

International Centre for Dispute Resolution (ICDR)

Supplementary Procedures for String Confusion Objections
(Rules)

10 January 2012

Impartiality and Independence of Experts

Article 1

1. Dispute Resolution Panelists, who shall be referred to as "Experts", acting under the New **gTLD DISPUTE RESOLUTION PROCEDURES** and these Rules shall be impartial and independent. Prior to accepting appointment, a prospective Expert shall disclose to the Dispute Resolution Service Provider (DRSP) any circumstance likely to give rise to justifiable doubts as to the Expert's impartiality or independence. If, at any stage during the proceedings, new circumstances arise that may give rise to such doubts, an Expert shall promptly disclose such circumstances to the parties and to the DRSP. Upon receipt of such information from an Expert or a party, the DRSP shall communicate it to the other parties and to the panel.
2. No party or anyone acting on its behalf shall have any *ex parte* communication relating to the case with any Expert.

Challenge of Experts

Article 2

1. A party may challenge any Expert whenever circumstances exist that give rise to justifiable doubts as to the Expert's impartiality or independence. A party wishing to challenge an Expert shall send notice of the challenge to the DRSP within 10 days after being notified of the appointment of the Expert or within 10 days after the circumstances giving rise to the challenge become known to that party.
2. The challenge shall state in writing the reasons for the challenge.
3. Upon receipt of such a challenge, the DRSP shall notify the other parties of the challenge. Upon review of the challenge the DRSP in its sole discretion shall make the decision on the challenge and advise the parties of its decision. The challenged Expert may also withdraw from office upon notice of the challenge.

Replacement of an Expert

Article 3

If an Expert withdraws after a challenge, or the DRSP sustains the challenge, or the DRSP determines that there are sufficient reasons to accept the resignation of an Expert, or an Expert dies, a substitute Expert shall be appointed pursuant to the provisions of Article 13 of the **gTLD Dispute Resolution Procedures**.

Waiver of Rules

Article 4

A party who knows that any provision of the Rules or requirement under the Rules has not been complied with, but proceeds with the arbitration without promptly stating an objection in writing thereto, shall be deemed to have waived the right to object.

Confidentiality

Article 5

Confidential information disclosed during the proceedings by the parties, counsel, or by witnesses shall not be divulged by an Expert or by the DRSP.

Interpretation of Rules

Article 6

The Expert shall interpret and apply these Rules insofar as they relate to its powers and duties. The DRSP shall interpret and apply all other Rules.

Exclusion of Liability

Article 7

1. Neither the International Centre for Dispute Resolution (ICDR), the American Arbitration Association (AAA), nor any Expert in a proceeding under the New gTLD Dispute Resolution Procedures and/or these Rules is a necessary or proper party in judicial proceedings relating to the Objection proceeding.

2. Parties to an Objection proceeding under the New gTLD Dispute Resolution Procedures and/or these Rules shall be deemed to have consented that neither the ICDR, the AAA, nor any Expert shall be liable to any party in any action for damages or injunctive relief for any act or omission in connection with any Objection proceeding under the gTLD Dispute Resolution Procedures and/or these Rules.

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