

# Registrar Transfer Dispute Resolution Policy

In any dispute relating to Inter-Registrar domain name transfers, Registrars are encouraged to first of all attempt to resolve the problem among the Registrars involved in the dispute. In cases where this is unsuccessful and where a registrar elects to file a dispute, the following procedures apply. It is very important for Registrars to familiarize themselves with the Transfer Dispute Resolution Policy (TDRP) as described in this document before filing a dispute. Transfer dispute resolution fees can be substantial. It is critical that Registrars fully understand the fees that must be paid, which party is responsible for paying those fees and when and how those fees must be paid.

~~The~~This version of the TDRP and corresponding procedures will apply to all ~~domain names for which transfer requests are submitted~~Complaints filed on or after ~~the effective date of this policy~~ 1 December 2016.

## 1. Definitions

### 1.1 Complainant

A party bringing a Complaint under the TDRP. A Complainant may be either a Losing Registrar (in the case of an alleged fraudulent transfer) or a Gaining Registrar (in the case of an improper NACK) under this Policy.

### 1.2 Complaint

The initial document in a TDRP proceeding that provides the allegations and claims brought by the Complainant against the Respondent.

### 1.3 Dispute Resolution Panel

The Dispute Resolution Panel shall mean an administrative panel appointed by a Dispute Resolution Provider ("Provider") to decide a Request for Enforcement Complaint concerning a dispute under ~~this Dispute Resolution Policy~~the TDRP.

### 1.24 Dispute Resolution Provider

~~1.3~~The Dispute Resolution Provider must be an independent and neutral third party that is neither associated nor affiliated with ~~either Registrar involved in the dispute~~the Respondent, Complainant, or the Registry Operator under which the disputed domain name is registered. ICANN shall have the authority to accredit one or more independent and neutral Dispute Resolution Providers according to criteria developed in accordance with ~~this Dispute Resolution Policy~~the TDRP.

### 1.4 FOA

### 5 Form of Authorization ~~—(FOA)~~

The standardized form of consent that the Gaining Registrar and Losing Registrar~~of Record~~ are required to use to obtain authorization from the Registrant or Administrative Contact in order to properly process the transfer of domain name sponsorship from one Registrar to another.

## **1.56 Gaining Registrar**

The ~~Registrar that submitted~~ registrar who seeks to become the Registry Registrar of Record by submitting a transfer request.

## **1.7 Invalid Transfer**

A transfer that is found non-compliant with the Transfer Policy.

## **1.8 Losing Registrar**

The registrar who was the Registrar of Record at the time a request for the transfer of a domain sponsorship from the Registrar of Record is submitted.

## **1.6 Registrar 9 NACK**

A denial of ~~Record~~ a request for transfer by the Losing Registrar.

~~The Registrar of Record for a domain name for which the Registry received a transfer of sponsorship request.~~

## **1.710 Registrant**

The ~~Registrant is the~~ individual ~~or~~ organization ~~or entity~~ that ~~registers a specific domain name.~~ ~~This individual or organization~~ holds the right to use ~~that~~ a specific domain name for a specified period of time, ~~provided certain conditions are met and.~~

## **1.11 Registrar of Record**

~~The Registrar who sponsors a domain name at the registration fees are paid. This person or organization is the "legal entity" bound by the terms of the relevant service agreement with the Registry operator for the TLD in question~~ registry.

## **1.812 Registry (Registry Operator)**

The organization authorized by ICANN to provide registration services for a given TLD to ICANN-accredited Registrars.

## **1.913 Respondent**

A party against whom a Complaint is brought. Under the TDRP, the Respondent can be a Losing Registrar in the case of an improper (NACK), a Gaining Registrar in the case of an alleged fraudulent transfer, or the Registrar of Record.

## **1.14 Supplemental Rules**

The Supplemental Rules shall mean those rules adopted by the ~~Registry Operator, in the case of First Level disputes (as set forth below), or the~~ Provider administering a proceeding ~~(in the case~~

~~of all other disputes)~~ to supplement ~~this Policy~~the TDRP. Supplemental Rules shall be consistent with ~~this Dispute Resolution Policy~~the TDRP and shall cover topics such as fees, word and page limits and guidelines, the means for communicating with the Provider, and the form of cover sheets.

## ~~1.1015~~ Transfer Policy

The ICANN Consensus Policy ~~on Transfer~~governing the transfer of ~~Sponsorship~~sponsorship of ~~Registrations~~registrations between ~~Registrars which is in force~~registrars as ~~part of~~referenced in the Registry-Registrar Agreement executed between a Registrar and the Registry, as well as the Registrar Accreditation Agreement which is executed between ICANN and all ICANN--accredited registrars.

## 2. Dispute Resolution Process

~~There are two possible steps to the Registrar Transfer Dispute Resolution Process. A Registrar may elect one or both of the steps pursuant to the rules below. In the event a Registrar either files a Request for Enforcement (as described below) with a Second-Level Dispute Provider, or files an Appeal (as described below) with a Dispute Provider, it may not revert to the First Level Registry option later for the same filing or matter presented for resolution.~~

### ~~2.1 First Level – Registry Operator~~

~~A Registrar may choose to file a dispute directly with the relevant Registry Operator. Any decisions made by the Registry Operator may be appealed to a Dispute Resolution Provider. A Registrar may file a dispute directly to a Dispute Resolution Provider; however, in that case the filing Registrar would forfeit any right to appeal the decision of the Dispute Resolution Provider.~~

### ~~2.2 Second Level – Dispute Resolution Panel~~

~~The primary intent of this step is to provide a means for registrars to appeal decisions made by the Registry at the first level of the dispute resolution process, but it may also be used as the first step if a registrar so elects.~~2.1 Filing a Complaint

The Complainant may file a Complaint with a Dispute Resolution Provider. The decision of the Dispute Resolution Panel is final, except as it may be appealed to a court of competent jurisdiction in accordance with Section 3.4 of the TDRP.

### ~~2.32~~ Statute of Limitations

A dispute must be filed no later than ~~six (6)~~twelve (12) months after the alleged violation of the Transfer Policy. In the case where a Losing Registrar of Record alleges that a transfer was in violation of ~~this the~~Transfer Policy, the date the transfer was completed shall be deemed the date ~~in on~~ which the "alleged violation" took place. In the case where a Gaining Registrar alleges that a transfer should have taken place, the date ~~in on~~ which the NACK (as defined below) was received by the Registry, shall be deemed the date ~~in on~~ which the "alleged violation" took place.

## 3. Dispute Procedures ~~at the First Level (Registry)~~

**3.1 Registrar files a Request for Enforcement with ~~the applicable Registry Operator~~ a Dispute Resolution Provider**

3.1.1 Either the Gaining ~~or~~ Registrar ~~of Record~~ ("~~Filing or Losing~~ Registrar") may submit a ~~Request for Enforcement Complaint~~. This must be done in accordance with the Supplemental Rules adopted by the applicable ~~Registry Operator~~ Dispute Resolution Provider.

3.1.2 The ~~Request for Enforcement Complaint~~ shall be submitted to the ~~Registry~~ Dispute Resolution Provider and to the Respondent (~~the Non-filing Registrar~~) in electronic form and shall:

(i) Request that the ~~Request for Enforcement Complaint~~ be submitted for decision in accordance with the ~~Registrar Transfer and Dispute Resolution Policy TDRP~~ and the applicable Supplemental Rules;

(ii) Provide the name, postal and e-mail addresses, and the telephone and fax numbers of the ~~Filing Registrar~~ Complainant and those representatives authorized by the ~~Filing Registrar~~ Complainant to act on behalf of the ~~Filing Registrar~~ Complainant in the administrative proceeding;

(iii) Provide the name of the Respondent and all information (including any postal and e-mail addresses and telephone and fax numbers) known to ~~Filing Registrar~~ Complainant regarding how to contact Respondent or any representative of Respondent, including contact information based on pre-complaint dealings;

(iv) Specify the domain name(s) that is/are the subject of the ~~Request for Enforcement Complaint~~;

(v) Specify the incident(s) that gave rise to the dispute;

(vi) Describe, in accordance with the Transfer Policy, the grounds on which the ~~Request for Enforcement Complaint~~ is based;

(vii) State the specific remedy being sought (either approval or denial of the transfer);

(viii) Identify any other legal proceedings that have been commenced or terminated in connection with or relating to any of the domain name(s) that are the subject of the ~~complaint~~ Complaint;

(ix) Certify that a copy of the ~~Request for Enforcement Complaint~~, together with the cover sheet as prescribed by the Provider's Supplemental Rules, has been sent or transmitted to the Respondent; and

(x) Conclude with the following statement followed by the signature of the Complainant or its authorized representative:

"<insert name of ~~Filing Registrar~~ Complainant> agrees that its claims and remedies concerning the registration of the domain name, the dispute, or the dispute's resolution shall be solely against the Respondent and waives all such claims and remedies against the ~~Registry Operator~~ Dispute Resolution Provider as well as its directors, officers, employees, and agents, except in the case of deliberate wrongdoing or gross negligence."

"<insert name of ~~Filing Registrar~~ Complainant> certifies that the information contained in this ~~Request for Enforcement Complaint~~ is to the best of ~~Filing Registrar's~~ Complainant's knowledge complete and

accurate, that this ~~Request for Enforcement Complaint~~ is not being presented for any improper purpose, such as to harass, and that the assertions in this ~~Request for Enforcement Complaint~~ are warranted under ~~this Policy~~ the TDRP and under applicable law, as it now exists or as it may be extended by a good-faith and reasonable argument."

3.1.3 The ~~Request for Enforcement Complaint~~ may relate to more than one domain name, provided that the domain names involve the same ~~Filing Registrar Complainant~~ and Respondent and that the claims arise out of the same or similar factual circumstances.

3.1.4 The ~~Request for Enforcement Complaint~~ shall annex the following documentary evidence (as applicable and available) in electronic form if possible, together with a schedule indexing such evidence:

(i) For the Gaining Registrar:

- a. Completed Form of Authorization ("FOA")
- b. Copy of the Whois output for the date transfer was initiated, which was used to identify the authorized Transfer Contacts
- c. Copy of evidence of identity used
- d. Copy of a bilateral agreement, final determination of a dispute resolution body or court order in cases when the Registrant of Record is being changed simultaneously with a Registrar Transfer
- e. Copies of all communications made to the ~~Losing Registrar of Record~~ with regard to the applicable transfer request along with any responses from the ~~Losing Registrar of Record~~

(ii) For the ~~Losing Registrar of Record~~:

- a. Completed FOA from ~~the Losing Registrar of Record if applicable~~
- b. Copy of the Whois output for the date the transfer was initiated
- c. Relevant history of Whois modifications made to the applicable registration
- d. Evidence of one of the following if a transfer was denied:
  - fraud;
  - ~~UDRP action;~~
  - ~~Pending UDRP proceeding that the Registrar has been informed of;~~
  - ~~URS proceeding or URS Suspension that the Registrar has been informed of;~~
  - ~~Pending dispute under the Transfer Dispute Resolution Policy;~~
  - court order by a court of competent jurisdiction;
  - Registrant or administrative contact identity dispute in accordance with Section 4 of the Transfer Policy [Registrar of Record Requirements]

- applicable payment dispute along with evidence that the registration was put on HOLD status;
- express written objection from the Registered Name Holder or Administrative Contact;
- LOCK status along with proof of a reasonable means for the registrant to remove LOCK status as per Section \_\_\_ of Exhibit \_\_\_ to this Agreement;
- The Registrar imposed a 60-day inter-registrar transfer lock following a Change of Registrant, and the Registered Name Holder did not opt out of the 60-day inter-registrar transfer lock prior to the Change of Registrant request.
- domain name within 60 days of initial registration; or
- ~~•~~ domain name within 60 days of a prior transfer.

e. Copies of all communications made to the Gaining Registrar with regard to the applicable transfer request along with any responses from the Gaining Registrar.

**3.2 The ~~Non-Filing Registrar~~ ("Respondent") shall have seven (7) calendar days from receipt of the ~~Request for Enforcement Complaint~~ to prepare a Response to the ~~Request for Enforcement Complaint~~ ("Response").**

3.2.1 The Response shall be submitted in electronic form to both the ~~Registry Dispute Resolution Provider~~ and ~~Filing Registrar Complainant~~ and shall:

(i) Respond specifically to the statements and allegations contained in the ~~Request for Enforcement Complaint~~ (This portion of the response shall comply with any word or page limit set forth in the Dispute Resolution Provider's Supplemental Rules.);

(ii) Provide the name, postal and e-mail addresses, and the telephone and fax numbers of the Respondent (non-filing Registrar);

(iii) Identify any other legal proceedings that have been commenced or terminated in connection with or relating to any of the domain name(s) that are the subject of the ~~Request for Enforcement Complaint~~;

(iv) State that a copy of the Response has been sent or transmitted to the ~~Filing Registrar Complainant~~;

(v) Conclude with the following statement followed by the signature of the Respondent or its authorized representative:

"Respondent certifies that the information contained in this Response is to the best of Respondent's knowledge complete and accurate, that this Response is not being presented for any improper purpose, such as to harass, and that the assertions in this Response are warranted under these Rules and under applicable law, as it now exists or as it may be extended by a good-faith and reasonable argument."; and

(vi) Annex any documentary or other evidence upon which the Respondent relies, together with a schedule indexing such documents.

3.2.2 At the request of the Respondent, the ~~Registry Operator~~ ~~Dispute Resolution Provider~~ may, in exceptional cases, extend the period of time for the filing of the response, but in no case may the extension be more than an additional five (5) calendar days. The period may also be extended by written stipulation

between the Parties, provided the stipulation is approved by the ~~Registry Operator~~Dispute Resolution Provider.

3.2.3 If a Respondent does not submit a response, in the absence of exceptional circumstances, the ~~Registry Operator~~Dispute Resolution Panel appointed by the Dispute Resolution Provider shall decide the dispute based upon the ~~Request for Enforcement~~Complaint.

### **~~3.3 Registry Operator must review all applicable documentation and compare registrant/contact data with that contained within the authoritative Whois database and reach a conclusion not later than 14 days after receipt of the Response.~~**

~~3.3.1 If the data included in the Request for Enforcement does not match the data listed in the authoritative Whois, the Registry Operator must contact each Registrar and require additional documentation.~~

~~3.3.2 If the Gaining Registrar cannot provide a complete FOA with data matching that contained within the authoritative Whois database, then the Registry Operator shall find that the transfer should be reversed. In the case of a thick Registry, if the Registrar of Record's Whois is not accessible or invalid, the Registry Operator's Whois should be used. In the case of a thin Registry, if the Registrar of Record's Whois is not accessible or is invalid, the Registry Operator must notify ICANN and place the dispute on hold until such time as the specific problem is resolved by ICANN.~~

~~3.3.3 In the case where a Registrar of Record denies a request for a domain name transfer ("NACKs"), the Registrar of Record must provide evidence of one of the factors for which it is allowed to NACK. If the Registrar of Record cannot provide evidence that demonstrates any of the factors, and the Gaining Registrar provides to the Registry a complete FOA with data matching that contained within the authoritative Whois database, then the transfer must be approved to be processed.~~

~~3.3.4 If the data provided by neither Registrar appears to be conclusive, then the Registry shall issue a finding of "no decision." If the data provided to the Registry is complete and provides sufficient basis for a determination based on the Policy, the Registry may not issue a finding of "no decision." Either Registrar shall be able to appeal such issue to a Second-Level Dispute Resolution Provider in accordance with the provisions set forth below.~~

### **~~3.4 Fees for First-Level Dispute Resolution Service~~**

~~3.4.1 There is no filing fee assessed to the Filing Registrar at the time the Request for Enforcement is submitted to the Registry Operator.~~

~~3.4.2 The Registrar that does not prevail in the dispute will be assessed a fee to be set by the Registry Operator. Such fee shall be set forth in the Registry's Supplemental Rules that are in effect at the time that the Request for Enforcement was filed.~~

~~3.4.3 This fee shall not be passed on to the Registrant.~~



~~3.4.4 This fee will be charged after a final decision is rendered by the Registry. In the case that the Registry issues a finding of "no decision," the Registry Operator shall collect the applicable fees from the Filing Registrar.~~

### **3.5 Availability of Court Proceedings**

~~The procedures set forth above shall not prevent a Registrar from submitting a dispute to a court of competent jurisdiction for independent resolution before such an administrative proceeding is commenced or after such proceeding is concluded. If a Registry Operator decides a domain name registration should be transferred (either to the Gaining Registrar, or alternatively, back from the Gaining Registrar to the Registrar of Record), the Registry will wait fourteen (14) calendar days after it is informed of the decision before implementing that decision. The Registry will then implement the decision unless it has received during that fourteen (14) calendar day period official documentation (such as a copy of a complaint, file stamped by the clerk of the court) that a lawsuit has commenced with respect to the impacted domain name(s). If such documentation is received by the Registry Operator within the fourteen (14) calendar day period, the decision will not be implemented until (i) evidence is presented to the Registry Operator that the parties have resolved such dispute; (ii) evidence is presented to the Registry Operator that the lawsuit has been dismissed or withdrawn; or (iii) the Registry Operator receives a copy of an order from such court.~~

## **4. Dispute Procedures at the Second Level with a Dispute Resolution Provider**

### **4.1 The services of the Dispute Resolution Panel may be invoked in any of the following two situations:**

~~(i) A Filing Registrar may elect to skip the First Level dispute process at Registry level and submit a Request for Enforcement directly with a Dispute Resolution Provider;~~

~~(ii) The non-prevailing Registrar in a First Level dispute proceeding may submit an appeal of the applicable Registry Operator's decision to the Dispute Resolution Provider. Additionally, in the case where the result in the First Level dispute process is a "no decision," either Registrar may file an Appeal of such decision to a Dispute Resolution Provider.~~

### **4.2 Initial Request for Enforcement**

~~4.2.1 In the event that the Filing Registrar elects to submit a Request for Enforcement to the Dispute Resolution Provider in lieu of submitting a Request for Enforcement to the applicable Registry Operator, the obligations and responsibilities set forth in Sections 3.1 through 3.2 above shall apply.~~

~~4.2.2, 2.4 The Dispute Resolution Panel appointed by the Dispute Resolution Provider must review all applicable documentation and compare registrant/contact data with that contained within the authoritative Whois database and reach a conclusion not later than thirty (30) days after receipt of Response from the Respondent.~~



(i) If the registrant/contact data does not match the data listed in authoritative Whois, the Dispute Resolution Panel should contact each Registrar and require additional documentation.

(ii) If the Gaining Registrar is unable to provide a complete FOA with data matching that contained within the authoritative Whois database at the time of the transfer request, then the Dispute Resolution Panel shall find that the transfer should be reversed. In the case of a thick Registry, if the Registrar of Record's Whois is not accessible or invalid, the applicable Registry Operator's Whois should be used. In the case of a thin Registry, if the Registrar of Record's Whois is not accessible or is invalid, the Dispute Resolution Provider may place the dispute on hold until such time as the problem is resolved.

(iii) In the case where a Losing Registrar of Record NACKs a transfer, the Losing Registrar of Record must provide evidence of one of the factors for which it is allowed to NACK as set forth in Section 3.1.4

(ii)(d) of this Dispute Resolution Policy the TDRP. If the Losing Registrar of Record cannot provide evidence that demonstrates any of the factors, and the Gaining Registrar provides to the Dispute Resolution Provider a complete FOA with data matching that contained within the authoritative Whois database at the time of the transfer request, then the transfer should be approved.

~~(iv) Unlike under the First Level dispute process, the~~ (iv) The Dispute Resolution Panel may not issue a finding of "no decision." It must weigh the applicable evidence in light of the Transfer ~~policies~~ Policy and determine, based on a preponderance of the evidence, which Registrar should prevail in the dispute and what resolution to the Request for Enforcement Complaint will appropriately redress the issues set forth in the Request for Enforcement Complaint.

(v) Resolution options for the Dispute Resolution Panel are limited to the following:

a. Approve Transfer

b. Deny the Transfer (~~or This could include ordering the domain name be returned to the~~ Losing Registrar of Record in cases where a Transfer has already occurred.)

### **~~4.3 Appeal of First Level Dispute Decision or Registry Operator Finding of "No Decision."~~**

~~4.3.1 In the event that the Registrar which does not prevail in the First Level dispute is dissatisfied by the Registry Operator's decision, such Registrar may file an appeal with a Dispute Resolution Provider, provided that such appeal is filed no later than fourteen (14) calendar days after the date on which the First Level decision was issued.~~

~~4.3.2 In the event that the Registry Operator issues a finding of "no decision" in accordance with Section 3.3.4 above, either Registrar may file an appeal of such decision with a Dispute Resolution Provider, provided that such appeal is filed no later than fourteen (14) calendar days after the date on which the First Level decision was issued.~~

~~4.3.3 In either case, the document submitted by the~~ (vi) Transfers from a Gaining Registrar to the Dispute Resolution Provider shall be referred to as an "Appeal."

~~4.3.4 The Appellant shall submit the Appeal in electronic form and shall:~~

~~(i) Request that the Appeal be submitted for decision in accordance with the Policy and these Rules;~~

~~(ii) Provide the name, postal and e-mail addresses, and the telephone and telefax numbers of the Appellant and of any representative authorized by the Appellant to act on behalf of the Appellant in the administrative proceeding;~~

~~(iii) Provide the name of the Appellee, a third registrar, and all information (including any postal and e-mail addresses and telephone and telefax numbers) known to Appellee regarding how to contact Appellee or any representative of Appellee, including contact information based on pre-Request for Enforcement and pre-Appeal dealings; other subsequent transfers, are invalid if the Gaining Registrar acquired sponsorship of~~

~~(iv) Specify the domain name(s) that is/are the subject of the Appeal;~~

~~(v) Specify the incident(s) which gave rise to at issue through an Invalid Transfer, as determined through the dispute;~~

~~(vi) State the basis for such appeal, including specific responses to the findings of the Registry Operator in the First Level Dispute resolution process. (This portion of the response shall comply with any word or page limit set forth in the Dispute Resolution Provider's Supplemental Rules);~~

~~(vii) Specify, in accordance with the Policy, the remedies sought;~~

~~(viii) Identify any other related legal proceedings known to the Appellant that have been commenced or terminated in connection with or relating to any of the domain name(s) that are the subject of the complaint;~~

~~(ix) State that a copy of the Appeal, together with the cover sheet as prescribed by the Dispute Resolution Provider's Supplemental Rules, has been sent or transmitted to the Appellee; and~~

~~(x) Conclude with the following statement followed by the signature of the Appellant or its authorized representative:~~

~~"Appellant agrees that its claims and remedies concerning the registration of the domain name, the dispute, or the dispute's resolution shall be solely against the Appellee and waives all such claims and remedies against the Dispute Resolution Provider and the Registry Operator as well as their directors, officers, employees, and agents, except in the case of deliberate wrongdoing or gross negligence."~~

~~"Appellant certifies that the information contained in this Appeal is to the best of Appellant's knowledge complete and accurate, that this Appeal is not being presented for any improper purpose, such as to harass, and that the assertions in this Appeal are~~

warranted under this Policy and under applicable law, as it now exists or as it may be extended by a good faith and reasonable argument." Transfer Dispute Resolution Policy.

~~4.3.5 The Appeal may relate to more than one domain name, provided that the domain names involve the same decision issued by the Registry Operator for the First Level Dispute.~~

~~4.3.6 The Appeal shall annex any documentary evidence that was not already submitted to the Registry Operator during the First Level Dispute.~~

~~4.3.7 A Dispute Resolution Provider must request all documentation relating to the First Level Dispute from the applicable Registry Operator no later than seven (7) calendar days of receipt of the appeal. The Registry Operator shall submit such documentation to the Dispute Resolution Provider within seven (7) days of such request.~~

~~4.3.8 The (vii) In the event the Dispute Resolution Panel must review all applicable documentation and reach a conclusion not later than 30 calendar days after receipt of the Appeal.~~

~~(i) The Dispute Resolution Panel may submit questions to the Registry, the Appellant or Appellee.~~

~~(ii) Responses to all such questions must be received by the Dispute Resolution Panel within 7 days.~~

~~(iii) The Dispute Resolution Panel shall review each Appeal on a De Novo basis. Although the Dispute Resolution Panel is not bound by the findings of the Registry Operator in an Appeal, it shall have the discretion to consider such findings in reaching its own conclusions. The purpose of the Dispute Resolution Panel should be to make a determination as to whether the Appeal has merit based solely on the requirements of the current Transfer policy and determine the appropriate resolution to the issues presented.~~

~~(iv) The Remedies ordered by the Dispute Resolution Panel shall be limited to:~~

- ~~• Approval of a Transfer~~

~~Denial of the determines that an Invalid Transfer (or ordering occurred, the domain names shall be returned/transferred back to the registrar that was Registrar of Record in cases where a immediately prior to the Invalid Transfer has already occurred).~~

#### **4.4.3 Fees for ~~Second-Level~~ Dispute Resolution Service**

~~4.4.1 In the case of either a Request for Enforcement or an Appeal filed at the Second Level, the~~3.3.1 The applicable Dispute Resolution Provider shall determine the applicable filing fee ("Filing ~~Fee~~Fees"). The specific fees along with the terms and conditions governing the actual payment of such fees shall be included in the Dispute Resolution Provider's Supplemental Rules.

~~4.4.3.2~~ In the event that the ~~Filing Registrar or Appellant, whichever applicable, Complainant~~ does not prevail in a ~~Second Level~~ dispute, the Filing Fees shall be retained by the Dispute Resolution Provider.

~~4.4.3.3~~ In the event that the ~~Filing Registrar or Appellant, whichever applicable, Complainant~~ prevails in a ~~Second Level~~ dispute, the Respondent ~~or Appellee, whichever applicable~~, must submit to the Dispute Resolution Provider, the Filing Fees within fourteen (14) calendar days after such decision. In such an event, the Dispute Resolution Provider shall refund to the ~~Filing Registrar or Appellant~~ ~~Complainant~~, whichever applicable, the Filing Fees, no later than fourteen (14) calendar days after it receives the Filing Fees from the Respondent ~~or Appellee~~. Such fees must be paid regardless of whether a ~~Court Proceeding~~ court proceeding is commenced in accordance with Section ~~3.4.5~~ below. Failure to pay Filing Fees to the Dispute Resolution Provider may result in the loss of accreditation by ICANN.

### ~~3.4.5~~ Availability of Court Proceedings

The procedures set forth above shall not prevent a Registrar from submitting a dispute to a court of competent jurisdiction for independent resolution before such administrative proceeding is commenced or after such proceeding is concluded. If a Dispute Resolution Panel decides a domain name registration should be transferred (either to the Gaining Registrar, or alternatively, back from the Gaining Registrar to the ~~Losing Registrar~~ ~~of Record~~), such Registrar will wait fourteen (14) calendar days after it is informed of the decision before implementing that decision. The Registry will then implement the decision unless it has received from either of the parties to the dispute during that fourteen (14) calendar day period official documentation (such as a copy of a complaint, file-stamped by the clerk of the court) that a lawsuit has commenced with respect to the impacted domain name(s). If such documentation is received by the Registry, as applicable, within the fourteen (14) calendar day period, the decision will not be implemented until (i) evidence is presented that the parties have resolved such dispute; (ii) evidence is presented that the lawsuit has been dismissed or withdrawn; or (iii) a copy of an order from such court dismissing the lawsuit or ordering certain actions with respect to the domain name.

### ~~3.5~~ Decision Publication

~~3.5.1. The relevant Dispute Resolution Provider shall publish any decision made with respect to a transfer dispute initiated under the TDRP. All decisions under this Policy will be published in full over the Internet except when the Panel, convened by the Dispute Resolution Provider, in an exceptional case, determines to redact portions of its decision. In any event, the portion of any decision determining a complaint to have been brought in bad faith shall be published.~~

~~3.5.2. Decision reports shall include, at a minimum:~~

~~(i) The domain name under dispute;~~

~~(ii) The names of parties involved in the dispute;~~

~~(iii) The full decision of the case;~~

~~(iv) The date of the implementation of the decision.~~

~~3.5.3 If the Dispute Resolution Provider believes a decision should not be published, the Dispute Resolution Provider should confer with ICANN and publish the decision if so directed.~~

~~3.5.4. Publication does not apply to TDRP Complaints filed prior to~~ **1 December 2016**.