

World Intellectual Property Organization
WIPO Supplemental Rules for Trademark Post-Delegation Dispute Resolution
Procedure

(In effect as of August 31, 2025)

1. Scope

(a) These are the WIPO Supplemental Rules for the Trademark Post-Delegation Dispute Resolution Procedure (“Supplemental Rules”) as referred to in Section 2.1 of the ICANN Trademark Post-Delegation Dispute Resolution Procedure (“Procedure”) and Rule 1 of the Post-Delegation Dispute Resolution Procedure Rules (“Rules”). The Supplemental Rules are to be read and used in connection with the Procedure and the Rules.

(b) The version of the Supplemental Rules applicable to a proceeding conducted under the Procedure is the version in effect on the day when the relevant complaint in a Procedure proceeding is submitted.

2. Definitions

Terms defined in the Procedure and the Rules shall have the same meaning in the Supplemental Rules. Words used in the singular shall include the plural and *vice versa* as the context may require.

3. Communications

(a) Subject to Section 4.1 of the Procedure and paragraph 2 of the Rules, except where otherwise agreed beforehand with the WIPO Arbitration and Mediation Center (“WIPO Center”), and subject to the discretion of any appointed Panel, any submission to the WIPO Center or to the Panel shall be made by electronic mail (email) using pddrp@wipo.int.

(b) In accordance with paragraph 2(c) of the Rules, except where otherwise agreed beforehand with the WIPO Center, all submissions to the WIPO Center shall comply with the WIPO Center’s Filing Guidelines as set out in Annex E hereto and posted on the WIPO Center website.

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4. Submission of Complaint and Response

(a) In accordance with Section 7 of the Procedure and paragraph 3 of the Rules, the Complainant shall transmit its Complaint using the Complaint Model Form set out in Annex B hereto and posted on the WIPO Center website.

(b) In accordance with Section 10 of the Procedure and paragraph 5 of the Rules, the registry operator shall transmit its Response using the Response Model Form set out in Annex C hereto and posted on the WIPO Center website.

5. Further submissions

(a) In accordance with Sections 9.3 and 9.4 of the Procedure, the registry operator shall have the opportunity, but is not required, to submit papers to support its position as to the Complainant's standing at the Threshold Review Stage, and the Complainant may submit an opposition to such papers. Any submitted papers or opposition must be made in accordance with paragraph 4 of the Rules and must comply with the same limits described in Section 7.3 of the Procedure.

(b) In accordance with Section 11.1 of the Procedure and paragraph 6 of the Rules, any Reply filed by the Complainant must be submitted electronically to the WIPO Center and must comply with the same limits described in Section 7.3 of the Procedure.

(c) In the event a party wishes to submit any non-electronic submissions, or any other submissions in addition to those provided for in the Procedure and Rules, it shall first request leave to do so from the WIPO Center. The WIPO Center shall, in its sole discretion, then determine whether to accept such submission, without prejudice to the discretion of any appointed Panel.

6. Default

In accordance with Section 12.2 of the Procedure, the WIPO Center normally will forward any late submission by the registry operator to the appointed Expert Panel for consideration as to its admissibility.

7. Appointment of Case Manager

(a) The WIPO 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 the Panel, but shall have no authority to decide matters of a substantive nature concerning the dispute.

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8. Panel Appointment Procedure

- (a) In accordance with paragraph 7(a) of the Rules, the WIPO Center will maintain and publish on its website a publicly available List of Experts who may be available for Panel appointment.
- (b) Pursuant to Section 9 of the Procedure, the WIPO Center shall select a single Threshold Review Panelist from its List of Experts.
- (c) Pursuant to Section 13.2 of the Procedure, unless any party requests a three-member Expert Panel, there shall be a single-member Expert Panel to be appointed by the WIPO Center in its sole discretion.
- (d) In the event any party requests a three-member Expert Panel, such request shall be made in the Complaint or the Response.
- (i) Where a three-member Expert Panel has been requested, within four (4) days after the Reply has been filed by the Complainant, or if no Reply is filed, within four (4) days after the Reply was due to be filed, each party shall separately select and submit to the WIPO Center the names of three experts from the WIPO Center's List of Experts, in the order of preference, for the WIPO Center to confirm as Co-Panelist. In the event that none of a party's three candidates is available for confirmation as Co-Panelist, or a party fails to timely submit its preferences, the WIPO Center shall have the right to appoint the Co- Panelist(s) in its sole discretion.
- (ii) Within 5 days of the confirmation of the Co-Panelists, the Co-Panelists shall jointly submit to the WIPO Center a list of up to three experts from the WIPO Center's List of Experts, in the order of preference, for the WIPO Center to confirm as Presiding Panelist. In the event that none of the panelists selected by the Co-Panelists is available for confirmation as Presiding Panelist, or the Co-Panelists fail to timely agree on a list, the WIPO Center shall have the right to appoint the Presiding Panelist in its sole discretion.

9. Expert Impartiality and Independence

- (a) In accordance with Section 13.4 of the Procedure, any prospective Panelist shall, before accepting appointment, disclose to the WIPO Center and the 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 exists by submitting to the WIPO Center a *Declaration of Impartiality and Independence* using the form set out in Annex D hereto and posted on the WIPO Center's website.
- (b) In accordance with paragraph 7(b) of the Rules, if at any stage during a proceeding conducted under the Procedure circumstances arise that might give rise to justifiable doubt as to a Panelist's impartiality or independence, the Panelist shall promptly disclose such circumstance to the parties and the WIPO Center.

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(c) A party may challenge the appointment of a Panelist if circumstances exist which give rise to justifiable doubt as to the Expert's impartiality or independence. A party may challenge a Panelist whom it has appointed, only for reasons of which it reasonably becomes aware after the appointment has been made.

(i) A party challenging a Panelist shall send notice to the WIPO Center and the other party, stating the reasons for the challenge, within three (3) calendar days after being notified of that Panelist's appointment or becoming aware of circumstances that it considers give rise to justifiable doubt as to that Panelist's impartiality or independence.

(ii) The decision on the challenge shall be made by the WIPO Center in its sole discretion. Such a decision is of an administrative nature and shall be final. The WIPO Center shall not be required to state reasons for its decision. In the event of a Panelist's removal, in accordance with paragraph 7(b) of the Rules the WIPO Center shall have the discretion to appoint a substitute Panelist.

10. Fees

(a) The applicable fees for the Procedure are specified in Annex A and posted on the WIPO Center's website.

(b) If an administrative proceeding is terminated prior to the appointment of the Threshold Review Panel or the Expert Panel (whichever is applicable), the WIPO Center shall return the unexpended balance of the applicable fees to the Complainant.

11. Confidentiality

(a) A party invoking the confidentiality of any information it wishes or is required to submit in any proceeding conducted under the Procedure, shall submit the request for confidentiality to the WIPO Center for the Panel's consideration, stating the reasons for which it considers the information to be confidential. If the 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 Section 4 of the Procedure and paragraph 8 of the Rules, except in exceptional circumstances as decided by the Panel and in consultation with the parties and the WIPO Center, no party or anyone acting on its behalf shall have any *ex parte* communication with the Panel.

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12. Consolidation

(a) Pursuant to paragraph 3(g) of the Rules, where a registry operator is the subject of two or more complaints under the Procedure, the WIPO Center, or Threshold Review Panel, may in its discretion choose to consolidate the disputes, provided all involved parties agree. Complainants may initially submit complaints as a joint complaint or may, at the discretion of the Threshold Review Panel, request to consolidate complaints after the disputes are filed.

(b) The WIPO Center's, or Threshold Review Panel's, decision on any consolidation of multiple complaints for Expert Determination by the same Panel is of an administrative nature and shall be final. The WIPO Center, or Threshold Review Panel, shall not be required to state reasons for its decision.

13. Mediation

In connection with paragraph 15(a) of the Rules, prior to the Expert Panel rendering its decision in a proceeding conducted under the Procedure, the parties may inform the WIPO Center that they wish to participate in mediation to attempt to resolve the dispute and in that event may request the WIPO Center to administer the mediation. In such event, unless both parties agree otherwise, the WIPO Mediation Rules shall thereby apply *mutatis mutandis*. On request from the parties, and absent exceptional circumstances, the WIPO Center's mediation administration fee shall be waived. In the event a Mediator is appointed, the Mediator's fee is specified in Annex D hereto and posted on the Center's website.

14. Effect of Court Proceedings

(a) Further to paragraph 16 of the Rules, the Complainant and the registry operator shall include in any Complaint or Response relevant information regarding any other legal proceedings concerning the top-level domain.

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

15. Appeal of Expert Determination

(a) Pursuant to Article 20 of the Procedure, where an appeal is filed in accordance with the Procedure, the WIPO Center shall make a reasonable effort to appoint the three-member Appeal Panel in its sole discretion from the WIPO Center List of Experts within 20 days after the response to the appeal is filed, or if no response to the appeal is filed, 20 days after such response was due to be filed.

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(b) The Appeal Panel shall render and sign a written Expert Determination on the Appeal which must state which party is the prevailing party. The Expert Determination on the Appeal shall be made publicly available by the WIPO Center on the WIPO Center website.

16. Termination

(a) Further to paragraph 15 of the Rules, if, prior to Panel appointment, it becomes unnecessary or impossible to continue a proceeding conducted under the Procedure for any reason, the WIPO Center, in consultation with the parties, may in its discretion terminate the proceeding.

(b) If, before the Panel renders an Expert Determination, it becomes unnecessary or impossible to continue a proceeding conducted under the Procedure for any reason, the Panel may in its discretion terminate the proceeding.

17. Amendments

Subject to the provisions of the Procedure, the WIPO Center may amend these Supplemental Rules in its sole discretion.

18. Exclusion of Liability

Except in respect of deliberate wrongdoing, a 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 Procedure, the Rules, and the Supplemental Rules.