

New gTLD Objections Update with the ICC Webinar – 9 January 2014 Additional Questions & Answers

We receive questions during webinars that go unanswered due to time constraints. Because all participant questions are important, we've provided responses to these additional questions below. Questions are grouped and ordered alphabetically by subject.

Q. With respect to Community and Limited Public Interest Objections, which portion(s) of the objection fees are refundable to the prevailing party?

A. The Attachment to Module 3 of the Applicant Guidebook, New gTLD Dispute Resolution Procedure ("Procedure") defines the following fees associated with dispute resolution proceedings:

- The filing fee paid by the objector is described in Article 8(c): "At the same time as the Objection is filed, the Objector shall pay a filing fee in the amount set in accordance with the applicable DRSP Rules and include evidence of such payment in the Objection."
- The filing fee paid by the applicant is described in Article 11(f): "At the same time as the Response is filed, the Applicant shall pay a filing fee in the amount set and published by the relevant DRSP (which shall be the same as the filing fee paid by the Objector) and include evidence of such payment in the Response."
- The advance payment of costs is defined in Article 14(a) of the Procedure: "Each DRSP shall determine the costs for the proceedings that it administers under this Procedure in accordance with the applicable DRSP Rules. Such costs shall cover the fees and expenses of the members of the Panel, as well as the administrative fees of the DRSP (the 'Costs')."

Per Section 3.3.2 of the Applicant Guidebook, the amount of the filing fee is defined and published by the relevant dispute resolution service provider. The International Centre for Expertise of the International Chamber of Commerce (ICC) published the amount of 5,000 euros and the refund policy for Community and Limited Public Interest Objections in June 2012 (see <http://www.iccwbo.org/WorkArea/DownloadAsset.aspx?id=2147495904>).

As noted above, the individual DRSPs determine the exact amounts for the advance payment of costs for each case. Once an objection proceeding is complete, the advance payment of the cost of the proceedings is refunded to the prevailing party. This is described in the Attachment to Module 3 of the Applicant Guidebook ("Procedure"), Article 14(e): "Upon the termination of the proceedings, after the Panel has rendered its Expert Determination, the DRSP shall refund to the prevailing party, as determined by

the Panel, its advance payment(s) of the Costs.” The ICC is administering cases accordingly, and is refunding the advance payments of costs to prevailing parties. For more information about the fees calculated by the ICC and the refund policy, please view the [ICC Rules and Supplements](#) on the ICC’s website.