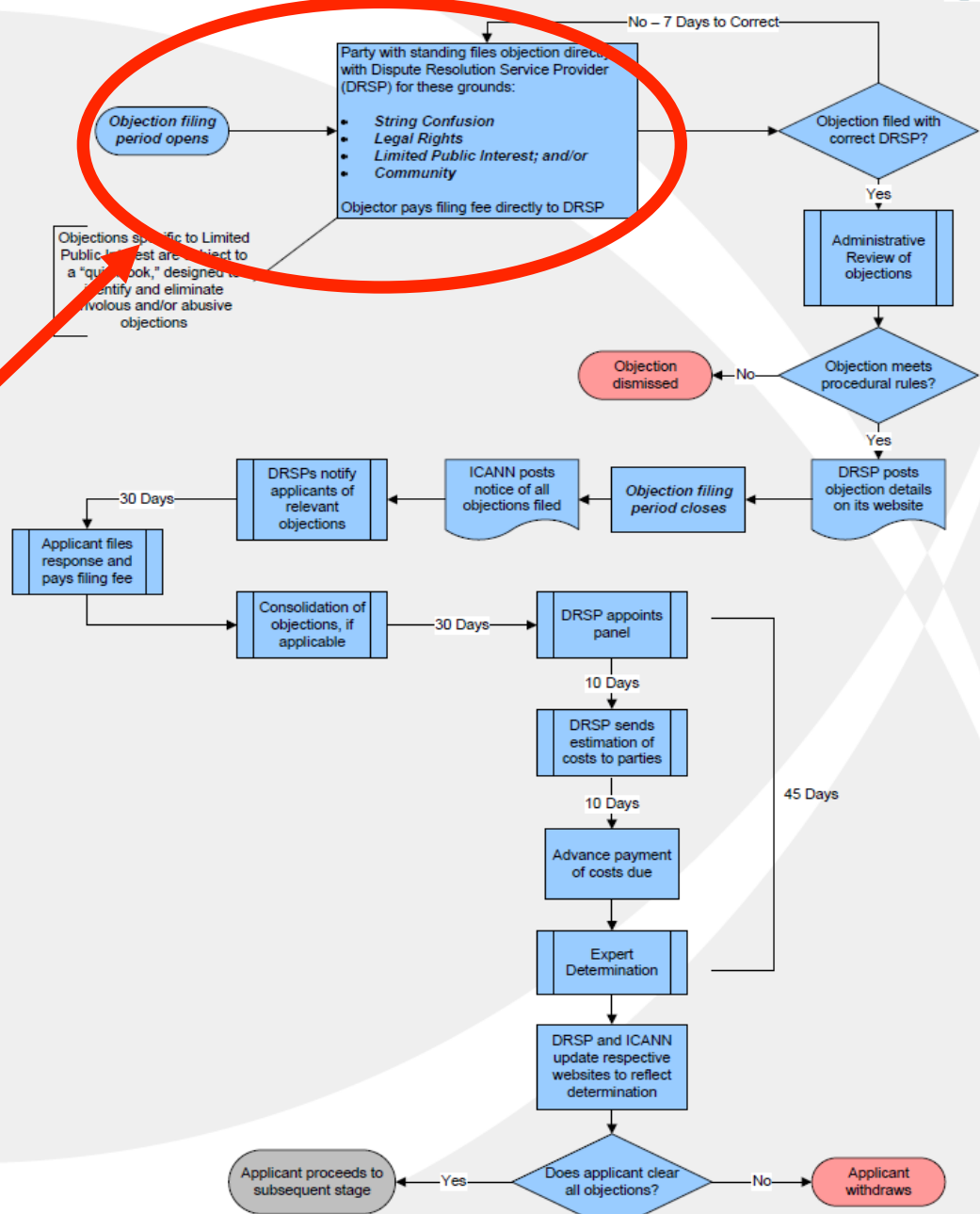
- Prior to ICANN approving a New gTLD application, trademark owners and IGOs may file a formal objection on the basis of a “Legal Rights Objection” (LRO)
  - Standing: “rightsholders” (3.2.2) registered or unregistered trademark or service mark or IGO name or acronym (3.5.2)
- An independent panel would determine whether the applicant’s potential use of the applied-for gTLD would be likely to infringe the objector’s trademark, or IGO name or acronym
- *The availability of an LRO proceeding does not preclude court options*

# Approximate LRO Procedure Timeline

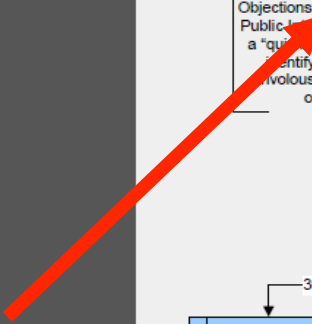
- Jan 2012: new ICANN Applicant Guidebook; application window opened
- May 30 2012: application window closed
- June 13 2012: “ICANN Reveal Date”
  - **Objection period:** Commenced 13 June 2012 originally for 7 months, but now extended until **March 13 2013.**
- March 23, 2013: ICANN to release its application “first initial evaluation” results
- Mid-April: ICANN “Dispute Announcement”; applicants notified
- Mid-May: Objection response due (30 days)
- Mid-June: panel appointment (stay for any mediation)
- August: Objection determination due (45 days)
- August: ICANN to complete its application “first initial evaluation”



# DRAFT - New gTLD Program – Objection and Dispute Resolution



Objections specific to Limited Public Interest are subject to a "quick look," designed to identify and eliminate frivolous and/or abusive objections



# Overview of LRO Stages

- Under the ICANN Procedure, in principle proceedings would typically be based on a single round of **electronically filed pleadings using model forms**, without hearing (by teleconference if possible)
  - Fees due at filing; 5-day cure period for administrative compliance deficiencies
- **Objection filing window closing March 13, 2013**
  - 30 days from close of filing window ICANN publishes "Dispute Announcement"
- From WIPO Center **notification**: 30 day (mandatory) response due date
- 30 days from **response**: WIPO Center to appoint panel (stay for any mediation)
- 45 days for **panel determination**

# What Criteria Will LRO Panels Apply?

## ■ ICANN AGB § 3.5.2

- LRO criteria founded on WIPO *Joint Recommendation Concerning Provisions on the Protection of Marks, and Other Industrial Property Rights in Signs, on the Internet*
- Whether – with respect to the objector’s trademark or IGO name or acronym – the potential use of the applied-for gTLD by the applicant:
  - (i) **Takes unfair advantage of** the distinctive character or reputation, or
  - (ii) **Unjustifiably impairs** the distinctive character or reputation, or
  - (iii) Otherwise **creates an impermissible likelihood of confusion**
- Panels may refer to non-exclusive consideration factors

# LRO Consideration Factors

ICANN AGB § 3.5.2 (con't.)...

## ■ Trademarks:

1. Identity or similarity (appearance, phonetics, meaning)
2. Objector's *bona fide* acquisition/use of the mark
3. Relevant recognition by the public
4. Knowledge of the objector's mark, any pattern of applicant infringement
5. Applicant's use (including preparations) of the mark in connection with a *bona fide* offering
6. Applicant's rights in the mark, including whether such acquisition/use has been *bona fide*, and whether the intended TLD use is consistent therewith
7. Whether applicant is commonly known by the mark
8. Whether the applicant's intended use would create a likelihood of confusion

## ■ IGOs: five similar consideration factors

# LRO Filing Fees

- One objection to one application (i.e., for one gTLD) decided by one expert
- USD 10,000 for each party, **due on filing** of objection / response, respectively
  - Non-refundable USD 2,000 case administration fee per party
  - Expert fee (USD 8,000) refunded to the prevailing party
- Different fee arrangements apply to three-member panels and consolidation scenarios
- ***Any reduced Panel fees (i.e. on the basis of a consolidation scenario), would be refunded to the appropriate party from the initial filing fee, after the close of proceedings***
  - *Non-payment of fees by an objector will result in rejection of the objection, without panel appointment. Non payment of response fees by an applicant will result in the objection being deemed successful.*

# LRO Language Requirements

- In all cases, the language is English
  - "Parties may submit supporting evidence in its original language, provided [...] that such evidence is accompanied by a certified or otherwise official English translation of all relevant text"

## LRO Word / Page Limits

- Substantive portion limited to 5,000 words or 20 pages (whichever is less), excluding attachments
  - Objector/applicant must also list, describe and provide copies of any attached supporting evidence



# LRO Expert Appointment

- Experts required to affirm neutrality by signing the Center's Statement of Acceptance and Declaration of Impartiality and Independence
- The Center will appoint a single-member panel in its sole discretion
- Where **all parties agree** on a three-member panel:
  - Each party submits a list of three candidates from the Center's list of experts (one of whom would be the respective co-panelist)
  - The Center will then provide the parties with a list of five candidates from the Center's list of experts for the parties' respective ranking, with a view to the Center's appointment of the third (presiding) panelist

# WIPO LRO Experts

- Over 100 Experts drawn from the Center's list of UDRP panelists:
  - collective panel experience spanning over 11,000 WIPO UDRP cases (slightly lower than UDRP average transfer rate)
  - significant experience in trademark, e-commerce, and Internet law
  - over 30 countries, with corresponding linguistic/regional diversity represented
- ***The Center's LRO list of experts may be subject to additional development in light of case needs***

# LRO Remedies

- Remedies limited to the success or dismissal of the objection
- No monetary damages
  - But, prevailing party entitled to a partial refund (i.e., the panel fee)
- According to the ICANN Applicant Guidebook, a panel determination is “considered an expert determination and advice that ICANN will accept within the dispute resolution process”
  - Such determination is independent of any determination under either of the other types of ICANN objection options available

# Multiple LRO Objections / Consolidation

- Where multiple objections are filed against the same application (to streamline costs and for procedural efficiency), the Center will seek to consolidate those objections for determination by a single panel
  - A separate determination would be rendered for each objection
- Within seven days of the Center's notification of the commencement of the response filing period to the applicant, the parties themselves may also propose (for the Center's determination) that objections be consolidated
- The Center may take into account factors such as:
  - Whether the same or similar application is at issue
  - Any request/opposition of the parties
  - The trademarks/evidence relied-upon
  - Expert availability

# Are LRO Cases Made Public?

- Upon registering an objection for processing, the Center will post on its website the following information:
  - the **proposed string** to which the objection is directed
  - the **names** of the (parties) objector and applicant
  - the **grounds** for objection (i.e., "Legal Rights Objection")
  - the **date** of the WIPO Center's receipt of the objection
  
- Unless in exceptional circumstances the panel deems it appropriate to redact portions of its determination, as required under the ICANN Procedure, the Center will post each determination in full on its website

# More WIPO LRO Information/Resources

- LRO FAQs

  - [www.wipo.int/amc/en/domains/lro/](http://www.wipo.int/amc/en/domains/lro/)

- LRO Filing Guidelines

- WIPO LRO Rules

- WIPO LRO Fee Schedule

- LRO Model Pleadings

- [lro@wipo.int](mailto:lro@wipo.int)

- ICANN-WIPO LRO MOU:

  - [www.icann.org/about/agreements/partnership-mous/wipo-mou-07jun12-en.pdf](http://www.icann.org/about/agreements/partnership-mous/wipo-mou-07jun12-en.pdf)


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## Legal Rights Objections under ICANN's New gTLD Program

### Filing a Legal Rights Objection at WIPO: What You Need To Know

The WIPO Arbitration and Mediation Center has been appointed by ICANN as the exclusive provider of dispute resolution services for trademark based "pre-delegation" Legal Rights Objections under ICANN's New gTLD Program. This mechanism forms part of the available [Trademark Rights Protection Mechanisms for New gTLDs](#).

Below are responses to some frequently asked questions about Legal Rights Objections; these responses summarize information found in the authoritative [ICANN Applicant Guidebook](#). ICANN also separately provides an [Objection and Dispute Resolution Fact Sheet](#) and [webpage](#).

- [What is a Legal Rights Objection?](#)
- [Does ICANN offer other types of objection options?](#)
- [What criteria will a panel use to determine the outcome of a Legal Rights Objection?](#)
- [When can a Legal Rights Objection be filed?](#)
- [How does a rights owner submit a Legal Rights Objection?](#)
- [Is it necessary for an applicant to file a response to a Legal Rights Objection?](#)
- [What are the main stages of a Legal Rights Objection?](#)
- [How many rounds of pleadings are involved?](#)
- [Are there hearings?](#)
- [Can the parties mediate/settle their dispute?](#)
- [How much does it cost to file/defend a Legal Rights Objection?](#)
- [Are there language requirements?](#)
- [Are there word/page limits?](#)
- [Who are the experts available for appointment?](#)
- [How is the expert panel appointed?](#)
- [What are the remedies available?](#)
- [What happens if there is more than one objection to an applied-for New gTLD?](#)
- [Is the panel's determination made publicly available?](#)
- [Do parties retain their court options?](#)
- [What is the WIPO Center's role in Legal Rights Objections?](#)
- [Background on WIPO's involvement in Legal Rights Objections](#)
- [What trademark protection mechanisms are available after new gTLDs are approved?](#)
- [Additional information on WIPO's involvement in the Domain Name System](#)
- [Questions?](#)

### What is a Legal Rights Objection?

Prior to ICANN's approval of a New gTLD, third parties may file a formal objection to an application on several grounds, including, for trademark owners and Intergovernmental Organizations (IGOs), on the basis of a "Legal Rights Objection."

When such an objection is filed, an independent panel (comprised of one or three experts) will determine whether the applicant's potential use of the applied-for gTLD would be likely to infringe (described below) the objector's existing trademark, or IGO name or acronym.

### Does ICANN offer other types of objection options?

To address potential disputes over new gTLD applications, ICANN offers three other types of pre-delegation objection-based dispute resolution

**LEGAL RIGHTS OBJECTIONS TOOLKIT**

- ▶ [ICANN Applicant Guidebook, Module 3, Objection Procedures](#)
- ▶ [ICANN New gTLD Dispute Resolution Procedure](#)
- ▶ [WIPO Rules for New gTLD Dispute Resolution](#)
- ▶ [WIPO Schedule of Fees for New gTLD Dispute Resolution](#)
- ▶ [Legal Rights Objection FAQs](#)
- ▶ [Legal Rights Objection Filing Guidelines](#)
- ▶ [LRO Model Objection](#)
- ▶ [LRO Model Response](#)
- ▶ [List of WIPO LRO Experts](#)

# More WIPO Information

## ■ LRO FAQs

- [www.wipo.int/amc/en/domains/lro/](http://www.wipo.int/amc/en/domains/lro/)

- WIPO resources: Filing Guidelines, FAQs, Rules, Fee Schedule, Model Pleadings

- [lro@wipo.int](mailto:lro@wipo.int)

## ■ Trademark RPMs Snapshot

- [www.wipo.int/amc/en/domains/rpm/](http://www.wipo.int/amc/en/domains/rpm/)

## ■ WIPO New gTLD Policy Snapshot

- [www.wipo.int/amc/en/domains/newgtld/](http://www.wipo.int/amc/en/domains/newgtld/)





# International Chamber of Commerce (ICC)

# ICC DISPUTE RESOLUTION – TWO PLAYERS

## ICC Dispute Resolution Services

**ICC International Court  
of Arbitration**

**ICC International Centre  
for ADR**

**Arbitration**

ADR Secretariat	International Centre for Expertise	International Centre for Dispute Boards
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# OBJECTION GROUNDS

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**ICC will administer objections based on two different grounds:**

1. Limited Public Interest Objections
2. Community Objections

# ADDITIONAL GOVERNING RULES

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## EXPERTISE RULES



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## PRACTICE NOTE



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## EXPERTISE RULES APPENDIX III

SCHEDULE OF EXPERTISE COSTS FOR PROCEEDINGS UNDER THE NEW JFD DISPUTE RESOLUTION CONVENTION

**ARTICLE 11**  
Non-Refundable Amount

- The non-refundable amount for the administration of proceedings pursuant to the New JFD by the Resolution Procedure is 48,000.
- The Objector, when filing the Objection, shall pay an amount equal to the non-refundable amount. No Objection shall be processed unless accompanied by the requisite payment.
- The Applicant, when filing the Response, shall pay an amount equal to the non-refundable amount. No Response shall be processed unless accompanied by the requisite payment.

**ARTICLE 12**  
Administrative Expenses

The administrative expenses of the Centre for the proceedings shall be fixed by the Centre at its discretion having regard to the facts stated out by the Centre. The administrative expenses shall, normally, not exceed 40,000 for one-part proceedings and 60,000 for two-part proceedings, unless required otherwise by exceptional circumstances.

**ARTICLE 13**  
Parties' Expenses of the Request

- The fees of one request shall be distributed: the fees of that request are to be paid by the requestor for proceedings, at and hourly retained for such proceedings by the Centre. The hourly retained fee is 400 unless decided otherwise by the Centre after consultation with the requestor and the parties.
- The amount of reasonable expenses of the requestor shall be fixed by the Centre.
- Unless agreed otherwise by the members of a three-member request panel or unless decided otherwise by the Centre, the president of the panel shall receive 20% of the total fees, and each co-panelist shall receive 10% of the total fees.

**ARTICLE 14**  
Payment of Settlement Consideration

The deposit fund by the Centre shall be paid by each party in full. This also applies, in the case of consolidated proceedings in which there is more than one Objector, to a Applicant.

**ARTICLE 15**  
Early Termination of the Proceedings

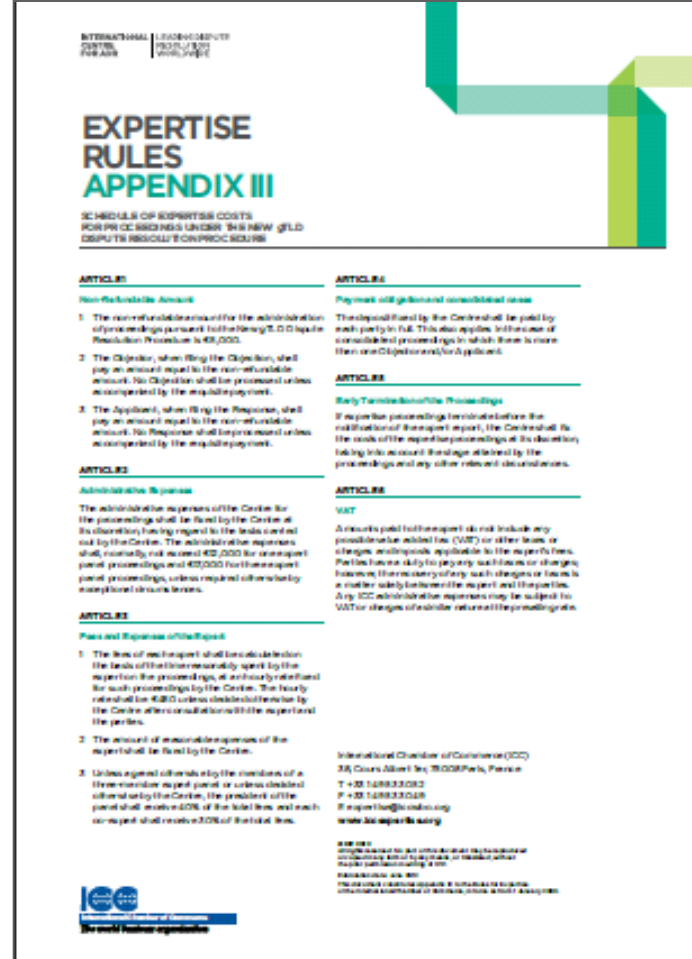
If, upon the proceedings terminated before the resolution of the request report, the Centre shall be the risk of the request proceedings at its discretion taking into account the stage reached by the proceedings and any other relevant considerations.

**ARTICLE 16**  
VAT

A invoice paid for the expert do not include any possible value added tax (VAT) or other taxes or charges and include applicable to the experts fees. Parties have the ability to pay any such taxes or charges. However, the necessity of any such charges or taxes is a matter solely between the expert and the parties. Any ICC administrative expenses may be subject to VAT or charges of a similar nature related to the proceedings.

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[www.iccadr.org](http://www.iccadr.org)

**ICC**  
International Chamber of Commerce  
The world business organization



# GENERAL PRINCIPLES

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- Fully administered procedure
- Electronic documents only
- All procedures in English
- Model Form provided for Objections and Responses
- Scrutiny of Expert Determinations by ICC
- No Expert Mission (Article 12 of ICC Rules for Expertise)
- Filing Fee can be refunded
- ICC will appoint the Experts
- ICC ADR Rules for any mediation procedure, unless the parties decide otherwise

# GENERAL PROCEDURE

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## 1. Filing of the Objection with ICC

- Objection period open since 13 June 2012
- Objection must be filed using Model Form
- Objector must pay Filing Fee when filing the Objection

## 2. Administrative review of the Objection by ICC

- In case of non-compliance: Possibility to correct within 5 days
- In case of non-correction within time limit: ICC dismisses the objection
- In case of compliance: ICC confirms registration of the Objection

## 3. Publication of ICANN's dispute announcement

- Within 30 days after closing of objection period (foreseen for April 2013)

## 4. ICC invites Applicants to file Response within 30 days

- Invitation is notified by ICC after ICANN's dispute announcement
- Response must be filed using Model Form
- Applicants must pay Filing Fee when filing the Response

# GENERAL PROCEDURE

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## **5. Constitution of Expert Panel by ICC**

- Within 30 days after receipt of Response

## **6. Invitation to pay Costs**

- Within 10 days of constitution of Panel ICC invites payment

## **7. Payment of Costs**

- Each party has to pay full Costs within 10 days

## **8. Transfer of file to Expert Panel**

## **9. Draft Expert Determination rendered to ICC for scrutiny**

- Within 45 days after receipt of the file

## **10. Notification of final Expert Determination to Parties by ICC**

# COMMUNITY OBJECTION

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- **Ground:**

There is substantial opposition to the gTLD application from a significant portion of the community to which the gTLD string may be explicitly or implicitly targeted.

- **Experts:**

1 member Expert Panel

- **Standing:**

Established institution associated with a clearly delineated community

- **Substance:**

1. The community invoked by the objector is a clearly delineated community; and
2. Community opposition to the application is substantial; and
3. There is a strong association between the community invoked and the applied-for gTLD string; and
4. The application creates a likelihood of material detriment to the rights or legitimate interests of a significant portion of the community to which the string may be explicitly or implicitly targeted.



# LIMITED PUBLIC INTEREST OBJECTIONS

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- **Ground:**

The applied-for gTLD string is contrary to generally accepted legal norms of morality and public order that are recognised under principles of international law.

- **Experts:**

3 member Expert Panel

- **Standing:**

No limitation. But: subject to “quick-look” procedure by Expert Panel after receipt of the file to exclude frivolous and/or abusive objections

- **Substance:**

Breach of general principles of international law

# OBJECTION FORM



International Centre for Expertise • Centre International d'expertise

## NEW GENERIC TOP-LEVEL DOMAIN NAMES ("gTLD") DISPUTE RESOLUTION PROCEDURE

### OBJECTION FORM TO BE COMPLETED BY THE OBJECTOR

- **Objections to several Applications or Applications based on more than one ground must be filed separately**
- **Form must be filed in English and submitted by email to [expertise@iccwbo.org](mailto:expertise@iccwbo.org)**
- **The substantive part is limited to 8000 words or 20 pages, whichever is less**

**Disclaimer:** This form is the template to be used by Objectors who wish to file an Objection. Objectors must review carefully the Procedural Documents listed below. This form may not be published or used for any purpose other than the proceedings pursuant to the New gTLD Dispute Resolution Procedure from ICANN administered by the ICC International Centre for Expertise ("Centre").

#### References to use for the Procedural Documents

Name	Abbreviation
Rules for Expertise of the ICC	"Rules"
Appendix III to the ICC Expertise Rules, Schedule of expertise costs for proceedings under the new gTLD dispute resolution procedure	"Appendix III"
ICC Practice Note on the Administration of Cases	"ICC Practice Note"
Attachment to Module 3 - New gTLD Dispute Resolution Procedure	"Procedure"
Module 3 of the gTLD Applicant Guidebook	"Guidebook"

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E-mail [expertise@iccwbo.org](mailto:expertise@iccwbo.org) Website [www.iccexpertise.org](http://www.iccexpertise.org)

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# OBJECTION FORM

**Other Relevant Entities**

Name	
Address	
City, Country	
Telephone	
Email	

Add separate tables for any additional relevant related entity

**Disputed gTLD**

**gTLD Objector objects to [example]**

Name	
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If there is more than one gTLD you wish to object to, file separate Objections.

**Objection**

What is the ground for the Objection (Article 3.2.1 of the Guidebook and Article 2 of the Procedure)

**Limited Public Interest Objection:** the applied-for gTLD string is contrary to generally accepted legal norms of morality and public order that are recognized under principles of international law.

**Community Objection:** there is substantial opposition to the gTLD application from a significant portion of the community to which the gTLD string may be explicitly or implicitly targeted.

Check one of the two boxes as appropriate. If the Objection concerns more than one ground, file a separate Objection.

# OBJECTION FORM

- 4 -

**Objector's standing to object (Article 3.2.2 of the Guidebook and Article 8 of the Procedure)**  
(Statement of the Objector's basis for standing to object, that is, why the Objector believes it meets the requirements to object.)

**Description of the basis for the Objection (Article 3.3.1 of the Guidebook and Article 8 of the Procedure) - Factual and Legal Grounds**  
(Description of the basis for the Objection, including a statement giving the specific ground upon which the Objection is being filed, and a detailed explanation of the validity of the Objection and why it should be upheld.)

**Remedies Requested**  
(Indicate the remedies requested.)

**Communication (Article 8(a) of the Procedure and Article 1 of the ICC Practice Note)**  
A copy of this Objection is/was transmitted to the Applicant on: \_\_\_\_\_ (insert date)  
by \_\_\_\_\_ (specify means of communication, for example e-mail) to the following address: \_\_\_\_\_

A copy of this Objection is/was transmitted to ICANN on: \_\_\_\_\_ (insert date)  
by \_\_\_\_\_ (specify means of communication, for example e-mail) to the following address: \_\_\_\_\_

**Filing Fee (Article 1, Appendix III to the Rules and Article 8(a) of the Procedure)**  
As required, Euros 7000 were paid to ICC on \_\_\_\_\_ (insert date).  
 Evidence of the payment is attached for information.

**Description of the Annexes filed with the Objection (Article 8(b) of the Procedure)**  
List and provide description of any annex filed.

Date: \_\_\_\_\_

# CONTACT DETAILS

How to file an Objection | ICC - International Chamber of Commerce - Microsoft Internet Explorer provided by ICC

http://www.iccwbo.org/products-and-services/arbitration-and-adr/expertise/iccann-new-gtld-dispute-resolution/how-to-file-an-objection/

well as on the specific standing a party needs to file an Objection based on one of the grounds, can be found in **Module 3 to the New gTLD Applicant Guidebook published by ICANN** and in the **New gTLD Dispute Resolution Procedure published by ICANN**.

To trigger a dispute resolution procedure, an Objection must be filed within the objection deadline. The Objection Period opened on 13 June 2012. The Objection Period will close on 13 March 2013.

### Filing an Objection

An Objection filed with the Centre must:

- be filed electronically using this address: **expertise@iccwbo.org**
- be filed using the **Objection Form to be completed by the Objector** (New Model Form available as of 14 December 2012)
- be filed within the posted deadline date
- be filed in English
- include the following information
  - Name and contact information of the Objector
  - A statement of the Objector's basis for standing; that is why the Objector believes it meets the standing requirements to object;
  - A description of the basis for the objection, including
    - A statement giving the specific ground upon which the Objection is being filed,
    - A detailed explanation of the validity of the Objection and why it should be upheld including copies of any documents that the Objector considers to be a basis for the Objection
  - Stay within the limit of 5000 words or 20 pages whichever is less, excluding attachments
- Include copies of any documents that the Objector considers to be a basis for the Objection

Every Objection must be filed separately. Accordingly, a party cannot object to a new gTLD application on more than one ground in the same procedure. Therefore, if a party wishes for example to object to a new gTLD application both on Limited Public Interest Objection ground as well as on the Community Objection ground, it must file two separate objections. Further, a party cannot object to several applications with one Objection, but must file one Objection for each of the

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Done

Start | Sent Items - ... | RE: Excellent ... | IMI Board call... | New ICANN d... | ICANN Meetin... | 130110-ADR ... | ICANN\_Objec... | How to file a... | 95% | 13:15

# EXPERTS

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- Community objections: 1 Expert Panel
- ICC will establish non-exclusive pool of potential experts
- ICC National Committees are invited to submit nominations
- Confirmation of independence, impartiality and availability of each Expert for each case



# COSTS

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- Filing Fee: € 5 000
- Expert' s Hourly rate: € 450
- ICC Administrative Expenses normally
  - 1 Member Expert Panel: € 12 000
  - 3 Member Expert Panel: € 17 000
- Expert' s Expenses: Reasonable expenses
- Division of Experts' Fees: 40% to the Chair, 30% to each co-Expert

# ONLINE RESSOURCES

[www.iccexpertise.org](http://www.iccexpertise.org)

- General information
- All relevant documents and model forms
- List of cases
- Publication of Expert Determinations





INTERNATIONAL  
CENTRE  
FOR ADR

LEADING DISPUTE  
RESOLUTION  
WORLDWIDE

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International Chamber of Commerce

*The world business organization*

# Wrap up

# Funding and Fees



- Fees estimated at USD\$50,000.
- Both sides pay fees w/ winner being reimbursed.
- Funding available for ALAC and Governments.
- Process for requesting funds to be posted to the microsite.

# Conclusion

- Internet is changing, but you have a say in how.
- Review posted strings at: <http://newgtlds.icann.org>
- Object if warranted.



Thank You

One World  
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One Internet

# Questions