



ANTI-ABUSE POLICY

APPEAL PROCESS RULES

Part of Public Interest Registry's ("PIR") mission is to serve as an exemplary registry and as a model for registry operator behavior. As part of that mission, PIR published its [Anti-Abuse Principles](#) that set forth the standards by which PIR operates with regards to abuse. Due process principle is at the core of the PIR Anti-Abuse Policy and provides that:

Due process must be observed in each decision; this includes having a publicly available appeal process – Abuse mitigation can work only if it is seen to be fair and to follow basic principles of due process, including notice through the registrar to the registrant (subject to ordinary limits like law enforcement demands), an opportunity to be heard, an opportunity to cure or correct any Abuses, and the ability to appeal decisions taken.

Accordingly, PIR has developed this Appeals Process for suspensions under its Anti-Abuse Policy. While impacted registrants currently have the right to appeal a decision to PIR's management, this process creates a right for registrants to have a suspension reviewed by a neutral third party.

These rules govern the arbitration proceedings for an appeal of a determination to suspend a domain name(s) for violating PIR's Anti-Abuse Policy.

RULE 1: DEFINITIONS.

Anti-Abuse Policy ("the Policy"): means Public Interest Registry's policy on DNS Abuse, available here: <https://thenew.org/org-people/about-pir/policies/org-idn-policies/anti-abuse-policy-org-idn/>:

Appeal, Appeal Process, and Appeal Proceeding(s): means the process governed by these Rules an Appellant may use to dispute the suspension of a domain name by the Registry Operator.

Appeal Determination (or "Decision"): means the written outcome of an Appeal Proceeding under these Rules.

Appellant: means a Registrant for which the Registry Operator suspended a domain name under the Policy and who files an Appeal under these Rules.

Day: means all calendar days, including weekends and international and national holidays. If a deadline falls on a United States federal holiday, as defined by 5 U.S.C. §6103, the deadline shall be extended to the next day.

Communications: means oral conversations and writings other than Party Submissions.

Panel or Panelist: means an individual appointed to make an Appeal Determination.

Parties: means the Appellant and the Registry Operator.

Registry Operator: means Public Interest Registry.

Registrant: means the entity or individual holding the domain name subject to the Policy.

Respondent: means the Registry Operator against which an Appellant brings an Appeal Proceeding under these Rules.

Party Submissions: means Notice of Appeal, Registry Response, and Appellant Reply.

Suspended Domain name(s): means the domain name or names subject to the Appeal.



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RULE 2: APPEAL INFORMATION.

The Registry Operator will publicly maintain information regarding the availability of the appeal process for domain names that are suspended by the Registry Operator under the Policy. The information provided will include a clear and concise summary of the procedures and costs involved, as well as a disclosure of the potential legal effects of the election to use the appeal process.

RULE 3: ESCALATION TO REGISTRY OPERATOR; SUBMISSION OF DISPUTE TO APPEAL PROCEDURE.

A Registrant that wishes to appeal Registry Operator's decision to suspend a domain name for violating the Policy must first, within sixty (60) Days of that suspension, contact the Registry Operator with: (i) a request that Registry Operator lift the suspension; and (ii) a statement detailing why the suspension should be lifted under the Anti-Abuse Policy and the Anti-Abuse Principles (the "Initial Notice"). The Initial Notice must be sent via e-mail to "appeals@pir.org." The Registrant may move forward with the Appeal after the earlier of (i) the Registry Operator notifying Registrant that it will not lift the suspension or (ii) within seven (7) Days of Registry Operator's receipt of the Initial Notice (the "Registry Operator Review Period").

RULE 4: LIMITATION OF APPLICABILITY.

These Rules only apply to disputes resulting from the suspension of domain names by the Registry Operator characterized as abusive per the Policy. These Rules do not apply to any other type of dispute.

RULE 5: APPEAL ADMINISTRATION.

Once a Registrant requests an Appeal, the parties appoint FORUM as the administrator of the Appeal Proceedings. The authority and duties of FORUM are defined in these Rules and the Policy. Where the Policy and Rules are silent, the most recent FORUM Code of Procedure for Business-to-Business Disputes will apply.

RULE 6: FEES FOR INITIATION OF APPEAL.

FORUM's Fee is \$1,200.00 USD. Registry Operator will bear \$700 of that fee ("Registry Operator Filing Fee") and Appellant is responsible for the remaining \$500 of that fee ("Appellant Filing Fee") unless it is the prevailing party pursuant to Rule 22 in which case PIR will reimburse the Appellant for the Appellant Filing Fee. In no case would the Appellant be responsible for the Registry Operator Filing Fee. All fees are in United States Dollars and are nonrefundable unless otherwise specified herein.

RULE 7: PARTY SUBMISSIONS AND TIME LIMITS.

All Party Submissions shall be made electronically via e-mail. The Parties shall accept e-mail delivery as legal delivery of all documents, including the decision. Any party may update contact details by notifying FORUM. All time periods calculated under these Rules will begin on the Day following the date a Communication is sent or dispatched.

RULE 8: LANGUAGE OF PROCEEDINGS.

The language of all submissions and proceedings will be English. Parties may submit supporting evidence in other languages, provided and subject to the authority of the Panel to determine otherwise, that such evidence is accompanied by a certified English translation of all relevant text.



RULE 9: APPEAL INFORMATION.

Within fifteen (15) Days after the Registry Operator Review Period, the Appellant may initiate an Appeal by completing and filing the Notice of Appeal form located on FORUM's website not to exceed ten (10) pages and attaching any annexes containing the evidence in support of the Appeal and paying the Appellant Filing Fee. Appeals received after this fifteen (15) Day period are barred and will be dismissed upon submission of proof of the date of Initial Notice by the Registry.

The Notice of Appeal must contain the following:

1. The Appellant's contact information, including address, phone, and e-mail address as well as the name, address, phone and e-mail address of any person authorized to act on behalf of Appellant;
2. A statement of the nature of the dispute, which must include a detailed explanation on how the Registry Operator's suspension was without a reasonable basis with respect to the Policy, and how the Registry Operator's suspension has caused harm to the Appellant; and
3. A certification that the Notice of Appeal does not exceed ten (10) pages, excluding annexes.

If the Appellant Filing Fee is not paid within ten (10) Days of the receipt of the Notice of Appeal, the matter will be dismissed without prejudice.

RULE 10: CONSOLIDATION OF APPEALS.

If an Appellant has more than one domain name suspended arising out of the same transaction or occurrence, all the domain names subject to that transaction or occurrence may be consolidated into a single appeal with the Appellant Filing Fee.

RULE 11: NOTIFICATION – INITIATION OF APPEAL.

Within five (5) Days of receiving a Notice of Appeal form and the Appellant Filing Fee, FORUM shall forward a copy of Appellant's Notice of Appeal to the Registry Operator and Registrar of record. Appellant will be notified when the Notice of Appeal is sent to the Registry Operator by FORUM.

RULE 12: APPEAL ADMINISTRATION.

Within fifteen (15) Days after the date of FORUM's Communication to the Registry Operator of the Appellant's Notice of Appeal, the Registry Operator will submit to FORUM, a statement and evidence which responds to the Appellant's Appeal. Upon Filing, FORUM shall promptly provide the Registry Operator's response to the Appellant. The Registry Operator shall place the FORUM case number on the first page of each document submitted by the Appellant and Registry Operator. The response of the Registry will not exceed ten (10) pages, excluding annexes.

RULE 13: REPLY OF THE APPELLANT.

Within ten (10) Days after the date of FORUM's Communication to the Appellant of the Registry Operator's response, the Appellant may submit a reply in response to the Registry Operator's response. Upon the filing of a reply from the Appellant, FORUM shall promptly provide the Appellant's reply to the Registry Operator. The reply of the Appellant will not exceed five (5) pages excluding annexes and will include the case number assigned.

A reply is not required, but may be used to provide additional facts or information if the Appellant so chooses. All Party Submissions will be transmitted to the Panelist as provided in Rule 14.



RULE 14: APPOINTMENT OF A NEUTRAL PANELIST.

Promptly after the receipt of all Party Submissions, FORUM shall appoint a Panelist from its roster. FORUM shall notify the Parties of its Panelist selection. The Appellant may strike up to two (2) Panelists and Registry Operator may strike one (1) Panelist, each by Filing a Notice of Removal with FORUM within seven (7) Days after the date of FORUM's Communication of a Panelist appointment has been provided to the parties. A party may request disqualification of any other Panelist as provided in Rule 26.

Upon acceptance of the Panelist, FORUM shall forward to the Party Submissions to the Panelist, and shall notify the Parties that the Appeal has been forwarded to the Panelist.

RULE 15: NO DIRECT COMMUNICATION WITH PANELIST.

There shall be no direct communication between the Parties and a Panelist. Oral or written communications from any party intended for a Panelist shall be directed to FORUM for transmittal to the Panelist.

RULE 16: APPEAL PROCEDURES.

The Decision of the Panelist will be based on the written submissions to the Panelist. The standard of review shall be whether the Registry Operator's actions were reasonable in its application of the Policy. The Appeal Determination issued in the Appeal Process is deemed binding upon the Parties.

RULE 17: TIME OF DECISION.

The Decision shall be rendered by the Panelist no later than ten (10) Days after the Panelists receipt of Party Submissions. If a Decision cannot be rendered within ten (10) Days, the Panelist may reasonably extend the time period in order to obtain additional information required to resolve the dispute.

RULE 18: EXTENSIONS OF TIME.

The Parties may modify any period established by these Rules by written mutual agreement.

Without mutual agreement of the Parties, a party must request an extension with FORUM before the time period ends. FORUM may extend time periods for good cause. A request submitted after the time period has ended will not be considered unless extraordinary circumstances exist which must be asserted in the request. A party may obtain one (1) extension for up to twenty (20) Days without cost. Thereafter, a party may only obtain one additional twenty (20) Day extension if (i) the request is submitted to FORUM before the first extension expires and (ii) a \$50 Extension Request Fee is paid. FORUM shall notify the parties, in writing, of any extensions.

Neither the Parties (by mutual decision) nor FORUM can modify the time required to issue a Decision.

RULE 19: SCOPE OF DECISION; JURISDICTION OF THE PANELIST.

The decision of the Panelist shall be governed by applicable laws. The Panelist has jurisdiction to consider only claims regarding the suspension and potential reinstatement of the domain name by the Registry Operator. The Panelist has no jurisdiction to consider any other claims or remedies, including, but not limited to: consequential or incidental damages, mental anguish, monetary losses, punitive damages, alleged fraud, violations of law or any claim which is not subject to arbitration under law.



RULE 19: SCOPE OF DECISION; JURISDICTION OF THE PANELIST (continued).

The Panelist may request the parties, through FORUM, to supply any additional facts or materials that, in the opinion of the Panelist, will be helpful in determining the case. The Panelist has the discretion to set the deadline for receipt of any additional facts or materials to be supplied.

RULE 20: SUBMISSION OF SUPPORTING DOCUMENTS.

If a party has not obtained an extension per Rule 18 and has missed a submission deadline, the party may submit a late Submission, by forwarding the Submission to FORUM within ten (10) Days of the Submission due date and include the Late Fee of \$100.00. FORUM will not accept a late Submission unless the Late Fee is timely paid. A late Submission will not be accepted after the ten (10) Day deadline.

RULE 21: DELIVERY OF DECISION TO PARTIES.

Upon receipt of the Panelist's Decision, FORUM shall forward a copy of the Decision to the Parties with a copy to the Registrar.

RULE 22: ENFORCEMENT OF THE DECISION.

If Appellant prevails the Registry Operator shall (i) implement the Decision within seven (7) Days; and (ii) pay the Appellant the Appellant Filing Fee incurred to bring the Appeal within thirty (30) Days. Attorney fees will not be reimbursed.

If the Registry Operator's initial determination is upheld, the domain name shall remain suspended.

RULE 23: WITHDRAWAL AND SETTLEMENT OF APPEAL.

The Parties may resolve an Appeal by mutual agreement at any time prior to the issuance of a decision. In the event of such a settlement, the Registry Operator shall submit a written Notice of Settlement, signed by all Parties, with FORUM.

An Appellant may withdraw an Appeal after it has been submitted to FORUM and before the Registry Operator is notified of the proceeding by Filing a Notice of Withdrawal with FORUM. An Appellant may withdraw an Appeal before the Registry Operator submits a response with FORUM by notifying the Registry Operator in writing and filing a Notice of Withdrawal with FORUM. In the case of a settlement, FORUM will not be required to refund either the Appellant Filing Fee or the Registry Operator Filing Fee.

RULE 24: CORRECTION OF DECISIONS.

FORUM may correct clerical or administrative mistakes or errors arising from oversight or omission in the administration of an Appeal or in the issuance of a Decision. This correction may be made at the request of a party or on the initiative of FORUM or the Panelist.

RULE 25: INTERPRETATION AND APPLICATION OF THE RULES.

The Panelist shall interpret and apply these Rules insofar as they relate to the powers and duties of the Panelist. These Rules shall be interpreted in conformity with 9 U.S.C. §§ 1-16 and 9 U.S.C. §§ 201-208 in the United States in order to provide the Parties with a fair and impartial proceeding and an enforceable Decision.



RULE 25: INTERPRETATION AND APPLICATION OF THE RULES (continued).

FORUM shall stay an Appeal if a court of competent jurisdiction has issued an order staying an Appeal. In the event a court of competent jurisdiction finds any portion of these Rules to be in violation of the law or otherwise unenforceable, that portion shall not be effective, and the remainder of the Rules shall remain effective.

RULE 26: DISQUALIFICATION OF THE PANELIST.

A party may seek disqualification a Panelist if circumstances exist that create a conflict of interest or cause the Panelist to be unfair or biased, including, but not limited to the following:

1. The Panelist has a personal bias or prejudice concerning a party, or personal knowledge of the facts;
2. The Panelist has served as an attorney to any party or the Panelist has been associated with an attorney who has represented a party during that association;
3. The Panelist, individually or as a fiduciary, or the Panelist's spouse or minor child residing in the Panelist's household, has a direct financial interest in a matter before the Panelist;
4. The Panelist or the Panelist's spouse, or a person within the third degree of relation to either of them, or the spouse of such a person:
 - Is a party to the proceeding, or an officer, director or trustee of a party; or
 - Is acting as a lawyer or representative in the proceeding.

A Panelist shall disclose to FORUM the circumstances that create a conflict of interest or cause a Panelist to be unfair or biased.

A party may request the disqualification of a Panelist by filing with FORUM a written request stating the circumstances and specific reasons for the disqualification. FORUM shall provide any request for disqualification to the other party. A request to disqualify a Panelist must be submitted with FORUM within fifteen (15) Days after the date of the Communication that a Panelist has been appointed.

FORUM shall promptly review the request and shall disqualify the Panelist if there exists circumstances requiring the disqualification in accord with this Rule or other circumstances creating bias or the appearance of bias. If a Panelist is disqualified or becomes unable to perform before the issuance of a decision, FORUM shall select a new Panelist. FORUM shall inform the parties of information disclosed by the Panelist if the Panelist is not disqualified.

RULE 27: LEGAL PROCEEDINGS.

By participating in a proceeding under these Rules, all Parties agree to the provisions below:

1. Panelists, FORUM, and any individual or entity associated with FORUM (the "FORUM Parties") are immune from liability and shall not be liable to any Party for any act or omission in connection with any Appeal conducted under these Rules.
2. No party, before or during the Appeal of any dispute eligible for submission under these Rules, shall commence or pursue any lawsuit, administrative proceeding, or other action against any of the FORUM Parties, relating to any of the matters subject to Appeal under these Rules. Any Party commencing or pursuing such a proceeding agrees to pay and indemnify all FORUM Parties for all expenses and costs incurred, including attorney fees, as permitted by applicable law.
3. No Panelist or any individual associated with FORUM shall be a witness in any legal proceeding arising out any Appeal initiated or conducted under these Rules.



RULE 27: LEGAL PROCEEDINGS (continued).

4. Any Party commencing or pursuing any lawsuit, administrative proceeding, arbitration or other action against the FORUM Parties, after a Decision agrees to pay and indemnify the FORUM Parties for all expenses and costs incurred, including attorney fees.
5. The Parties to any Appeal administered by FORUM and FORUM agree that any claim or dispute of any nature against FORUM or any agent, officer, employee, or affiliate of FORUM or any Panelist brought even in light of the prohibitions contained in this section shall be resolved by final, binding arbitration conducted by a panel of three (3) Arbitrators. The Party or Parties shall select one (1) Arbitrator; FORUM shall select a second Arbitrator; and these two (2) Arbitrators shall select a third Arbitrator who is neutral and independent and who shall be the chair of the panel. The Arbitrators shall conduct the arbitration pursuant to the applicable FORUM Code of Procedure in effect at the time the arbitration is brought. The chair shall have the powers of FORUM and perform the responsibilities of the Director. All fees payable under the Fee Schedule shall be assessed by the chair and paid to the panel of Arbitrators. Neither FORUM, nor its Director, nor any employee or agent of FORUM shall administer the arbitration.