

Resolution Institute Supplemental Rules for .au Domain Name Dispute Resolution Policy (auDRP 2016-01)

(effective as of 15 April 2016)

1. Definitions

- (a) “Policy” means .au Dispute Resolution Policy (auDRP), policy number 2016-0105
- (b) “Rules” means AUDA’s rules for the auDRP
- (c) “Supplemental Rules” means Resolution Institute Supplemental Rules to the AUDA’s Rules for the auDRP

Any term defined in the Rules shall have the same meaning in these Supplemental Rules.

2. Scope

Unless otherwise explicitly provided herein, the administrative proceedings for the resolution of complaints lodged to Resolution Institute in accordance with the auDRP shall be governed by the Rules.

3. Communications

- (a) Any submissions to be made to Resolution Institute during the proceedings shall be made either:
 - i. By electronic email to nominations@resolution.institute
 - ii. By post to Resolution Institute, Suite 602, Level 6 Tower B, Zenith Centre, 821-843 Pacific Hwy, Chatswood NSW 2067
 - iii. By facsimile to (02) 9251 3733
- (b) Resolution Institute will maintain a record of all correspondence required to be made under the Rules.

4. Submission of Complaint

Please ensure that the below requirements are met when you submit your complaint:

- (a) Submit the whole complaint electronically (including annexes)
- (b) Limit the complaint to 10 pages, excluding annexed material and exhibits
- (c) Ensure that the total size of *each* email (including attachments) transmitted to Resolution Institute is not more than 6MB (megabytes), if information to transmit is more than 6MB, the files can be separated into more than one email

- (d) Ensure that the total size of *each* individual file (pdf/word/excel) transmitted to Resolution Institute is not more than 6MB, if information to transmit is more than 6MB, the files can be transmitted separately (e.g. email attachment/fax)
- (e) Accompany the complaint with a cover sheet in the form of a Resolution Institute complaint application form available online— <https://www.resolution.institute/resolving-disputes/quickfiles>
- (f) No action shall be taken by Resolution Institute on a complaint until Resolution Institute has received from the Complainant the initial fee.
- (g) Resolution Institute prefers submissions to be in PDF, however will accept submissions made as word or excel documents.

5. Resolution Institute administrative Compliance Review

- (a) Upon receipt of the complaint, Resolution Institute shall within five (5) calendar days review the complaint for administrative compliance with the Policy, Rules and Supplemental Rules.
- (b) Resolution Institute will advise the Complainant of any deficiencies within the application which must be rectified within five (5) calendar days as per Paragraph 4(b) of the Rules.
 - i. If the Complainant fails to rectify the deficiencies within the required time frames Resolution Institute will notify the Parties, and Registrar that the complaint is deemed withdrawn without prejudice to submission of a different complaint by the Complainant.

6. Notification of Complaint

- (a) If the complaint is compliant with the Policy, Rules and Supplemental Rules, Resolution Institute shall send Written Notice of the complaint to the Respondent as per Paragraph 4(a) of the Rules
- (b) The complaint as a whole will be forwarded to the Respondent electronically in accordance with Paragraph 2(a) the Rules.
- (c) Resolution Institute shall also forward the complaint as a whole to the Registrar and notify AUDA electronically
- (d) The date of commencement of the administrative proceeding shall be the date on which Resolution Institute completes its responsibilities under Paragraph 2(a) in connection with sending the complaint to the Respondent.

7. Submission of Response

Please ensure that the below requirements are met when you submit your complaint:

- (a) Submit the whole response electronically (including annexes) no later than 20 calendar days after the date of commencement
- (b) Limit the response to 10 pages, excluding annexed material and exhibits
- (c) Ensure that the total size of *each* email (including attachments) transmitted to Resolution Institute is not more than 6MB (megabytes), if information to transmit is more than 6MB, the files can be separated into more than one email

- (d) Ensure that the total size of *each* individual file (pdf/word/excel) transmitted to Resolution Institute is not more than 6MB, if information to transmit is more than 6MB, the files can be transmitted separately (e.g. email attachment/fax)
- (e) Should the response not be submitted to Resolution Institute within the required time frame, Resolution Institute will proceed to appoint a Panellist/s as per Paragraph 6(b) and (e) of the Rules
- (f) Resolution Institute prefers submissions to be in PDF, however will accept submissions made as word or excel documents.

8. Appointment of a Panellist

- (a) Resolution Institute maintains and publishes a publically available list of panellists and their qualifications on the website: <http://www.resolution.institute/>
- (b) If neither the Complainant or Respondent elect a three (3) member panel, Resolution Institute shall select, within five (5) calendar days following receipt of the response (or the lapse of the time period to submit a response), a single panellist from the published list.
- (c) If either the Complainant or the Respondent elects a three (3) member panel, Resolution Institute shall appoint the panellists in accordance with the procedures set out in Paragraph 6(e) of the Rules.
- (d) If the Respondent is the party to select a three (3) member panel, the Complainant must submit within five (5) calendar days of receipt of the response the names and contact details of three (3) candidates to serve as one of the panellists in accordance with Paragraph 6(d) of the Rules
- (e) Parties are notified once the Panellist/s have been elected and a date that the panel will forward a decision to Resolution Institute (absent of exceptional circumstances).

9. Panellist Declaration

Prior to appointment as a panellist, a candidate shall be required to submit to Resolution Institute a declaration of impartiality and independence substantially in the form set forth in Paragraph seven (7) of the Rules.

10. Notification of Panellist/s Decision

- (a) Resolution Institute will submit the decision to the parties, registrar and AUDA within five (5) calendar days of receipt of the decision.
- (b) The decision in full will be published onto Resolution Institute's website as per Paragraph 16(b) of the Rules

11. Fees

- (a) The schedule of fees (in AUD) as advised by AUDA are below

- i. Single member Panel

<i>Number of Disputed Domain Names</i>	<i>Fee (AUD)</i>
1-5	\$2,000 plus GST of \$200 (total \$2,200)
6-10	\$2,700 plus GST of \$270 (total \$2,970)
More than 10	To be decided in consultation with Resolution Institute

ii. Three member Panel

<i>Number of Disputed Domain Names</i>	<i>Fee (AUD)</i>
1-5	\$4,500 plus GST of \$450 (total \$4,950)
6-10	\$5,700 plus GST of \$570 (total \$6,270)
More than 10	To be decided in consultation with Resolution Institute

(b) The obligation to pay the fees is determined as follows:

- i. Three member Panel requested by Complainant: Complainant accepts liability for total amount
- ii. Three member Panel requested by Respondent: the liability for the fee is equally divided between the parties (i.e. for 1-5 disputed domain names \$2,475 each)

(c) Payment should be made by cheque or money order, payable to:

Resolution Institute
Attention: Nomination Services Officer
Suite 602, Level 6 Tower B, Zenith Centre
821-843 Pacific Hwy
Chatswood, NSW 2067

(d) In the event of abandonment, withdrawal or other termination of a proceeding prior to the appointment of a Panel, Resolution Institute shall refund fees to the Parties submitting them, except that it shall reserve an administrative processing fee of \$650. No part of any fee shall be refunded after appointment of a Panel pursuant to Paragraph 6 of the Rules.

12. Communication between Parties and the Panel

No Party or anyone acting on its behalf may have direct communication with the Panel. Any Party communicating with Resolution Institute shall copy such communication to all Parties.

13. General Powers of the Panel

The Panel shall have the authority to determine challenges to its jurisdiction and procedural challenges arising from the Rules or these Supplemental Rules. Challenges to the impartiality, integrity or independence of a Panellist shall be determined by the Resolution Institute Nomination Services Officer(s).

14. Further Statements

(a) Resolution Institute will convey to the Panel that any submission made by either Party, prior to the Panel's decision is complete, Resolution Institute will not review such submission(s) for form or content, and instead will defer to the Panel the decision as to whether, and to what extent, such post-response submission(s) will be accepted and considered.

15. Exclusion of Liability

- (a) Except in respect of deliberate wrongdoing, neither any member of the Panel nor Resolution Institute shall be liable to a Party, a Registrar or AUDA for any act or omission in connection with any administrative proceeding
- (b) For the avoidance of doubt it is agreed and understood by the parties that where possible, Resolution Institute will provide images of documents to the Panellist or Panel appointed and Resolution Institute and its Panellists are jointly and singularly indemnified by the Parties for any issues, liability or other concerns arising from the use of technology in this manner

16. Amendments

These Supplemental Rules may be amended by Resolution Institute at any time at its sole discretion. The version of these Supplemental Rules in effect at the time of a Party's submission of a Complaint shall govern proceedings with respect to that complaint.