

Arab Center for Domain Name Dispute Resolution (ACDR)

# Proposal to Become a New UDRP Provider

Jointly Established by:  
The Arab Intellectual Property Mediation and Arbitration Society  
(AIPMAS) & The Arab Society for Intellectual Property (ASIP)

Arab Center for Domain Name Dispute Resolution (ACDR)

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## **I- CONTACT DETAILS**

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## **II- EXECUTIVE SUMMARY**

The Arab Center for Domain Name Dispute Resolution (ACDR) requests the ICANN to approve its proposal to become recognized as one of the official dispute resolution providers under the UDRP. The Arab Intellectual Property Mediation and Arbitration Society (AIPMAS), and Arab Society for Intellectual Property (ASIP) as non-profit institutions, with their headquarters in Amman - Jordan and other offices in the Arab countries, have developed a range of competencies in dispute resolution in general and IP related dispute resolution in particular.

Throughout the years, we have developed a comprehensive set of standardized internal procedures to guide us towards success. More and more, successful companies and law firms are approaching us for conflicts when the interests at stake are significant. Accordingly, we believe that the results of our practical experience can easily be adopted for use in a UDRP system.

Our offices located in the center of Amman are fully equipped to deal with large numbers of cases. Our professional team, who are in charge of the administration of cases, consists of four lawyers with supporting staff, highly qualified translators and an IT Department. The center is able to offer extensive administration assistance to the parties, panelists, and registry. We are capable, at any phase in the future, of expanding our team of lawyers, professionals and supporting personnel, as the implementation of the UDRP system may demand, to insure adequate as well as accurate administration of UDRP cases.

## **III- OUR VISION**

Our vision is to provide excellence in domain name dispute management, research and training together with the provision of alternative dispute resolution services to the legal and business communities of our region.

We believe that it is only through strong protection of Intellectual Property Rights that the region can truly develop a dynamic and innovative business environment which will

contribute to sustainable economic progress and development, real growth in the Gross National Product (GNP) and increased social welfare.

#### **IV- OUR APPROACH**

##### **1- Overview of the ACDR Capabilities**

The Arab Center for Domain Name Dispute Resolution (ACDR) is a joint undertaking by the Arab Society for Intellectual Property (ASIP) and the Arab Center for Mediation and Arbitration in Intellectual Property (AIPMAS). The aim of the above center is to resolve domain name disputes under the Uniform Domain Name Dispute Resolution Policy (UDRP).

##### **a- Historical Synopsis**

###### **- The Arab Society for Intellectual Property (ASIP)**

The society was established with support from the Arab Society for the Protection of Industrial Property (Munich-Germany), this is the “original society” under the umbrella of which the activities and events of the society are carried out.

The society aims at promoting and reinforcing the system of Intellectual Property in Jordan, and enhancing competence and knowledge of the personnel working in this field, in addition to the activities of the Center of Mediation and Arbitration, belonging to the society, which resolves conflicts relating to Intellectual Property through international arbitrators.

###### **- The Arab Intellectual Property, Mediation, and Arbitration Society (AIPMAS)**

The Arab Intellectual Property Mediation and Arbitration Society (AIPMAS) was established under the name of the Arab Society for Protecting Industrial Property on May 31, 1987 as a Jordanian society with public profit (non profit society). The society was officially declared in the meeting held on February 23, 1987, in Munich. One of the first objectives of the Arab Intellectual Property, Mediation, and Arbitration Society was to support the establishment of national societies in the Arab countries, in accordance with the laws in each country.

The society aims at upgrading and unifying the Arab legislations in the field of Intellectual Property by studying the various aspects of patents, trademarks, industrial models and copyrights in order to prescribe their bases and effects and to propose the basic lines for formulating them into laws. The society also seeks to raise awareness about the necessity of providing international protection for Intellectual Property and its various branches for the concerned people in the Arab world and to develop the laws in accordance with the provisions of the Paris Convention (1883) and other conventions in the field of IP protection as it provides benefits to professionals, consumers, producers and the community in general.

In accordance with the objectives, on May 31, 1987 the Arab Society for the Protection of Industrial Property was established and had its center in Amman, Jordan. A

group of specialists, and interested individuals, involved in industrial property practice and for purposes of the development of the profession and enhancing its level, joined the society.

The society was modified in form several times; the name of the society was modified, as well as its articles of association, in 1997 and its name became "The Arab Society for Protecting Intellectual Property" in Jordan, which was meant for expanding its activities to include all branches of intellectual property.

Because resolution of conflicts relating to Intellectual Property is considered one of the objectives of the society, it was decided to focus on this activity, and the final modification in 2003 took place, when the name became (The Arab Intellectual Property, Mediation, and Arbitration Society), and its articles of association was modified to include in its objectives the establishment of a center for arbitration and mediation in Intellectual Property.

#### **- Arab Center for Mediation and Arbitration in Intellectual Property**

The Arab Center for Mediation and Arbitration in Intellectual Property was declared in a joint meeting held at the center of the International Chamber of Commerce in Jordan, August 13, 2003 between the Jordanian Committee of Intellectual Property in E-commerce, the AIPMAS and the Jordanian Arbitration Committee as one of the sub-committees under the AIPMAS. The Center of Mediation and Arbitration is one of the activities pertinent to the society.

The center manages conflict resolution by following its own mediation and arbitration rules prepared by the Executive Committee formed to administer the Center of Mediation and Arbitration in Intellectual Property. This committee reports to the society's Board of Directors.

#### **b- Multiple Languages**

The ACDR is confident that it can provide reliable and high quality administration of UDRP cases in three major languages, namely Arabic, English and French. Our team members are either educated in English or French, or both, next to Arabic. Nevertheless, ACDR will also continue to expand foreign language capabilities, for instance in Spanish, Chinese, German, Italian and Korean.

#### **c- ACDR Office**

ACDR shall enjoy spacious facilities in one of the most sophisticated office buildings in Amman - Jordan. Located in the center of Amman, the offices are fully equipped to handle administrative proceedings with extreme quality and professionalism. The center will not need to search for new premises for its proposed UDRP Center. The center's role is to administer the proceedings, which includes verifying that the complaint satisfies the formal requirements of the UDRP policy, rules and its supplemental rules, and coordinating with the concerned registrar's, the parties and the panel to verify all matters and facilitate the process for final resolution of the dispute.

The center will be operated by a team of professional to whom different roles will be assigned, including, the management of the administrative procedure, supervisory responsibilities, and the tasks of case administrators as well as accounting and financial control.

#### **d- Fees**

The fees consist of an amount to be retained by the center as an administrative fee and an amount to be paid to a panelist. The ACDR would like to have its fees similar to current UDRP providers. The fees for our domain name dispute resolution services are outlined in our supplemental rules.

#### **e- Advisory Board**

The center shall have an Advisory Board; which will encompass international experts, who will support the center on regular basis in different areas, including policy matters related to the organizational development, technology, procedure, and outreach. Their selection will be according to experience and knowledge in the field of intellectual property protection in general and ADR procedures, including resolution of domain name disputes, in particular ensuring constant development to the center. The Advisory Board will be scheduled to meet every three months (via teleconferencing or online) to discuss all issues related to the center.

### **2- Initial list of the names and qualifications of the panelists**

#### **a- Initial List of Neutrals**

An initial list of highly qualified neutrals who have agreed to serve as panelists (in response to a limited call) can be found in Annex 1 of this Proposal. Providing an excessively long list of neutrals has been avoided for the purposes of this Proposal. However, additional call for panelists may take place during implementation.

The initial panelists are multinational, multilingual and highly qualified professionals possessing knowledge and experience in ADR in general and domain name dispute resolution in particular, thus, are considered to be experts in their field of practice. The panelists are residents of deferent countries around the world and are capable of conducting proceedings in several languages. The grounds which the ACDR demands a panelist to meet can be found in Annex 2 of this Proposal.

Before the appointment of a panelist, the elected panel will be requested to sign and return back to the Center a Declaration of Independence and Impartiality using the form specifically designed for that purpose which will be available on the Center's website.

A party to the administrative proceedings may challenge the appointment of a panelist via filling a written request to the Center stating the circumstance and reasons for the challenge within five (5) calendar days from the date of notice of the selection. The Center will determine whether adequate circumstances exist for disqualification. (please see Supplemental Rules in Annex 3 of this Proposal)



## **b- Screening Requirements**

Screening requirements - please see Annex 2 of this proposal.

## **3- Training and educational measures employed for panelists**

To facilitate the exchange of information and ideas, as well as to further develop and enhance the knowledge and experience of panelists, the ACDR will exert its efforts in achieving mechanisms for training in general, as well as remote training in particular, for instance, slide show presentations over a computer network or the web; live or streaming video; recording of presentation activity for later viewing and/or distribution through the web. The major training efforts contemplated are as follows:

### **a- eTraining**

ACDR shall hold online training sessions in the form of, without limitation, web seminars (Webinars) as an interactive e-learning tool, to both introduce and discuss important issues online. The events often include real world successes presented by panelists and viewpoints from the center, panelists will be enabled to access on demand archive and replay web seminars.

### **b- Online discussion**

The ACDR will establish an online discussion medium, accessible by panelists only, enabling panelists to communicate with each other and exchange perspectives and experience on all matters relating to the centers UDRP process and legal practice of domain dispute resolution.

However, any significant legal perspectives or points of critical practice importance which would have the effect of further development in the field will be published on the centers website in the form of panelist's views on UDRP practice.

### **c- Annual meeting**

ACDR will have an annual meeting for its panelists in Amman to explore and examine contemporary issues in domain name dispute resolution in general and UDRP practice in particular.

## **4- Commitment**

The ACDR is committed not to prevent or discourage its listed panelists from serving as panelists for domain name disputes administered by other approved providers.

## **5- Supplemental rules**

Please see Annex 3 of this Proposal.

## **6- Internal operating procedures**

Please see Annex 4 of this Proposal. (*Confidentiality Asserted*)

## **7- Implementation schedules**

The ACDR intends to implement the UDRP project described in this Proposal within 6 - 8 months from its approval by the ICANN.

## **8- Statement of requested limitation on the number of proceedings**

During the start-up period the ACDR requests limitation of 5000 proceeding. The ACDR does not ask for any limitations on the number of proceedings that the ACDR could handle on permanent basis.

The ACDR's professional team includes four lawyers (fluent In English and Arabic), a support staff, highly qualified translators and IT team. The center will expand its team to include additional personnel, especially lawyers and supporting staff, during UDRP implementation.

## **9- Description of proposed administration to the proceedings**

The ACDR will provide the administration of UDRP administrative proceedings in compliance with the UDRP Rules. Nonetheless, the ACDR contemplates future advancement to the UDRP system towards the abandonment of paper pleadings.

### **a- Expedited & eUDRP**

We acknowledge the fact that the requirement for the exchange of paper pleadings is one of the obstacles that hinder the achievement of expedited UDRP. The ACDR shall embrace all future developments in the field of domain name dispute resolution. Mainly, the ACDR is interested in having all UDRP proceeding to be held totally online with no physical exchange of paper documents. One of the goals, or approaches, we are willing to accomplish is towards limiting paper submissions to circumstances where the Center deems necessary under the Center's discretionary authority. Nevertheless, our current attempt is to set flexible Supplemental Rules to embrace possible paperless UDRP should the Rules experience amendment to that effect anytime in the future.

In accordance with the current status of the Policy and the Rules, we will establish an electronic medium for the administration of proceedings where parties may create a user account with a unique user name and password to provide secure online filing and electronic submission of complaints and responses. Nevertheless, the Center will consistently exert efforts to achieve simplified submission and communication of hardcopies of complaints and responses.

### **b- In general, the ACDR will administer proceeding under UDRP as follows:**

The Complainant files a Complaint with the ACDR according to the Policy, the Rules and Supplemental Rules. A copy is communicated to the Respondent and the concerned Registrar(s). (Should an expedited approach of no paper requirement becomes possible under UDRP, only an electronic form copy of the Complaint will be transmitted to the

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Respondent and actual notice of the Complaint is to be achieved via electronic means to the addresses supplied by the Registrar to the Center)

The ACDR will review the Complaint for administrative compliance. In the event of non-compliance the Complainant will have 5 days to amend the Complaint or the Complaint will otherwise be dismissed.

Upon acceptance of the Complaint by the ACDR, the proceedings will begin and the Respondent will have 20 days to respond to the Complaint and transmit a Response to ACDR according to the Policy, the Rules and Supplemental Rules.

In the event that the Respondent does not submit a written response, the Panel will base its decision on consideration given to the Complaint alone.

The ACDR shall decide on additional submissions in accordance with its Supplemental Rules.

The ACDR appoints the Panel for deciding the case.

The Panel examines the Complaint and the Response.

Hearings (via teleconference, video conference or web conference etc.) shall be held according to the Panel's sole discretion to that effect.

The Panel renders its Award. The Award is published on the ACDR website and transmitted to the Parties, the Registrar, and ICANN.

For details on our proposed Supplemental Rules please see Annex 3 of this Proposal.

### **10- Publishing the decision of the panelists in the proceedings**

The ACDR will publish all decisions rendered by panelists on its website.

The ACDR will administer UDRP proceeding in English, Arabic and French, and plans to extend its capacity to include other languages in the future. Significant decisions rendered in French or Arabic will include translations to English, and, in the future, decisions in other languages will have English summaries.

The ACDR is committed to provide ICANN with copies of all portions of panel decisions that are not published.

ACDR will have its own system/search tool for researching the centers decisions resolved under UDRP. The tool provided will assist complainants, respondents, their counsel, panelists, providers, and members of the public who are concerned with the DNS, the UDRP practice, as well as IP protection in general, in researching decisions on domain names.

## **V- OUR TEAM**

Our team includes experts with considerable knowledge and experience in several fields of legal practice with focus on intellectual property, ADR and understating of the regulation and practice of international domain name dispute resolution systems.

The team members are highly self-motivated, enthusiastic and professional individuals with eagerness to succeed; they will be the key elements players in the preparation and implementation of our UDRP system.

#### **VI- LIST OF ANNEX**

Annex 1: Initial list of the names and qualifications of the panelists

Annex 2: Screening requirements

Annex 3: Supplemental rules

Annex 4: Operating procedures