

World Intellectual Property Organization
Appellate Rules for New gTLD Dispute Resolution for String Confusion Objections
(“WIPO Appellate Rules for New gTLD String Confusion Objections Dispute Resolution”)

(In effect as of January 1, 2026)

1. Scope of WIPO Appellate Rules for New gTLD String Confusion Objections Dispute Resolution in Relation to ICANN Appeal Procedure

(a) Set out below are the applicable WIPO Appellate Rules for New gTLD String Confusion Objections Dispute Resolution as referred to in Section 4.5.9 Appeal Filing and Process and Appendix 3 Materials Related to Objections and Appeals: Dispute Resolution Service Providers Rules, provided in the New gTLD Program: 2026 Round Applicant Guidebook (“Applicant Guidebook”) approved by the Internet Corporation for Assigned Names and Numbers (“ICANN”) on October 30, 2025. The WIPO Appellate Rules for New gTLD String Confusion Objections Dispute Resolution are to be read and used in connection with the ICANN Objection Appeal Procedure (“Appeal Procedure”) which provides the basic framework for the parties involved in Appeals to String Confusion Objection Panel Determinations (as provided in Appendix 3 Materials Related to Objections and Appeals: ICANN Procedure) arising from Applications under ICANN’s New gTLD Program: 2026 Round.

(b) The version of the WIPO Appellate Rules for New gTLD String Confusion Objections Dispute Resolution applicable to a proceeding conducted under the Appeal Procedure is the version in effect on the day when the relevant Application for a new gTLD is submitted (as referred to in Article 22(b) of the Appeal Procedure).

2. Definitions

Terms defined in the Appeal Procedure shall have the same meaning in the WIPO Appellate Rules for New gTLD String Confusion Objections Dispute Resolution. Words used in the singular shall include the plural and *vice versa* as the context may require.

3. Communications

(a) Subject to Article 6 of the Appeal Procedure, except where otherwise agreed beforehand with the WIPO Arbitration and Mediation Center (“Center”), and subject to the discretion of any appointed Panel, any submission to the Center or to the Panel shall be made by electronic mail (email) using sco@wipo.int.

(b) In the event a party wishes to submit a hard copy or other non-electronic submission prior to the Appellate Panel appointment, it shall first request leave to do so from the Center; the Center shall, in its sole discretion, then determine whether to accept the non-electronic submission. After the Appellate Panel appointment, parties are referred to Article 6(a) of the Appeal Procedure.

4. Submission of Appeal and Response

(a) In accordance with Articles 7 and 8 of the Appeal Procedure, the Appellant shall transmit its Appeal using the Notice of Appeal Model Form set out in Annex A hereto and posted on the Center's website and shall comply with the Center's Filing Guidelines set out in Annex B hereto and posted on the Center's website.

(b) In accordance with Article 11(b) of the Appeal Procedure, the Respondent shall transmit its Response using the Response Model Form set out in Annex C hereto and posted on the Center's website and shall comply with the Center's Filing Guidelines set out in Annex D hereto and posted on the Center's website.

5. Center Review of Appeal

In accordance with Article 9(d) of the Appeal Procedure if an Appeal is dismissed due to the Appellant's failure to remedy an administrative deficiency, there shall be no refund of any DRSP Fee paid by the Appellant pursuant to Article 14 of the Appeal Procedure and Paragraph 10 of the WIPO Appellate Rules for New gTLD String Confusion Objections Dispute Resolution.

6. Appointment of Case Manager

(a) The Center shall advise the parties of the name and contact details of the Case Manager who shall be responsible for all administrative matters relating to the dispute and communications to the Panel.

(b) The Case Manager may provide administrative assistance to the parties or Panel, but shall have no authority to decide matters of a substantive nature concerning the dispute.

7. Consolidation

(a) In accordance with Article 11(a) of the Appeal Procedure, parties which are entitled to Appeal an Objection Panel Determination, may file a joint Notice of Appeal and proceed as a single Appellant.

(b) A party may submit a consolidation request pursuant to Article 11(b) of the Appeal Procedure within five (5) calendar days after the Record on Appeal. Any consolidation request shall be limited to 1,500 words in length.

(c) The Center shall make a determination regarding consolidation within ten (10) calendar days after the Record on Appeal and issue a Notice of Consolidation.

(d) In the case of consolidated Appeals, the applicable reduced Panel fees are specified in Annex D hereto and posted on the Center's website.

(e) Pursuant to Article 12 of the Appeal Procedure, in weighing the benefits that may result from consolidation against the possible prejudice or inconvenience that consolidation may cause, the Center in reaching its decision concerning consolidation, may take into account, *inter alia*, the following non-exclusive factors:

- (i) time;
- (ii) cost;
- (iii) consistency of decisions;
- (iv) Any arguments raised in any consolidation request.

(f) The Center's decision on any consolidation of Appeal for Appellate Panel Determination is of an administrative nature and shall be final. The Center shall not be required to state reasons for its decision.

8. Appellate Panel Appointment Procedures

(a) The Center will maintain and publish on its website a publicly-available List of Appellate Panelists who may be available for Appellate Panel appointment.

(b) Pursuant to Article 12(b) of the Appeal Procedure, there shall be a one-person Appellate Panel unless all the Parties mutually agree to the appointment of a three-person Appellate Panel.

(c) In the event of a one-person Appellate Panel, the Center shall in its sole discretion appoint a one-person Appellate Panel from its List of Appellate Panelists.

(d) In the event all the Parties agree to the appointment of a three-person Appellate Panel, any such agreement shall be communicated to the Center via joint letter within ten (10) calendar days of the deadline for the parties to propose consolidation or the Notice of Consolidation as referred to in Article 12(b) of the Appeal Procedure.

- (i) If the Appeal is not consolidated, and if the parties have communicated their agreement on the appointment of a three-person Appellate Panel, within five (5) calendar days of such communication each party shall separately submit to the Center (notwithstanding Article 6(b) of the Appeal Procedure) the names of three (3) candidates from the Center's List of Appellate Panelists, in the order of their respective preference, for appointment by the Center as an Appellate Co-Panelist. In the event none of a party's three (3) candidates is available for appointment as an Appellate Co-Panelist, the Center shall appoint the Appellate Co-Panelist in its sole discretion.
- (ii) In the event of consolidation in accordance with Paragraph 7 of the WIPO Appellate Rules for New gTLD String Confusion Objections Dispute Resolution, the Appellants or Respondents, as the case may be, shall jointly submit the names of the three (3) candidates from the Center's List of Appellate Panelists in order of preference (i.e., one list on behalf of all Appellant(s) and one list on behalf of all Respondent(s)). If the Appellants or Respondents as the case may be do not jointly agree on and submit the names of three (3) candidates within five (5) calendar days of the parties' communication to the Center on their agreement to the appointment of a three-person Appellate Panel, the Center shall in its sole discretion appoint the Appellate Co-Panelist.
- (iii) The third Appellate Panelist, who shall be the Presiding Appellate Panelist, shall absent exceptional circumstances be appointed by the Center from a list of five (5) candidates submitted by the Center to the parties. The Center's selection of a Presiding Appellate Panelist shall be made in a manner that seeks to reasonably balance the preferences of each party as communicated to the Center within five (5) calendar days of the Center's communication of the list of candidates to the parties.

- (iv) Where any party fails to indicate its order of preference for the Presiding Appellate Panelist to the Center, the Center shall nevertheless proceed to appoint the Presiding Appellate Panelist in its sole discretion, taking into account any preferences of any other party.
- (v) Election of a three-person Appellate Panel will impact the applicable fees due from the Parties, including filing fees. Upon confirmation of a three-person Appellate Panel request by both Parties the Center shall request payment of the applicable fees as set out in Annex D hereto and posted on the Center's website.

9. Appellate Panel Impartiality and Independence

- (a) In accordance with Article 12(c) of the Appeal Procedure, any prospective Appellate Panelist shall, before accepting appointment, disclose to the Center and parties any circumstance that might give rise to justifiable doubt as to his/her impartiality or independence, or confirm in writing that no such circumstance exist by submitting to the Center a Declaration of Impartiality and Independence using the form set out in Annex E hereto and posted on the Center's website.
- (b) If at any stage during a proceeding conducted under the Appeal Procedure, circumstances arise that might give rise to justifiable doubt as to an Appellate Panelist's impartiality or independence, the Appellate Panelist shall promptly disclose such circumstances to the parties and the Center.
- (c) A party may challenge the appointment of an Appellate Panelist if circumstances exist which give rise to justifiable doubt as to the Appellate Panelist's impartiality or independence. A party may challenge an Appellate Panelist whom it has appointed or in whose appointment it concurred, only for reasons of which it becomes aware after the appointment has been made.
 - (i) A party challenging an Appellate Panelist shall send notice to the Center and the other party, stating the reasons for the challenge, within five (5) calendar days after being notified of that Appellate Panelist's appointment or becoming aware of circumstances that it considers give rise to justifiable doubt as to that Appellate Panelist's impartiality or independence.
 - (ii) The decision on the challenge shall be made by the Center in its sole discretion. Such a decision is of an administrative nature and shall be final. The Center shall not be required to state reasons for its decision. In the event of an Appellate Panelist's removal, the Center shall appoint a new Appellate Panelist in accordance with the Appeal Procedure and these WIPO Appellate Rules for New gTLD String Confusion Objections Dispute Resolution.
 - (iii) The Center's communication to the parties informing its decision to maintain an Appellate Panelist or the Center's communication of the appointment of a new Appellate Panelist shall be considered as "Conflict Mitigation" for the purposes of Article 13(c) of the Appeal Procedure.

10. Fees

- (a) The applicable fees for the Appeal Procedure for String Confusion Objections are specified in Annex D hereto and posted on the Center's website.
- (b) After the Appellate Panel Determination has been rendered or a proceeding conducted under the Appeal Procedure has been terminated, the Center shall provide an accounting to the parties of the payments received and, in consultation with any Appellate Panel, return any unexpended balance of the applicable fees to the parties.

11. Confidentiality

(a) A party invoking the confidentiality of any information it wishes or is required to submit in any String Confusion Objection Appeal proceeding conducted under the Appeal Procedure, shall submit the request for confidentiality to the Center for the Appellate Panel's consideration, stating the reasons for which it considers the information to be confidential. If the Appellate Panel decides that the information is to be treated as confidential, it shall decide under which conditions and to whom the confidential information may in part or in whole be disclosed and shall require any person to whom the confidential information is to be disclosed to sign an appropriate confidentiality undertaking.

(b) Further to Article 6(b) of the Appeal Procedure, except in exceptional circumstances as decided by the Appellate Panel and in consultation with the parties and the Center, no party or anyone acting on its behalf shall have any *ex parte* communication with the Appellate Panel.

12. Effect of Court Proceedings

(a) The Appellant and Respondent shall include in any Appeal or Response relevant information regarding any other legal proceedings concerning the TLD. In the event that a party initiates any legal proceedings during the pendency of a proceeding conducted under the Appeal Procedure, it shall promptly notify the Center.

(b) In the event of any legal proceedings initiated prior to or during an Appeal proceeding conducted under the Appeal Procedure, the Panel shall have the discretion to decide whether to suspend or terminate such Appeal proceeding under the Appeal Procedure, or to proceed to an Appellate Panel Determination.

13. Appellate Panel Determination

Notwithstanding provisions of Article 19(f) of the Appeal Procedure, the Appellate Panel Determination shall solely be provided in electronic format.

14. Amendments

Subject to the Appeal Procedure, the Center may amend these WIPO Appellate Rules for New gTLD String Confusion Objections Dispute Resolution in its sole discretion and in consultation with ICANN; any amendment would be in force as of its publication.

15. Exclusion of Liability

Except in cases of willful misconduct or gross negligence, an Appellate Panelist, the World Intellectual Property Organization and its staff shall not be liable to any party or ICANN for any act or omission in connection with any proceeding conducted under the Appeal Procedure and the WIPO Appellate Rules for New gTLD String Confusion Objections Dispute Resolution.