**Goal:** Where an applicant claims a legitimate interest in a second-level domain name that is a protected name, our goal is to provide a procedure for determining whether the application should proceed to registration.

**General Principles:** The procedure must:

* **Provide immediate notification to the applicant and the protected organization when an application is refused registration because a name is protected.**
* Provide a channel of communication between the applicant and the protected organization;
* **Provide an impartial, expeditious, and inexpensive process for determining if the applicant has a legitimate interest such that its application should proceed to registration;**
* Use existing dispute resolution procedures wherever possible.

**Outline of Procedure:**

***1.*** ***Notification of Conditional Refusal Based on*Protected** ***Name.***  The applicant and protected organization will receive immediate electronic notification if an applied-for second level domain is conditionally refused registration because of a Protected Name in the Clearinghouse.

***2. Declaration of Legitimate Use.***

   2.1  Each protected organization must record and maintain accurate contact information with the Clearinghouse designating a recipient and address to be notified electronically.

2.2 Within ten (10) days of receiving a conditional refusal, an applicant may file a declaration with the Registry. The declaration must identify the applicant accurately, provide accurate contact information, and state that the applicant has a good faith, legitimate interest in using the domain name that does not violate any treaties, national laws or other legal entitlement of the protected organization. A standard form will be provided. The protected organization will receive a copy of the declaration electronically at its given address when the declaration is filed with the Registry.

   2.3  If, within ten (10) days after receipt of the above declaration, the protected organization does not file an objection with the Registry, the subject application will proceed to registration.

  2.4. If, within ten (10) days after receipt of the above declaration, the protected organization files an objection with the Registry, the conditional refusal will be reviewed by an independent Examiner.

***3. Examination.***

   The examination procedure (which is under consideration and will be discussed before this section is filled in) must comply with the principles above. It must:

       3.1 Be impartial;

       3.2 Give both parties the opportunity to be heard;

       3.3 Be expeditious; and

       3.4 Use existing procedures whenever possible.

**Goal**

Where an applicant claims a legitimate interest in a second-level domain name that is protected as a reserved name, our goal is to provide a dispute resolution procedure for determining whether the application should proceed to registration.

**General Principles**

The dispute resolution procedure must:

* Provide immediate notification to the applicant and the organization when an application is refused registration because it is reserved.
  + [Gomes, Chuck] Sounds good.
* Provide a channel of communication between the applicant and the organization;
  + [Gomes, Chuck] What organization? ICANN? The protected organization? I would personally prefer a procedure that didn’t require communication between the applicant and whatever organization you mean (e.g., TMCH).
* Provide an impartial, expeditious, and inexpensive process for determining if the applicant has a legitimate interest such that its application should proceed to registration despite its similarity to a protected string.
  + [Gomes, Chuck] How do we measure legitimate interest?
* Use existing procedures wherever possible.
  + [Gomes, Chuck] Agree.

**Assumptions:**

* use a central repository in which strings and organizations (at the minimum) are stored

**Questions to Consider:**

* Start where a registrant tries to register an exact match second level domain name:
  + What happens then?
  + Is the registrant informed?
  + What information/letter/documentation is requested from the registrant?
  + Who makes the determination?
  + What happens if the organization entitled to the designation does not respond within a specified time?
  + Would that lead to an auto-approve? Auto-denial?
  + Should there be an appeal process?
  + How long shall the whole procedure take?
  + Who shall bear the cost?