

## Annex 3

### ACDR Supplemental Rules

The Arab Center for Domain Name Dispute Resolution Supplemental Rules

#### **1. Definitions**

- (a) **The "rules"** means the rules for the uniform domain name dispute resolution policy, approved by the Internet Corporation for Assigned Names and Numbers (ICANN) and its updates.
- (b) **The policy** means the uniform domain name dispute resolution policy approved by ICANN on October 24, 1999.
- (c) **The supplemental rules** mean these rules which are supplemental to the rules and the policy and are adopted by the Arab Center for Domain Name Dispute Resolution (ACDR) to assess complaints in relation to domain name disputes and administer proceedings in compliance with "the rules" and where essential supplement them.
- (d) **The Center** means the Arab Center for Domain Name Dispute Resolution (ACDR).
- (e) **Working days** are all days between Sunday and Thursday except for days which are public holidays in the country where the Center or either of the parties, as the case may be, and, shall be considered in deciding all deadlines. Where a deadline falls on a holiday or a Friday or Saturday, the deadline shall be extended to the following working day.
- (f) Any terms defined in the policy and the rules shall have the same meaning in these supplemental rules.

#### **2. Scope**

- (a) The supplemental rules are to be read and used in connection with the policy and the rules.
- (b) The Center will apply the rules, the policy and its supplemental rules effective at the time of filling a complaint.
- (c) The Center in its sole discretion may modify its supplemental rules from time to time; however, the Center shall implement ICANN's requirements in the future.

#### **3. Filing, Submission and Transmission**

Without prejudice to the requirements of the rule, under any requirement to submit, file or transmit documents in these supplemental rules or ordered by the Center or the panel, it shall be considered submitted, filled or transmitted, under the following condition:

- I. Via Email, when received by the Center's mail server;
- II. Facsimile, when the fax is completely received by the Center; and
- III. Postal mail, when received by the Center.

#### **4. Communications**

- (a) All communications and submissions that are to be made should be communicated to the case administrator and not to the Panel.

- (b) Electronic communications to the Center shall be made to: domaindispute@acdr.com.
- (c) Documentation submitted in paper form to the Center by a party is to be submitted in four (4) sets together with the original copy.
- (d) The Center shall keep an archive of all communication received or required to be made under the rules and the supplemental rules.

#### **5. The Complaint**

- (a) The complaint must include all elements listed in Paragraph 3 (b) of the rules and may not exceed five thousand (5,000) words.
- (b) The complainant shall be required to file electronically its complaint with the Center under cover of the complaint transmittal coversheet posted on the website of the Center.
- (c) The complainant shall provide a copy of the complaint to the concerned registrar(s) at the same time as it submits its complaint to the Center.
- (d) The Center shall transmit the complaint to the respondent(s) within three (3) calendar days following receipt of the initial fee required to be paid by the complainant.
- (e) The administrative proceedings will be deemed to have commenced on the date that the Center forwards the complaint to the respondent(s) in accordance with Paragraph 4 (c) of the rules.
- (f) The Center will send a notice of any deficiencies uncovered in compliance review to both the complainant and respondent within five (5) calendar days following receipt of the complaint or response.

#### **6. The Response**

- (a) Within twenty (20) calendar days of the date of commencement of the administrative proceedings, the respondent shall file a response to the Centre.
- (b) The response must include all elements listed in Paragraph 5 (b) of the rules and may not exceed five thousand (5,000) words,
- (c) The respondent shall provide a copy of the response to the complainant(s) on the date of its filing with the Center.

#### **7. Compliance Review**

- (a) The Center shall, within three (3) calendar days of receiving the complaint, examine the complaint for fulfillment of the formalities of the policy, the rules and the supplemental rules and shall notify the parties of any deficiencies therein.
- (b) The complainant must remedy any deficiencies recognized by the Centre within five (5) calendar days. If the complainant fails to do so, the Center shall notify the complainant, the respondent and the relevant registrar(s) of the deemed withdrawal of the complaint in accordance with Paragraph 4 (b) of the rules.

#### **8. Appointment of Case Administrator**

- (a) The Center shall notify the parties of the name and contact details of a member of its staff who shall be the case administrator and who shall undertake all administrative matters concerning the dispute and communications to the panel.

- (b) The case administrator may provide administrative assistance to the panel or a panelist, but shall have no authority to decide matters of a substantive nature concerning the dispute.

## **9. Extensions**

- (a) The Center and, after its appointment, the panel, shall \_in its sole discretion\_ decide on any request from a party or on its own motion, prior to the expiration of the concerned period(s), to extend, in the presence of exceptional circumstances, the period(s) of time provided for under these supplemental rules.
- (b) A request to the Center for an extension by a party must state the circumstances warranting the request, accompanied by an extension fee of \$100.
- (c) If an extension is granted, it shall be for a period not exceeding ten (10) additional calendar days.

## **10. Appointment of the Panel and Timing of Decision**

- (a) The Center will maintain and publish a list of panelists and their qualifications to which any party will be directed on the Center's website.
- (b) Pursuant to Paragraph 6 (e) of the rules, and without prejudice to its specifications, in the event that either the complainant or the respondent elects a three-member Panel, the Center shall endeavor to appoint one Panelist from the list of candidates provided by each of the complainant and the respondent. In the event the Center 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 Center shall make that appointment from its list of panelists. The third Panelist shall be appointed by the Center from a list of five candidates submitted by the Center to the Parties, the Center'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 Center within five (5) calendar days of the Center's submission of the five-candidate list to the Parties.
- (c) Once the entire Panel is appointed, the Center 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 Center.
- (d) If the complainant requested a three-member panel and no response was filed., the Center shall notify the complainant of its option to convert its three-member panel request to a single-member panel request, and if within five (5) calendar days from notification, the complainants submits to the Center request, via email, for such conversion the complainant will be reimbursed the relevant amount paid by the complainant for the presiding panelist fee in accordance with paragraph 16 of these supplemental rules. Failing submission of the above-mentioned request by the complainant a three member panel shall be constituted.

## **11. Impartiality and Independence.**

- (a) Prior to appointment as a panelist, an elected panelist shall transmit to the Center a declaration of independence and impartiality using the form posted on the Center's website.

- (b) A panelist shall be relieved from serving in case a conflict of interest exists, and/or in case such conflict may affect the panelist's latitude; the concerned party shall submit to the Center within five (5) calendar days from date of receipt of the notice of the selection a detailed written request to disqualify the appointment of a panelist, determining the circumstances and reasons for such request provided that a decision has not already been published.
- (c) The Center will decide-in its discretion- on a request to disqualify a panelist and conclude whether circumstances subsist that call for panelist disqualification.

**12. Panel Decision**

The panel shall render its decision in accordance with Paragraph 15 of the rules and there shall be no word limits therefore.

**13. Correction of Clerical Mistakes.**

The Center shall decide on any written request received from a party to correct any errors in computation, clerical or typographical errors, or any errors of equivalent type.

**14. Communication of Decision to Parties; Publication of Decision.**

- (a) The Center will transmit the panel's decision to the parties, ICANN, and the concerned registrar(s), and shall publish the full decision on the Center's website in the language of the proceedings unless an Administrative Panel determines in an exceptional case to redact portions of its decision.
- (b) If the decision was in a language other than English an unofficial English translation of elected decisions will be published.

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

(a) Fees:

I. Single-member panel

Number of domain Names	Fees for Single-Member Panel	Administrative Fee	Total
1-2	\$1000	\$500	\$1.500
3-5	\$1.100	\$600	\$1.700
6-10	\$1.200	\$900	\$2.100
11-15	\$1.500	\$1.200	\$2.700
16 or more	Please contact the Center.	Please contact the Center.	Please contact the Center.

II. Three-member panel

Number of domain Names	Fees for Three-Member Panel	Administrative Fee	Total
1-2	Presiding panelist: \$1000 Each co-panelist:\$500	\$600	\$2.600

3-5	Presiding panelist: \$1.300 Each co-panelist:\$700	\$1000	\$3.700
6-10	Presiding panelist: \$1.400 Each co-panelist:\$1000	\$1.100	\$4.500
11-15	Presiding panelist: \$1.500 Each co-panelist:\$1.200	\$1.300	\$5.200
16 or more	Please contact the Center.	Please contact the Center.	Please contact the Center.

(b) Forms of payment

Payment shall be made in one of the following forms:

- I. Credit card;
- II. Certified check; or
- III. Bank wire transfers.

(c) All transfer charges or other amounts that may be levied in connection with a payment made to the center shall be the responsibility of the party making the payment.

**16. Exclusion of Liability**

Other than cases resulting from deliberate wrongdoing, an administrative panel, the center and its staff shall not be liable to a party or a concerned registrar for any act or omission in connection with the administrative proceeding under the UDRP.

**17. Effective Date**

These supplemental rules apply to all cases filed on or after , 2013 [to be determined]