

# EXECUTIVE SUMMARY TABLE OF RECOMMENDATIONS

FINAL REPORT OF THE WIPO-ICA UDRP REVIEW PROJECT TEAM

(December 2, 2025)

## **Category 1 – Unanimity of the Project Team, Likely to Achieve Consensus and Readily Implementable**

*These are the topics on which the Project Team reached unanimous agreement, and we therefore believe that consensus is likely to exist in the Phase 2 Review. These are moreover recommendations that appear readily implementable.*

<b>TOPIC</b>	<b>PROJECT TEAM RECOMMENDATION</b>
<b>Supplemental Filings</b>	We recommend that the Phase 2 review seek a consistent approach to the procedures and parameters concerning supplemental filings.
<b>Fee Payment Deadlines</b>	We recommend that the Rules be amended to impose a deadline for complainants to pay additional filing fees in three-member panel cases.

<p><b>Reviewing and Reinforcing ICANN's Role in Compliance</b></p>	<p>We recommend that ICANN review and reinforce its role in ensuring timely compliance by registrars with their duties under the UDRP, and also that registrars receive training and information on those obligations. We furthermore recommend that consideration be given to practical solutions to make uniform and to streamline or automate the transfer process.</p>
<p><b>Providing UDRP-related Information for Registrars</b></p>	<p>We recommend that ICANN prepare and disseminate informational resources for registrars. We recommend that registrars participate in informational sessions and that a contact person be designated at each registrar for post-decision transfer procedures. We further recommend that filing parties be able to access such information and/or participate in any webinars.</p>
<p><b>Regulating Complaint Withdrawals</b></p>	<p>We recommend that the Rules be amended to regulate withdrawals (requiring the consent of both parties) and thereby make the procedure uniform across all providers.</p>
<p><b>Clarifying Registrar Verification Procedures</b></p>	<p>We recommend that the information requested by providers should be uniform and that the data provided through the registrar verification procedure should uniformly specify (a) the creation date; (b) the date on which the registrar became the registrar of record, and (c) the registrant contact details, and should be made uniform and should be shared with both parties and the panel. Consideration should be given to automating (subject to technical and resource constraints) the interface between registrars and providers.</p>

<p><b>Identifying Dissenting Panelists</b></p>	<p>We recommend that the Rules be amended to require that dissenting and concurring panelists be identified in all decisions.</p>
<p><b>ICANN Contribution to the UDRP</b></p>	<p>Given the benefit to registration authorities in outsourcing dispute resolution under the UDRP, we recommend that consideration be given to using funds received by ICANN from registration fees to support the UDRP in some fashion such as lowering or reimbursing a portion of complaint filing fees (especially for non-profits or SMEs), UDRP education and training, panel remuneration, developing UDRP guidance material, etc.</p>
<p><b>Educational Materials</b></p>	<p>We recommend the creation and publication of educational material for use by all parties, which may be made available on each provider's website and on ICANN's own website.</p>
<p><b>Registrars to Provide Additional Notice</b></p>	<p>Although the UDRP generally has been successful in providing notice of a dispute to respondents, as Internet users adapt to an increase in spam and fraud and may in some cases be reluctant to open emails, the process can be improved with a small adjustment. We believe that it would be prudent and manageable for registrars (including their resellers) who are the entity with a contractual relationship with the registrant, to support the UDRP by providing an additional form of notice to respondents.</p> <p>We propose that this practice become universal and mandatory across all registrars – in support of due process for registrants.</p>

	<p>Registrars, however, would not be required to serve the actual complaint; that function would still be left to the provider. (The registrar's (or reseller's) actions would be limited to emailing its customer at all available email addresses (including the account holder address and not just the registrant's recorded RDAP/WHOIS address) and providing notification to its customer that the disputed domain name has been locked and that they will have received or will shortly receive a Notice of Commencement of Proceedings from the provider.) This additional form of notice should be for greater informational and notice purposes only and should otherwise have no effect on deadlines.</p> <p>We further recommend that ICANN should consider whether (following the successful WIPO eUDRP proposal) the need for a hard copy notice should be eliminated. In many cases, these hard copies are not received because the registrant-provided address is incorrect; moreover, sending hard copies by courier is expensive, time-consuming, and not sustainable.</p>
<p><b>Decision Format</b></p>	<p>It was agreed that readability and uniformity of form are desirable. While there was a view expressed that a technical specification for machine readability of decisions to search decisions across all providers could be useful, the clear majority view was that this should <u>not</u> be undertaken as it would impose an undue burden on providers. There was agreement however that a uniform section-by-section template as is, e.g., used by WIPO should be followed by all providers as a best practice.</p> <p>Figuring out a satisfactory method may require some nuance but appears not only to be within reach, but worth a dedicated effort. This will necessarily require input from</p>

	registrars and registries. We therefore recommend that this issue be prioritized possibly in a dedicated work track.
<b>Codification of Case Law</b>	We recommend that the concept of a pan-provider summary of case jurisprudence, building on the consensus views captured in the WIPO Overview, be further explored in a similar manner as this WIPO-ICA-led Review Project (i.e., outside of ICANN's policy development processes but with the inputs of stakeholders with experience with the UDRP).

## **Category 2 – Unanimity of the Project Team, With Implementation Particulars to be Resolved**

*These are topics on which the Project Team agrees that a solution is both desirable and possible, but for which a specific solution has not yet been agreed upon.*

*It is suggested that these topics be considered in dedicated, specialized work tracks in the Phase 2 review of the UDRP.*

### **TOPIC**

### **PROJECT TEAM RECOMMENDATION**

<b>Appeals Layer</b>	<p>We believe that an appeals procedure can provide enhanced stability to the UDRP and on the whole appears to be a workable concept, but that a range of interrelated procedural issues would need to be worked out.</p> <p>As a result, we would recommend that the concept of an appeals layer be considered in a dedicated work track in Phase 2 with special focus on convening a group with practical experience to consider the related parts.</p>
<b>Remedy: True Cancellation</b>	<p>The Project Team felt that “true cancellation” should be considered as a remedy under the UDRP, and that a suitable mechanism for lifting the cancellation so that third parties are not prevented from legitimate registrations can be determined.</p> <p>Figuring out a satisfactory method may require some nuance but appears not only to be within reach, but worth a dedicated effort. This will necessarily require input from registrars and registries. We therefore recommend that this issue be prioritized possibly in a dedicated work track.</p>

<p><b>Third-level domains</b></p>	<p>The feasibility of applying the UDRP to address abuse of trademarks by registrants of third-level domain names should be considered in a dedicated work track.</p>
<p><b>Changing “and” to “or”</b></p>	<p>As a result of the extensive deliberations and feedback received, we believe that a change from “and” to “and/or” may be possible to implement in order to address specific instances of bad faith use following good faith (or unclear) registration which would not otherwise impact domain names registered in good faith.</p> <p>As a result, we would recommend that an examination of the possible introduction of “and/or” in limited circumstances, and the inclusion of express safeguards, be discussed in a dedicated work track in Phase 2 wherein the ICANN Community can engage in what are likely to be more complex deliberations to seek consensus on this issue.</p>
<p><b>Expedited or Summary Procedures</b></p>	<p>The Project Team felt that, although agreeing on the form of any expedited procedure would require further discussion, it is nevertheless highly worthwhile to further investigate and deliberate upon the details of such a procedure with a view to finding a solution that deals with certain kinds of cybersquatting abuse on an expedited basis, while ensuring that rights of legitimate registrants are protected.</p> <p>We would therefore recommend that such consideration be subject to a dedicated work track as consensus appears achievable.</p>

### **Category 3 – Agreement in Principle, Further Directional Work Required**

*These are topics on which the Project Team agrees that further work may be undertaken, but for which it did not propose a specific substantive solution nor a procedural direction.*

TOPIC	PROJECT TEAM RECOMMENDATION
<b>Name Redaction</b>	<p>We recognize the importance of privacy generally and in particular when it comes to protecting the privacy of innocent registrants. We also recognize the importance of publication of party names where warranted for the efficacy of the UDRP.</p> <p>We believe that panels currently have the power under the Policy and Rules to redact party names where appropriate and therefore neither a Policy nor Rule change is necessarily required. That said, it is recognized that a considered and uniform framework for application in individual cases may be beneficial and that such criteria could be considered and discussed in a dedicated work track, having regard to personal data regulations worldwide but also having regard to the potential for misuse of the UDRP process.</p>
<b>Panelist Appointment, Accreditation, and Quality</b>	<p>This is a complex issue that would be difficult to reach consensus on. Nevertheless, it is an area of interest, including possibly developing a process to raise concerns about panelist performance and for panelist continuing education.</p>
<b>Free Speech</b>	<p>Free speech is currently enshrined in the Policy. Nevertheless, further discussion on the application of</p>

	<p>the Policy in such cases might be desirable in order to support consistency amongst panels and to ensure that the UDRP adequately protects free speech as it should.</p> <p>We would therefore recommend that an examination of the application of the Policy to free speech issues and a possible codification and clarification of case jurisprudence be conducted in a dedicated work track.</p>
<b>Scope of the UDRP</b>	<p>The focus of the present Report is on the trademark-based UDRP framework as adopted by ICANN. At the same time, it is recognized that there was interest in expanding the scope of the UDRP to include other identifiers. We therefore consider this topic in terms of the Phase 2 charter to be a matter for ICANN's GNSO Council.</p>

#### **Category 4 – Unanimity of the Project Team to Retain the Status Quo**

*These are topics on which the Project Team agreed that the complexity of the topic and the effort that would be necessary to reach a consensus solution prima facie outweighed the benefits of doing so.*

<b>TOPIC</b>	<b>PROJECT TEAM RECOMMENDATION</b>
<b>Loser Pays, Costs, Damages</b>	<p>While there was support for the principle of addressing the imbalance in enforcement costs and providing a deterrent against bad actors, given the complexities in administering such a system, <u>we would recommend against</u> the adoption of a loser pays system.</p> <p>The practical obstacles to such a system as outlined above are prima facie insurmountable, or at minimum would require additional complex financial and legal undertakings by parties, providers, registrars, and even ICANN.</p>
<b>Mediation</b>	<p>We believe that mandatory mediation should not be adopted.</p> <p>At the same time, we believe that, although instances may be relatively infrequent where both parties are interested in availing themselves of a voluntary mediation procedure offered by a provider, it may nonetheless be offered for those that want it without interfering or compelling those that do not.</p> <p>In that light, we recommend that individual providers should be free to offer voluntary mediation to parties,</p>

	<p>provided that they both agree to participate under the provider's mediation framework, rules, and fees.</p>
<b>Laches/Statute of Limitations</b>	<p>We recognize that delay, especially as some domain names are as old as the UDRP, is a factor that ought to be considered by panels, and it currently is. We therefore do not see sufficient basis for changing the UDRP to address laches as such.</p> <p>Overall, we believe that a limitation period should not be adopted and that laches, even if it were adopted as a formal defense under the Policy, would be unlikely to have any appreciable effect given the rarity in which circumstances which lend themselves to laches arise and noting that panels already take timing into account in their case assessments.</p>