



Asian Domain Name Dispute Resolution Centre  
*- a charitable institution limited by guarantee registered in Hong Kong*

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World Intellectual Property Organization (WIPO)  
34, chemin des Colombettes  
CH-1211 Geneva 20  
Switzerland

**Re: Feedback on the Initial Report of the WIPO-ICA UDRP Review Project Team**

Dear WIPO-ICA UDRP Review Project Team,

The Asian Domain Name Dispute Resolution Centre (ADNDRC) appreciates your efforts to bring together a broad range of stakeholders to produce this Initial Report reviewing the Uniform Domain Name Dispute Resolution Policy (UDRP).

We appreciate the opportunity to comment on the Initial Report's valuable insights and materials, and we look forward to participating in ICANN's Phase 2 Review of Rights Protection Mechanisms.

Established in 2002 in response to the growing issue of cybersquatting in the late 1990s, ADNDRC has administered over 3,000 UDRP proceedings. Setting us apart from other UDRP service providers, we operate four offices in different jurisdictions, operating principally in different languages and different markets. In addition to administering UDRP cases, each office has also developed extensive experience in handling disputes under their respective delegated ccTLD policies, as well as administering disputes under different alternative dispute resolution mechanisms.

We therefore respectfully submit the following comments on the topics included in the Initial Report, representing the consolidated feedback of our four offices.

**Providing UDRP-related Information for Registrars**

During the administration of UDRP cases, we have frequently encountered issues with registrars who are unfamiliar with the proceedings. This has led to unnecessary delays and increased the communication burden in proceeding with the cases.

We agree that ICANN should develop an FAQ and/or conduct webinars for registrars to promote more standardized practices for registrars under the UDRP and its Rules, especially with respect to:

- Clarifying the WHOIS information that registrars are required to deliver to Providers;
- Requiring registrars to notify Providers if the lock on a disputed domain name is lifted due to Parties' failure to pay the renewal fee;
- Reasonably regulating and harmonizing transfer procedures and related formalities across registrars.

**Regulating Complaint Withdrawals**

We agree that withdrawals of complaints under the UDRP should be regulated when a respondent has filed a response and objects to the withdrawal. However, the complainant's fundamental right to withdraw a complaint must be preserved. We recommend that any request to withdraw be submitted in writing, and that the legitimacy of the withdrawal request be left to the Panel to decide under such circumstances. In cases where a Panel determines that the complaint constitutes reverse domain name hijacking, the withdrawal should not be permitted and a decision should be rendered.

**Mediation**

We agree that mandatory mediation should not be adopted.

We also note that the ccTLD dispute resolution policies referenced in the Report that employ mediation impose clear time limits on mediation or conciliation, typically ranging from 10 to 30 days. Regarding voluntary mediation, while Paragraph 17 of the UDRP Rules allows for the suspension of proceedings to facilitate settlement negotiations, if a Provider offers formal mediation during this suspension period without corresponding amendments to the Rules, the absence of clear time limits may lead to undue delays. Such delays risk undermining the UDRP's fundamental purpose of expedited dispute resolution, especially when mediation fails to produce a resolution.

In light of the foregoing, while Providers may choose to offer mediation services outside of but during UDRP proceedings, we suggest that Paragraph 17 of the Rules be amended to impose a clear time limit on the suspension of proceedings, thereby ensuring the expeditious resolution of cases and promoting consistency across all Providers.

### **Name Redaction**

We agree that the current UDRP Policy and Rules are sufficiently adequate for Panels to redact any portions of decisions. As each case involves different circumstances, we defer to the Panel's discretion on matters of name redaction in cases.

### **Registrars to Provide Additional Notice**

We agree with the recommendation that registrars should provide notice to registrants regarding UDRP proceedings. This step could significantly enhance respondent engagement by increasing the likelihood of participation and timely response.

To make the notice more effective in capturing respondents' attention and facilitating their understanding of the situation, registrars could include not only the disputed domain name but also the Provider's name and contact information in the email. This would help improve the notice's credibility and practical value.

### **Appeals Layer**

We do not recommend adopting an appeal procedure although it is unclear what it would be like.

The UDRP already effectively resolves the vast majority of cases, while more controversial ones can be addressed through litigation. An appeal procedure might only be applicable in jurisdictions where no domestic remedies exist, that is, where the UDRP serves as the sole available remedy. For Parties whose national courts provide a cause of action, coordination between the appeal system and court proceedings may be considered.

Simplicity, speed, and efficiency are defining features of the UDRP. Introducing an appeals mechanism would likely increase both the cost and duration of resolving disputes under the UDRP, potentially making the process more complex and drawn-out.

### **Changing "and" to "or"**

We recommend modifying "and" to "or". Such situations are not uncommon in the current booming cross-border e-commerce, especially the situation of bad faith use following a good faith registration due to the breakdown of local distributor relationships.

### **Supplemental Filings**

A large portion of supplemental filings in ADNDRC's UDRP proceedings in 2024 were submitted proactively by Parties without a request from the Panel, typically in cases where a response had been filed. In our experience, Panels generally address such filings by asking the submitting party to explain the timing and justify the relevance of the submission.

Given the frequency of these occurrences, we suggest that ICANN may consider amending Paragraph 12 of the UDRP Rules during the Phase 2 Review to better reflect actual practice and to establish a uniform mechanism for Parties to submit supplemental filings.

The amended Rules could clarify the necessary content of such applications, drawing on well-established practices in UDRP jurisprudence, such as those set out in section 4.6 of the WIPO Overview 3.0. Panels could then decide on the admissibility of these filings in the "preliminary findings" section of their decisions.



As supplemental filings may materially affect the outcome of a complaint, promoting greater consistency in their treatment across Providers would help enhance the fairness and integrity of the UDRP process.

**Remedy: True Cancellation**

We agree that this new remedy is worth pursuing but warrants careful consideration to establish a feasible mechanism and ensure that legitimate third-party registrations are not impeded following a domain name cancellation.

**Panelist Appointment, Accreditation, and Quality**

Imposing a formalized system for panelist appointments could inadvertently constrain Providers' flexibility to select candidates based on key considerations such as subject-matter expertise, adjudicatory experience, language proficiency, and case-specific knowledge. It is essential that Providers retain the discretion to ensure that each case is handled by the most appropriately qualified panelist.

Just as different arbitration institutions maintain their own practices regarding arbitrator appointments, we believe that the rules governing the appointment of panelists should similarly remain within the discretion of each Provider.

**Decision Format**

The structural readability of decisions largely depends on each Provider's practice standards and individual panelists' writing styles, making full harmonization difficult to achieve.

While we recognize the desirability of machine readability, searchability, and overall accessibility of decisions in strengthening the transparency and consistency of the UDRP system, we must counterbalance this with the burden placed on Providers to enable this. Accordingly, while we welcome further dialogue on this matter, we note the limited resources of Providers.

We look forward to ICANN's Phase 2 Review of Rights Protection Mechanisms.

Respectfully,  
Louise Wong  
Secretary-General  
Asian Domain Name Dispute Resolution Centre