

Request for Information -
Uniform Rapid Suspension System

24 September 2012

1.0 Introduction

1.1 About this Document

By issuing this Request for Information (“RFI”), the Internet Corporation for Assigned Names and Numbers (“ICANN”) is requesting your best offer to provide a response to the requirements of a Uniform Rapid Suspension System (“URS”) process. In seeking a comprehensive agreement for these services, ICANN is placing maximum emphasis on several key components of value including expertise with similar processes, demonstrated practices, value-added services, and the ability to work within the guidelines established in this RFI.

1.2 Overview of ICANN

The mission of ICANN, pursuant to its bylaws, is to coordinate, at the overall level, the global Internet's systems of unique identifiers, and in particular to ensure the stable and secure operation of the Internet's unique identifier systems. In particular, ICANN:

1. Coordinates the allocation and assignment of the three sets of unique identifiers for the Internet, which are
 - a. Domain names (forming a system referred to as "DNS");
 - b. Internet protocol ("IP") addresses;
 - c. Autonomous system ("AS") numbers; and
 - d. Protocol port and parameter numbers.
2. Coordinates the operation and evolution of the DNS root name server system.
3. Coordinates policy development reasonably and appropriately related to these technical functions.

ICANN is dedicated to preserving the operational security and stability of the Internet; to promoting competition; to achieving broad representation of global Internet communities; and to developing policy appropriate to its mission through bottom-up, consensus-based processes.

Please see www.icann.org for more information on its processes and scope of activities.

1.3 Overview of the Initiative

If you surf the Internet today, you will most likely access an Internet site from one of the 21 generic Top Level Domains (“gTLD”) on the Internet. Examples gTLDs include .COM, .ORG, .NET, and .GOV (a complete listing of all gTLDs is available at <http://www.iana.org/gtld/gtld.htm>).

Since ICANN was founded thirteen years ago as a not-for-profit, multi-stakeholder organization dedicated to coordinating the Internet's addressing system, one of its foundational principles has been to promote competition in the domain name marketplace while ensuring Internet security and stability. Following these principles, a decision to introduce new gTLDs, to allow more innovation, choice and change to the Internet’s addressing system was initiated by the Generic Names Supporting Organization (GNSO) in 2007 and adopted by ICANN in June, 2008.

This decision was made after a detailed and lengthy consultation process with all constituencies of the global Internet community including representation by a wide variety of stakeholders – governments, individuals, civil society, business and intellectual property constituencies, and the technology community was followed. Contributing to this process were ICANN's Governmental Advisory Committee, At-Large Advisory Committee, Country Code Names Supporting Organization, and Security and Stability Advisory Committee.

In the development of the New gTLD Program, a number of concerns from various constituencies of the global Internet community were raised regarding the potential increase in risks that users, businesses, and other organizations face today as they use the Internet.

To help address these concerns, ICANN’s Board passed a resolution on 6 March 2009 to form an Implementation Recommendation Team (“IRT”) to seek solutions for the potential risks to trademark holders. The IRT made several recommendations to help safeguard the public and rights holders. One such recommendation was the implementation of a Uniform Rapid Suspension (“URS”) system to supplement the existing Uniform Domain Name Dispute Resolution Policy (“UDRP”).

As described in the IRT’s report - the primary purpose of the URS is to provide a cost-effective and timely mechanism for brand owners to protect their trademarks and to promote consumer protection on the Internet. The URS is aimed at solving the most clear-cut cases of trademark abuse, balancing against the potential for abuse of the URS process.

It should be clearly noted that the URS is not intended to replace the UDRP, but to act as a complement to that long-tested process. The URS and UDRP have separate procedures with distinct timelines and remedies. The design of the URS is expected to provide a faster means to

stop the operation of an infringing domain name and also to be available for a limited fee (in the order of 300-500 USD per case). The UDRP is designed to result in the cancellation or transfer of the abusive domain name, while the URS results in suspension of a domain name. As designed, trademark holders seeking to address alleged infringements will be able to utilize either or both procedures. There is no requirement to use one procedure before the other. As with the UDRP, multiple independent entities will be designated to offer the service of providing URS handling.

ICANN is releasing this Request for Information to solicit responses from bidders and gather feedback that may be used to select one or more URS providers, or inform the development of a comprehensive RFP. At its sole option, ICANN may elect to enter into negotiations with one or more respondents based on responses to this RFI.

Section 2.0 Objectives and Requirements

2.1 Objectives

ICANN desires to engage one or more providers of URS services to provide cost-effective and timely mechanisms for brand owners to protect trademarks. The process will focus strictly on cases in which there is no genuine contestable issue as to the infringement and abuse that has taken place while balancing against the potential for abuse of the URS process.

The current text of the URS procedure is available under Module 5 in the Applicant Guidebook, see <http://newgtlds.icann.org/en/applicants/agb>.

2.2 Required Experience

ICANN expects that respondents will, at a minimum, satisfy the following experience requirements:

1. Must possess a thorough knowledge of the URS, its purpose and intended function.
2. Have a demonstrated ability to handle administrative proceedings in an expedited, global, online context in an orderly and fair manner.
3. Have a track record in competently handling clerical aspects of Alternative Dispute Resolution or UDRP proceedings.
4. Have a team of globally diverse and highly qualified neutrals, with experience handling UDRP or similar complaints, to serve as panelists.
5. Have the ability to scale quickly to meet the demands of an unknown number of complaints while meeting the time requirements to resolve complaints.

6. Able to manage cases in multiple languages.
7. Have a demonstrated understanding of global intellectual property issues as they relate to the Internet.

2.3 URS Specific Requirements

As the URS will be mandatory in all registry agreements for new gTLD registries, Respondents must demonstrate how they will manage to the specific URS requirements, which include, but are not limited to:

1. The “on boarding” of existing and new gTLD registries and their registrars
2. Establishing standard evaluation analysis procedures for consideration of a URS complaint
3. Integration with the Trademark Clearinghouse or other centralized databases to ensure all URS decisions are recorded and searchable
4. Creating a payment account system that allows complainants to fund URS filing fees in multiple currencies
5. Timely notification to relevant parties of an initiated complaint
6. Establishing an initial examination process to validate complaints prior to moving to a “freeze and notice” stage
7. Providing a mechanism to allow Registrants to file timely responses to a complaint
8. Coordinating with qualified legal experts with experience in UDRP proceedings
9. Communicating with the Registry and/or Registrar to preserve the Registrant’s site so that changes to content or Whois information cannot be made once a complaint is accepted
10. Caching copies of the website pages at the time of the complaint cited by the complainant as evidence of infringement
11. Communicating with the Registry and/or Registrar to rapidly suspend domain name registrations, upon an approved URS complaint, while preserving a registrant’s right to a hearing and/or appeal
12. Establishing a process to monitor URS abuse
13. Establishing a process for confirming that registries and/or registrars have complied with obligations upon notice
14. Communicating with the Registry and/or Registrar to manage all changes to Whois records based on approved URS complaints
15. Establishing an Examination Appeals process
16. Establishing a process to determine if appeals have been filed in a court of competent jurisdiction
17. Operating the URS on a cost efficient basis (preferably on a cost-recovery basis)
18. Evidence of Errors & Omissions Insurance in an amount of not less than USD 1,000,000.

Section 3.0 Required Response Items

3.1 Company Information and Background

- Respondents must provide the following information regarding the organization:
 - Name
 - Street Address
 - City, State & Zip
 - State/Country of Incorporation
 - Phone
 - Fax
 - Website
- Please indicate if the organization is a subsidiary of any other company.
 - If so, please indicate the parent company and how you are managed by the parent (actively or autonomously)
- List the responding organization's top 2 to 4 officers and their titles.
- Please indicate if you are an affiliate of any ICANN accredited registrar, registry or other contracted party or have any ownership interest in any ICANN accredited registrar, registry or other contracted party with ICANN.
- Please indicate if you provide any advisory or consulting services to gTLD applicants or registry providers applying for new gTLDs.

3.2 Executive Summary

- What characteristics most distinguish your organization from your competitors?
- Summarize the key points of the response including the benefits to the internet community of engaging your organization

3.3 Qualifications & Approach

- Provide an overview of the global resources of your organization.

- Provide examples of any relevant thought leadership, industry participation, and publications that highlight your experience.
- Describe your organization’s qualifications to deliver the required URS services including addressing the experience requirements of Examiners as specified in 7.2.
- Identify the internal processes which keep your organization abreast of relevant industry issues/trends including any thoughts on keeping the public informed of new trends related to cybersquatting and intellectual property abuse over the Internet.
- Describe the communication processes that will keep ICANN, the complainant(s), the Registrant, Registry, and the public timely informed of complaints.
- Describe the internal processes to be followed, including guiding principles, critical events, and quality control mechanisms.
- Describe the team that will manage and execute the URS process. Please include
 - The organizational structure of the team
 - Roles and responsibilities for each key team member
 - The name and description of any other organizations that will participate in the delivery of the services

Section 4.0 Instructions to Respondents

4.1 Definition of Respondent

“Respondent” means any person or firm receiving this RFI or submitting a response in response to this RFI.

4.2 Timeline

The following dates have been established as milestones for this RFI. ICANN reserves the right to modify or change this timeline in its absolute discretion. Respondents should be aware that the ICANN community will continue to engage in discussions on the requirements, as indicated below.

This is a general timetable for the written response process, and possible oral presentations.

Request for Information issued	24 September 2012
Respondents' Q&A – Teleconference	23 October 2012
Written responses due	20 November 2012
Oral presentations to by potential providers	28 November 2012
Community work to complete requirements	ongoing
Projected URS providers published	Not later than 28 February 2013

4.3 Respondent Question and Answer Session

A respondent meeting/conference call (Respondents' Q&A – Teleconference) will be held for all prospective respondents on or about 23 October 2012. Please confirm your attendance by emailing URS-EOI@icann.org.

4.4 Submission of Responses

Responses shall be prepared and submitted as requested by this RFI. Your written submission should include explanations of how you will meet the Experience Requirements contained in 2.2 above and how you will satisfy the URS Specific Requirements contained in 2.3 above. For ease of evaluation, please limit your response to no more than 15 pages. Please arrange to have an electronic copy delivered to URS-EOI@icann.org by 23.59 UTC on 20 November 2012.

4.5 Discrepancies, Omissions and Additional Information

Respondent is responsible for examining this RFI and all addenda. Should Respondent find discrepancies, omissions, unclear or ambiguous intent or meaning, or should any question arise concerning this RFI, Respondent must notify ICANN of such findings immediately in writing via email no later than three (3) days prior to the deadline for bid submissions to URS-EOI@icann.org.

Should such matters remain unresolved by ICANN, in writing, prior to Respondent's preparation of its submission, such matters must be addressed in the responses.

ICANN is not responsible for oral statements made by its employees, agents, or representatives concerning this RFI. If Respondent requires additional information, Respondent must request that the issuer of this RFI furnish such information in writing.

A Respondent's submission is presumed to represent its best efforts to respond to the RFI. Any significant inconsistency, if unexplained, raises a fundamental issue of the Respondent's understanding of the nature and scope of the work required and of its ability to perform the contract as proposed and may be cause for rejection of the response. The burden of proof as to cost credibility rests with the Respondent.

4.6 Receipt and Opening of the Responses

Responses will be received by ICANN at the address shown above until the date and time shown herein. Responses will be opened only in the presence of ICANN personnel and consultants as required for evaluation.

4.7 Response Evaluation

ICANN will evaluate Respondent's responses and other pertinent information. Submissions received will be reviewed for responsiveness to the RFI and for clarity and conciseness of the information presented.

4.8 Selection of the URS Providers

Each response will be evaluated on the basis of its technical, management and cost merits after a review of all aspects of each category in relationship to the requirements of this RFI. The ultimate basis for the selection for provisional approval will be in the absolute discretion of ICANN.

A partial list of the evaluation criteria follows:

- Is the Respondent's proposed solution capable of meeting the objectives and requirements set forth in this RFI?
- Are the Respondent's experience and capabilities clearly stated in the response?
- Does the Respondent have the experience to run such a program?
- Is the approach clear and does it meet the URS requirements?
- Has the Respondent demonstrated an ability to scale as necessary?
- Is the requested response complete and in the format requested?

Responses are required to be valid for a minimum of one hundred twenty (120) days following the deadline for submission. A response may not be modified, withdrawn or canceled by the

Respondent for a 120-day period following the deadline for submission of the response. The Respondent so agrees to this condition by submission of the response.

4.9 Ownership of Documents

All supporting documentation submitted by the Respondent with a response shall become the property of ICANN unless the Respondent specifically requests **in writing** that the documentation be returned.

4.10 Disclaimer

This RFI shall not be construed in any manner to create an obligation on the part of ICANN to enter into any contract, or to serve as a basis for any claim whatsoever for reimbursement of costs for efforts expended. The scope of this RFI may be revised at the sole option of ICANN at any time. ICANN shall not be obligated by any responses or by any statements or representations, whether oral or written, that may be made by ICANN. ICANN shall be held free from any liability resulting from the use or implied use of the information submitted in any response. Submission of a response shall constitute Respondent's acknowledgment and acceptance of all the specifications and requirements in this RFI.