



Comments on the Registry Restrictions Dispute Resolution Procedure

The Coalition Against Domain Name Abuse (CADNA) welcomes the opportunity to provide comments on the Registry Restrictions Dispute Resolution Procedure (RRDRP).

To begin, CADNA would like to acknowledge the importance of creating an RRDRP process. In the case of community-based gTLDs where a single registry is operating a portion of the domain name space on behalf of an entire community, it is crucial that the registry uphold the commitment it has made to representing the community in question and fulfilling the obligations inherent in that commitment. While the initial application process for a community-based gTLD is fairly thorough in its guidelines as to which entities are qualified to run such a registry, it is still helpful to have a mechanism in place that empowers communities after the gTLD is established.

Given that the RRDRP is somewhat similar to the Trademark Post-Delegation Dispute Resolution Procedure (PDDRP), many of CADNA's comments will echo those made about the PDDRP. One requirement set forth in the RRDRP, as in the PDDRP, is that all submissions and proceedings must be done in English, and parties may submit supporting evidence in their native language only if approved by the panel. This requirement seems somewhat prohibitive. Given the global scope of the Internet, it seems to violate the spirit of equal access and inclusiveness to bar trademark owners from being able to participate in this process in their native languages.

CADNA also believes that it would be beneficial for the RRDRP to provide a more detailed description of what constitutes a "measurable harm" to the community represented by the registry. Obviously, given the diversity of communities that could potentially be represented by gTLDs in the future, each case of harm will be unique. However, it would behoove the RRDRP process to establish a clearly defined, common set of criteria upon which a Complaint may be filed. This will benefit the communities by allowing them to recognize the type of harm they will be able to successfully demonstrate in a Complaint and not waste valuable time and resources on filing Complaints that will not be examined. Additionally, the establishment of a common set of criteria could de facto influence the behavior of registries in a way that prevents them from inflicting harm on the communities to begin with.

Finally, CADNA would like to call into question whether or not it is wise for different RRDRP Providers to operate under different rules. It seems that the potential disparities that could arise across Providers could prove detrimental to the RRDRP process overall. Additionally, equality across Providers will make the entire RRDRP process fairer for all participants.