



ICANN Registry Request Service

Ticket ID: W2U5Y-0Z1U2

Registry Name: Gemeente Amsterdam

gTLD: .amsterdam

Status: ICANN Review

Status Date: 2016-09-27 14:14:32

Print Date: 2016-09-27 14:15:22

Proposed Service

Name of Proposed Service:

Alternative Dispute Resolution Policy .amsterdam

Technical description of Proposed Service:

The proposed services for .Amsterdam consists of two parts.

Part one - Infringement of rights dispute resolution system

If a person or company or government body believes that a domain name infringes with his rights then he can make use of the Infringement of rights dispute resolution system. The system can help with disputes relating to: Brandnames, Trading names, Names of Government agencies and other bodies and personal names.

Disputes are settled by impartial legal experts, who are specialists in this field.

The proposed policy will never overrule a UDRP or URS.

The biggest difference compared to UDRP will be that the regulations do not only apply if the existing .amsterdam domain name is identical or confusingly similar to a trademark, but also to a trade name protected in the Netherlands or a personal name, the name of a governmental body, or the name of an association or foundation registered in the Netherlands.

A second difference is that the regulations apply if the registrant has registered or is using the domain name in bad faith (within UDRP it needs to be a registration AND use in bad faith).

When a person or organization reports an infringements of rights we will first start a mediation. This mediation is handled by trained professionals of SIDN. The professionals of SIDN have years experience in handle mediation for .nl. For .nl the mediation service is very successful. In the event that the mediation does not lead to a solution the dispute is hand over to WIPO.

WIPO (World intellectual property organization) handles the Registry-Specific Policies and Procedures for . nl, .pro, .asia and 70 ccTLD's. WIPO also handles UDRP cases. See for the total list attachment "List of TLD's where WIPO handles specific gTLD registries, and policies and procedures". The decision that WIPO makes will be executed by the registry operator of .Amsterdam.

Part two: Complaining about a domain name

The Complaints Board (CB) considers complaints about domain names whose registration are contrary to public order or morality ,if a person believes that a domain name is unethical or irresponsible. One that encourages violence or



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discrimination, for example. Then he can complain about the name to the CB.

The complaints Board consist out of professors, (former) judges and specialist attorneys.

Consultation

Please describe with specificity your consultations with the community, experts and or others. What were the quantity, nature and content of the consultations?:

The Infringement of rights dispute resolution system is based on the dispute resolution for .nl. The dispute resolution for .nl is based on several domain name debates with stakeholders (Registrars, registrants, hosters, government and brand owners.) The Complaining about a domain name is based on the Complaints and Appeals Board for .nl. The complaints and appeals Board for .nl is based on several domain name debates with stakeholders (Registrars, registrants, hosters, government and brand owners.)

Over the years both the infringements of rights dispute resolution and the complaining about a domainname policy for .nl are evaluated with several registrars via the Association of Registrars for .nl. .Amsterdam focusses on the same market as .nl , namely the Netherlands. The proposed services applies for al the 5,6 million .nl domain names. This makes the proposed policy a proven and effective way against abuse. 80% of the registrars for .amsterdam is also a registrar for .nl.

Both services where introduction in the answering of the applicant guidebook (AGB). For .nl there where 75 cases in 2015.

a. If the registry is a sponsored TLD, what were the nature and content of these consultations with the sponsored TLD community?:

.Amsterdam is not a sponsored TLD.

b. Were consultations with gTLD registrars or the registrar constituency appropriate? Which registrars were consulted? What were the nature and content of the consultation?:

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c. Were consultations with other constituency groups appropriate? Which groups were consulted? What were the



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nature and content of these consultations?:

The Infringement of rights dispute resolution system is based on the dispute resolution for .nl. The dispute resolution for .nl is based on several domain name debates with stakeholders (Registrars, registrants, hosters, government and brand owners.) The Complaining about a domain name is based on the Complaints and Appeals Board for .nl. The complaints and appeals Board for .nl is based on several domain name debates with stakeholders (Registrars, registrants, hosters, government and brand owners.)

d. Were consultations with end users appropriate? Which groups were consulted? What were the nature and content of these consultations?:

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e. Who would endorse the introduction of this service? What were the nature and content of these consultations?:

There will not be a formal endorsement by any third party of the services. As stated before, both services are long standing policies under the .nl ccTLD that are used and accepted by in general the same community as the .Amsterdam community.

f. Who would object the introduction of this service? What were(or would be) the nature and content of these consultations?:

The proposed service is based on the dispute resolution for .nl. The dispute resolution for .nl is based on several domain name debates with stakeholders(Registrars, registrants, hosters, government and brand owners) For .nl there where no complaints because the total community profits from the policy. Less abuse (Intellectual property or an other kind of abuse) helps to improve the trust for the internet. This helps brand owners, hosters, governments, registrars and registrants.

Timeline

Please describe the timeline for implementation of the proposed new registry service:



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After the go of ICANN for the RSEP we will start the process of adding an addendum to the RRA (RRA Amendment Procedure). Parallel to this process WIPO, The Complaints Board (CB) and SIDN will implement the services for .Amsterdam in their organization. When these processes are completed we will inform the registrars about the dispute resolution. A month later the service will be live.

Business Description

Describe how the Proposed Service will be offered:

If a person or company or government body believes that a domain name infringes with his rights he can contact the Registry operator to start a dispute. The registry operator will bring the person or company in contact with WIPO. WIPO will start the case. The next step will be a mediation phase. The mediation phase will be handled by SIDN. If the dispute is solved with in this phase the case will be closed. WIPO will resolve the dispute if the dispute is not solved with in the mediation phase.

If a person believes that a domain name is unethical or irresponsible. He can contact the Registry operator to start a procedure. The registry operator will bring the person or company in contact with The complaints Board (CB). The complaints Board will handle the dispute.

Describe quality assurance plan or testing of Proposed Service:

SIDN will provide this service for .Amsterdam. The services of SIDN are regularly tested. Via Intern and external audits. SIDN has ISO 27001 accreditation.

SIDN works with WIPO and The complaints Board (CB) as independent bodies for the dispute resolution.

Please list any relevant RFCs or White Papers on the proposed service and explain how those papers are relevant.:

not applicable

Contractual Provisions

List the relevant contractual provisions impacted by the Proposed Service:

The following documents will have to be changed for the implement of the services.



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We have attached the documents with track changes for the proposed changes.

dotAMSTERDAM General Terms and Conditions
dotAMSTERDAM Registry Registrar Agreement RRA

The following documents apply for the proposed services.

Complaints regulations .Amsterdam
Dispute resolution regulations for .Amsterdam Domain Names

What effect, if any, will the Proposed Service have on the reporting of data to ICANN:

There will be no impact on the reporting data to ICANN.

What effect, if any, will the Proposed Service have on the Whois?:

There will be no impact on the WHOIS.

Contract Amendments

Please describe or provide the necessary contractual amendments for the proposed service:

The following documents will have to be changed to implement the services.
We have attached the documents with track changes for the proposed changes.
dotAMSTERDAM Registry Registrar Agreement RRA (proposed changes)
dotAMSTERDAM General Terms and Conditions (proposed changes)

Benefits of Service

Describe the benefits of the Proposed Service:

The policy will be based on the policy for .nl. The policy for .nl has proved to be very successful over the year.
It allows governments, organizations and persons who are not able to use UDRP or URS to make use of a Dispute Resolution System.

De policy for .nl is based on several debates between Registrars, registrants, hosters, government and brand owners. The participants of the debate were not limited to the Netherlands but most of the participants were located in the Netherlands.



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.Amsterdam has the same target group as .nl namely organizations and resident of the Netherlands. We believe that proposed service really helps the community.

The proposed policy will be similar to the .nl Dispute Resolution System (more information can be found here: <https://www.sidn.nl/a/nl-domain-name/infringement-of-rights>) and of course differs from UDRP.

The biggest difference compared to UDRP will be that the regulations do not only apply if the existing .amsterdam domain name is identical or confusingly similar to a trademark, but also to a trade name protected in the Netherlands or a personal name, the name of a governmental body, or the name of an association or foundation registered in the Netherlands.

A second difference is that the regulations apply if the registrant has registered or is using the domain name in bad faith (within UDRP it needs to be a registration AND use in bad faith).

A third difference is mediation. The Infringement of rights dispute resolution system will start with a mediation between parties. This often leads to a solution to the satisfaction of all parties.

Competition

Do you believe your proposed new Registry Service would have any positive or negative effects on competition? If so, please explain.:

We do not expect that the service will have negative effect on competitors. We expect that this service will lead to less abuse.

How would you define the markets in which your proposed Registry Service would compete?:

*The proposed policy will not compete with other services.
The policy will never overrule a UDRP of URS.*

What companies/entities provide services or products that are similar in substance or effect to your proposed Registry Service?:

SIDN offers the service for .nl.



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In view of your status as a registry operator, would the introduction of your proposed Registry Service potentially impair the ability of other companies/entities that provide similar products or services to compete?:

We expect that this service will have no effect on the competition with product and services of other parties.

Do you propose to work with a vendor or contractor to provide the proposed Registry Service? If so, what is the name of the vendor/contractor, and describe the nature of the services the vendor/contractor would provide.:

SIDN will provide the service for .Amsterdam.

SIDN works with WIPO and The complaints Board (CB) as independent bodies for the dispute resolutions

Have you communicated with any of the entities whose products or services might be affected by the introduction of your proposed Registry Service? If so, please describe the communications.:

not applicable

Do you have any documents that address the possible effects on competition of your proposed Registry Service? If so, please submit them with your application. (ICANN will keep the documents confidential).:

not applicable

Security and Stability

Does the proposed service alter the storage and input of Registry Data?:

The proposed policy will not effect the storage or input of Registry data.

Please explain how the proposed service will affect the throughput, response time, consistency or coherence of reponses to Internet servers or end systems:

not applicable

Have technical concerns been raised about the proposed service, and if so, how do you intend to address those concerns?:



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There are no technical concerns.

Other Issues

Are there any Intellectual Property considerations raised by the Proposed Service:

The proposed policy helps to protect intellectual property rights.

Does the proposed service contain intellectual property exclusive to your gTLD registry?:

The service is provided via SIDN (Registry service provider of .Amsterdam).

The operation of the service is handled by SIDN. The intellectual property rights of the proposed policy lies with SIDN and is not exclusive for the gTLD .Amsterdam.

List Disclaimers provided to potential customers regarding the Proposed Service:

Neither the Board (including its individual members and the secretary) dotAmsterdam BV nor SIDN shall have any liability towards any Appellant, Complainant or other party directly or indirectly involved in a procedure provided for in these Regulations, for damages arising out of any act or omission associated with the application of these Regulations.

Any other relevant information to include with this request:

None