

# MEMORANDUM OF UNDERSTANDING

between

**The Internet Corporation for Assigned Names and Numbers**

hereinafter referred to as "ICANN"

and

**The World Intellectual Property Organization**

hereinafter referred to as "WIPO"

1. 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 panel. A Dispute Resolution Service Provider ("DRSP") shall administer the dispute resolution proceedings, including appointment of the panel of experts.
- (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 Arbitration and Mediation Center of the World Intellectual Property Organization (the "WIPO Center") has agreed to act as exclusive DRSP for Legal Rights Objections for at least the first round of applications in the New gTLD Program.

2. ICANN and WIPO therefore agree as follows:

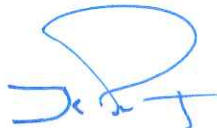
- (a) For at least the first round of applications in the New gTLD Program, the WIPO Center shall act as the DRSP and administer all disputes arising from Legal Rights Objections, as foreseen by Guidebook § 3.2.3 and Procedure, Article 3.
- (b) The DRSP Rules for Legal Rights Objections are the World Intellectual Property Organization Rules for New gTLD Dispute Resolution for Existing Legal Rights Objections (the "WIPO Rules").
- (c) The WIPO Center shall administer dispute resolution proceedings, including appointment of the panel of experts in accordance with the Procedure and the WIPO Rules.
- (d) The WIPO Center, supported by ICANN as appropriate, shall establish the necessary infrastructure and procedures (comprising information technology, staffing, etc.) to perform its duties as DRSP in a timely and efficient manner.
- (e) ICANN and the WIPO Center shall communicate regularly with each other and seek to optimize the service that the WIPO Center provides as a DRSP in the New gTLD Program.

Date:

7 June 12

Date:

9 June '12



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Kurt J. Pritz  
Senior VP, Stakeholder Relations  
Internet Corporation for Assigned Names  
and Numbers



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Erik Wilbers  
Director  
Arbitration and Mediation Center of the  
World Intellectual Property Organization