

MEMORANDUM OF UNDERSTANDING

between

The Internet Corporation for Assigned Names and Numbers

hereinafter referred to as "ICANN"

and

**International Centre for Dispute Resolution,
a division of the American Arbitration Association, Inc.**

hereinafter referred to as "ICDR"

I. Whereas:

- (a) ICANN has developed a program for the introduction of new generic top-level domains ("gTLD" and the "New gTLD Program").
- (b) The rules and procedures for the New gTLD Program are set out in the Applicant Guidebook ("Guidebook"), the most recent version of which was published by ICANN on 11 January 2012.
- (c) The Guidebook, Module 3, includes a procedure by which third parties may object to an application for a new gTLD. A formal objection may be filed on any one of the following four grounds: (i) String Confusion Objection; (ii) Legal Rights Objection; (iii) Limited Public Interest Objection; and (iv) Community Objection. Guidebook, § 3.2.1.
- (d) Objections to applications for new gTLDs may be submitted after ICANN posts the public portions of all applications considered complete and ready for evaluation, which is anticipated to occur within two weeks of the close of the application submission period. Guidebook §§ 1.1.2.2 & 1.1.2.6.
- (e) A formal objection to an application triggers a dispute between the objector and the applicant that shall be heard and decided by an independent expert. A Dispute Resolution Service Provider ("DRSP") shall administer the dispute resolution proceedings, including appointment of the expert.
- (f) Disputes triggered by objections shall be resolved in accordance with the New gTLD Dispute Resolution Procedure (the "Procedure") and the rules of procedure of a particular DRSP that have been identified as being applicable to specific objection proceedings under the Procedure (the "DRSP Rules").

- (g) Upon publication by the DRSP, the findings of the panel will be considered an expert determination and advice that ICANN will accept within the dispute resolution process. Guidebook § 3.4.6.
- (h) The International Centre for Dispute Resolution (ICDR), has agreed to act as DRSP for String Confusion Objections for at least the first round of applications in the New gTLD Program.

2. ICANN and ICDR therefore agree as follows:

- (a) As previously set forth in the exchange of letters between ICANN and the ICDR, for at least the first round of applications in the New gTLD Program, the ICDR shall act as the DRSP and administer all disputes arising from String Confusion Objections, as foreseen by Guidebook § 3.2.3 and Procedure Article 3.
- (b) The DRSP Rules for String Confusion Objections are the ICDR's Supplementary Procedures for String Confusion Objections (the "ICDR Procedures") and the ICDR's International Dispute Resolution Procedures (the "ICDR Rules").
- (c) The ICDR shall select experts and administer dispute proceedings in accordance with the Procedure, the ICDR Procedures, and the ICDR Rules.
- (d) The ICDR, supported by ICANN as appropriate, shall establish the necessary infrastructure and procedures (including information technology and staffing) to perform its duties as DRSP in a timely and efficient manner.
- (e) ICANN and the ICDR shall communicate regularly with each other and seek to optimize the service that the ICDR provides as a DRSP in the New gTLD Program.

Date:

11 Jun 12

Date:

6/4/2012



Kurt J. Pritz
Senior VP, Stakeholder Relations,
Internet Corporation for Assigned Names
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Richard Naimark
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