

KEYWORD DISPUTE RESOLUTION FAQs

These frequently asked questions about Keyword dispute resolution are relevant for all registrants of Keywords (“Registrants”) and third parties with complaints about Keywords (“Complainants”).

What is the Keyword Dispute Resolution Policy?

RealNames has established a global **Keyword Dispute Resolution Policy** to (1) explain how third parties can resolve their disputes involving Keyword registrations, and (2) offer an expedited, cheaper means of resolving some disputes through Administrative Proceedings managed by **eResolution**, a provider of online dispute resolution services. All Registries of Keywords are required to implement the Keyword Dispute Resolution Policy.

What is the Keyword Feedback Form?

The **Keyword Feedback Form** is available for Complainants to use prior to filing an Administrative Proceeding to see if the Keyword conflicts with Keyword policies and/or to determine if the Keyword Registrant is bound to participate in Administrative Proceedings under the KDRP.

Who must participate in Administrative Proceedings?

Since the **Keyword Dispute Resolution Policy** is new, it will take some time to phase in to the point where participation is mandatory for all Registrants. Presently, whether a RealNames Registrant is required to participate in an Administrative Proceeding depends on when the particular Keyword at issue was registered:

- For Keywords registered or renewed on or after December 12, 2000, the majority of Registrants are REQUIRED to participate in an Administrative Proceeding initiated against such Keyword registration;
- For Keywords registered or renewed prior to December 12, 2000, participating in an Administrative Proceeding is VOLUNTARY for the majority of Registrants. (However, as those Keyword registrations come up for renewal, they will be subject to the new Services Agreement, including the Keyword Dispute Resolution Policy, and therefore their participation will eventually be required also).

The Administrative Proceeding is VOLUNTARY for all Complainants.

If a Complainant is unsure, how can he/she determine whether a particular Registrant with a Keyword registration from RealNames is required to participate in an Administrative Proceeding?

Complainants should fill out the **Keyword Feedback Form**.

What if the Keyword is reserved rather than registered?

The Keyword Dispute Resolution Policy applies equally to both situations.

What if a Complainant does not know the identity of the Registrant?

RealNames has plans to create a Global Keyword Registrant Database, which will be a query-based database of all worldwide Keyword Registrants for purposes of facilitating Keyword dispute resolution, similar to the WHOIS database available for domain names. However, until

such time as the database is available, Complainants that do not know the identity should use the Keyword Feedback Form and RealNames will assist the inquiring Complainant to the extent it can consistent with privacy restrictions.

Is it futile for Complainants to initiate an Administrative Proceeding against a Keyword Registrant whose participation is voluntary?

No. The Registrant will be informed that the complaint has been filed and if he/she chooses to participate in the Administrative Proceeding, all applicable entities (RealNames, the applicable Registry, Registrar, and any applicable Reseller) will respect the decision that results from such Proceeding.

Who decides Administrative Proceedings?

eResolution is the provider of all online administrative proceedings under the Keyword Dispute Resolution Policy. eResolution arranges for one or three (at the selection of the participants) qualified arbitrator(s) from its global list of arbitrators to decide the dispute.

Who pays for the Administrative Proceeding?

The Complainant pays all fees, except for the situation where the Registrant has selected to expand the panel from one to three arbitrators, in which instance, the fees are shared.

Can persons with complaints about Keywords use other dispute resolution methods?

Yes. As indicated in the **Keyword Dispute Resolution Policy**, litigation, arbitration, and private settlement through mediation or other means are all permitted.

Can the parties decide to transfer the Keyword registration to resolve the dispute?

No, because Keyword registrations are not transferable by Complainant. Registrant and Complainant can privately settle their disputes any way they wish, but they cannot agree to seek any action from the Registrar of the Keyword other than cancellation (without a right to a refund) of Registrant's Keyword registration.

Can the Party who lost the Administrative Proceeding go to court?

Yes. A losing Complainant can bring a court challenge at any time. A losing Registrant must bring a court challenge within 20 days after the decision resulting from the Administrative Proceeding if the Registrant wishes to preserve the status quo of his/her Keyword registration during the litigation.

What is the role of RealNames and other Registries, Registrars, and Resellers in disputes between third parties and Keyword Registrants?

None other than promulgating and amending (as necessary) the Keyword Dispute Resolution Policy (for RealNames) and complying with the Policy (for RealNames and other Registries, Registrars and Resellers). Of course, RealNames, Registries, Registrars and Resellers can take action against a Keyword registration for any violation of the Registration Service Agreement, even if such violation also forms the basis of a third party complaint.

What is the Country associated with a Keyword and why is it important?

Every Keyword has a country because a Keyword is a combination of text *and* a country selected by the Registrant. The country is where that Keyword is implemented in RealNames' partners – search engines and browsers. There are 244 Keyword countries, mirroring the country code Top Level Domains (TLDs) in the domain names system. You must know both the text and the country of a Keyword to dispute it in an Administrative Proceeding or to submit a Keyword Feedback Form because the combination of text plus country code makes a unique Keyword and

a unique dispute (e.g., the Keyword “Woolworths” in the United States and the Keyword “Woolworths” in the United Kingdom are two separate Keywords and if a potential Complainant wished to dispute their registration, each would be a separate dispute, even if they were registered to the same Registrant). The country information will be in the Global Keyword Registrant Database, when launched. In the interim, use the Keyword Feedback Form.

Click here to view the [Keyword Dispute Resolution Policy](#).

Click here to view the [Keyword Feedback Form](#).