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auDA PUBLISHED POLICY

Policy Title: .au DISPUTE RESOLUTION POLICY (auDRP) – CLARIFICATION OF REGISTRAR OBLIGATIONS

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Status: Current

1. BACKGROUND

1.1 Each administrative proceeding (or complaint) under the auDRP is conducted by an independent, auDA approved provider of dispute resolution services. As of 1 August 2002, the approved providers are:

- Leading Edge Alternative Dispute Resolvers (LEADR)
- The Chartered Institute of Arbitrators - Australian Branch (CIArb)
- The Institute of Arbitrators and Mediators Australia (IAMA)
- World Intellectual Property Organisation (WIPO)

Other organisations may be approved by auDA from time to time.

1.2 auDA plays no role in an auDRP proceeding. It is the responsibility of the auDRP provider to administer the proceeding, which includes communicating with the relevant registrar. When an auDRP proceeding is commenced, the registrar will receive notice directly from the provider, not from auDA.

1.3 Registrars are not required to participate in the proceeding, nor do they bear any liability for the outcome of the proceeding. Nevertheless, registrars are required to cooperate with the auDRP provider to ensure the efficiency and effectiveness of the proceeding.

2. REGISTRAR OBLIGATIONS

2.1 When an administrative proceeding is commenced, the provider will send a copy of the complaint to the registrar of record for the domain name(s) in question. Sometimes the provider may contact the registrar prior to commencement of a proceeding, for example in order to confirm contact details for the registrant. Under the auDRP, registrars are permitted to disclose registrant contact information to a provider for the purposes of achieving notice of the auDRP proceeding to the registrant.

2.2 On receipt of a copy of the auDRP complaint, the registrar must request AusRegistry to place a server lock on the domain name(s) in question. The registrar must send the request to AusRegistry within 24 hours of receiving a copy of the auDRP complaint.

2.3 When a decision has been made, the provider will send a copy of the decision to the registrar. There are 3 possible outcomes:

- a) If the decision is that the registrant may continue to hold the domain name, the registrar must request AusRegistry to remove the server lock.
- b) If the decision is that the registrant must transfer the domain name to the complainant, the registrar must wait 10 business days before implementing the decision. The registrar must immediately communicate to the complainant, the registrant, the provider and auDA the actual date on which the decision will be implemented. After 10 business days, the registrar must request AusRegistry to remove the server lock and then process the transfer, unless paragraph 2.4 below applies.

- c) If the decision is that the domain name must be deleted, the registrar must wait 10 business days before implementing the decision. The registrar must immediately communicate to the complainant, the registrant, the provider and auDA the actual date on which the decision will be implemented. After 10 business days, the registrar must request AusRegistry to remove the server lock and then delete the domain name, unless paragraph 2.4 below applies.
- 2.4 In relation to paragraphs 2.3b) and c) above, if the registrar has received within the 10 day period official documentation that the registrant has commenced legal action against the complainant, then the registrar must take no further action until the legal action is resolved.
- 2.5 Registrars may contact auDA's Chief Policy Officer for advice or assistance in fulfilling their obligations under the auDRP.