



INTERNATIONAL COURT OF ARBITRATION® | INTERNATIONAL CENTRE FOR ADR | LEADING DISPUTE RESOLUTION WORLDWIDE

## **Expert Appointment Process** **in New gTLD Dispute Resolution Procedures Administered by ICC**

The information below is intended to describe general steps followed for the appointment of Experts in new generic top level domain (“new gTLD”) dispute resolution procedures administered by the International Centre for Expertise (“Centre”) of the International Chamber of Commerce (“ICC”). The said proceedings were administered in accordance with the Rules for Expertise of the ICC (“Rules”), supplemented by the ICC Practice Note on the Administration of Cases (“ICC Practice Note”), as well as under the Attachment to Module 3 New gTLD Dispute Resolution Procedure (“Procedure”) of the gTLD Applicant Guidebook (“Guidebook”).

ICC has granted ICANN permission to make this document available to parties concerned.

The main criteria the Centre took into account when appointing Experts in the new gTLD procedures were the candidates’ independence, impartiality and availability, as well as their procedural experience, knowledge of specific areas of law, knowledge of the English language and nationality.

Prior to making appointments in cases related to the new gTLDs, the Centre conducted a research of possible candidates. Candidates willing and available to act as Expert within the time frame set by the Procedure were invited to complete specific model documents, including a *Curriculum Vitae* (“CV”). The information requested in the CV regarded their nationality, training, qualifications, languages spoken, prior experience and knowledge of specific areas of law.

Based on the information provided in the CV, the Centre then decided which candidate would be invited to submit a candidacy in a specific case.

Such candidate would then be given the information necessary to conduct a conflict check and to complete ICC’s standard Declaration of Acceptance and Availability, Statement of Impartiality and Independence (“DASI”). The information given to the candidate to conduct such conflict check included the information provided by the parties in the Objection and the Response with regard to their contact details, as well as to the names and contact details of their representatives and the related entities, if any. The candidates were invited to disclose in the Statement of Independence any facts or circumstances which in the eyes of the parties might put into question their independence pursuant to Article 7(4) of the Rules.

Based on the information received from the candidates, the Centre made a proposal to the Centre’s Standing Committee with regard to the appointment of an Expert in a specific case. Together with the proposal, the Expert’s CV and DASI were communicated to the Standing Committee.

Pursuant to the Rules, the final decisions on all appointments were made by the chairman of the Standing Committee in light of the documents submitted by the candidate and the circumstances and requirements of the specific case.

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Following the appointment, the Expert's CV and DASI were sent to the parties.

If the candidate indicated in the Statement of Independence any circumstances which in the eyes of the parties might put into question his or her independence, the Centre either didn't proceed with the appointment process of this candidate or invited the parties' comments on the specific candidate's DASI prior to finalizing the appointment. In the latter case, the parties were invited to submit their comments, if any, pursuant to Article 7(4) of the Rules.

Pursuant to Article 11(4) of the Rules, a party also had the possibility to object to the appointment of an Expert if it considered that the Expert did not have the necessary qualifications or did not fulfill his or her functions in accordance with the Rules or in a timely fashion. In this regard, the ICC Practice Note sets a specific time limit of five days from the notification of the appointment of the expert or from the date when the party making the challenge was informed of the facts or circumstances on which the challenge is based for such objections.