

Complaint Resolution Service : Council of Country Code Administrators

FILING AN ACCEPTABLE USE POLICY COMPLAINT | OVERVIEW

Any party who believes a domain name registrant ("Registrant") has violated a Council of Country Code Administrators Incorporated ("CoCCA") member's Acceptable Use Policy ("AUP") must provide certain documentation in order for CoCCA and the ccTLD manager to investigate and evaluate the claim or complaint.

In order to initiate this Enforcement Procedure, the party (the "Complainant") who wishes to notify CoCCA about a potential AUP violation must completely and thoroughly fill out the Acceptable Use Policy Violation Form (the "Form"), sign it and email to support@coccaregistry.org.

The Complaint Form can be found at the end of this document. Complainants should thoroughly review the Complaint Form and strictly follow the directions regarding both the information that must be provided and transmittal of the Complaint Form to CoCCA.

CoCCA will only evaluate claims under the policies set out for the CoCCA Complaint Resolution Service ("Service") if the Complainant provides all the information in the Form.

If the Form sent to CoCCA is incomplete, it will be sent back to the Complainant with a request for more information and CoCCA will take no further action until the Complainant provides the information necessary for CoCCA's evaluation.

Complainants should be aware that CoCCA will forward a copy of the Complaint Form to the Registrant and post the complaint online, CoCCA may at its discretion, and when requested by the Complainant obfuscate certain details on the publicly posted copy.

The Complaint Resolution Service provides a transparent, efficient and cost effective way for the public, law enforcement, regulatory bodies, and intellectual property owners to have their concerns regarding use of a CoCCA member's network or services addressed.

The Service provides a single framework in which cyber-crime, accessibility of prohibited Internet content via a member's network or services, and abuse of intellectual property rights are addressed. **The framework relies on three tiers of review: immediate action to protect the public interest, informal mediation by an Ombudsman, and if necessary adjudication by an Expert.**

Fees:

Lodging a complaint is free. Amicable Complaint Resolution is free.

The applicable fees in respect of the referral of proceedings under the Complaint Resolution Service to an Expert are (in United States Dollars) \$2500. The applicable fees for the submission of an appeal are (in United States dollars) \$6,600.

Complaint Resolution Service : Procedural Overview

The CoCCA Acceptable Complaint Resolution Service (“CRS”) is an alternative to litigation for resolution of complaints between the registrant of a domain name and a complainant who alleges a registrant is in violation of a CoCCA Member’s Acceptable Use Policy (“AUP”).

The (CRS) provides a single framework in which cyber-crime, accessibility of prohibited Internet content via a member’s network or services, and abuse of intellectual property rights are addressed. The framework relies on three tiers of review: immediate action to protect the public interest, informal mediation by an Ombudsman, and adjudication by an Expert, which provides an alternative to the courts.

Complainants must review the applicable ccTLD AUP policy and sign then scan) the complaint form and forward to the CoCCA Complaints Officer for review. **A preliminary review will take place within 3 days and the Officer will determine if immediate action is necessary to protect the public interest.** If immediate suspension is not warranted, the Complaints officer will request the Ombudsman to initiate and conduct a period of informal mediation to attempt “amicable” resolution of the complaint.

On receipt of the complaint the Officer will request the domain name to be locked by the CoCCA member and/or the Registrar until a period 10 Days after the Parties are notified of a Decision by the Ombudsman or an Expert, at which time the domain name may be unlocked.

The Complaint Officer, in consultation with the CoCCA member, will check that the Complaint sufficiently complies with the Policy and the CRS procedure and, if so, **will forward it to the Registrant together with an explanatory cover-sheet within 5 Days of the receipt** of the Complaint.

Within 15 Days of the date of commencement of CRS proceedings, the Registrant may submit to the Complaint Officer a Response (if the Registrant does not submit a Response, the domain will be suspended, pending receipt of a Response).

Within 3 Days following the receipt of the signed copy of the Response, the Complaint Officer will forward the Response to the Complainant.

Within 5 Days of receiving the Response from the Complaint Officer, the Complainant may submit a Reply to the Registrant's Response.

Within 3 Days of the receipt of the Complainant's Reply (or the expiry of the deadline to do so), the Complaint Officer will arrange with the Ombudsman’s office for informal Mediation to be conducted.

Informal mediation by an Ombudsman

If mediation fails the Complainant can request the Ombudsman send the matter to an expert who will arbitrate the resolution of the complaint. A Decision will be communicated to the Parties. All Decisions will be published in full on the CoCCA web site

Complaint Resolution Service : Procedural Overview

If the Parties do not achieve an acceptable resolution through Informal Mediation within 10 Days, the Ombudsman will send notice to the Parties that an Expert will be appointed when the Complainant has paid applicable fees.

If the Ombudsman does not receive the Complainant's request to refer the matter to an Expert together with the applicable fees within 10 Days of the Complainant's receipt of the notice, the Complaint will be deemed to have been withdrawn. This will not prevent the Complainant submitting a different Complaint.

Adjudication by an Expert

Within 5 Days of the receipt of the applicable fees from the Complainant, the Ombudsman will appoint an Expert on a rotational basis from its list of Experts. The Expert will decide a Complaint on the basis of the Parties' submissions, the Policy and the Procedure.

Unless exceptional circumstances apply, an Expert shall forward his or her Decision to the Ombudsman within 10 Days of his or her appointment. Within 3 Days of the receipt of a Decision from the Expert, the Ombudsman will communicate the full text of the Decision to each Party via email, and the date for the implementation of the Decision in accordance with the Policy, which date shall be 10 Days after the date that the parties were notified of the Decision.

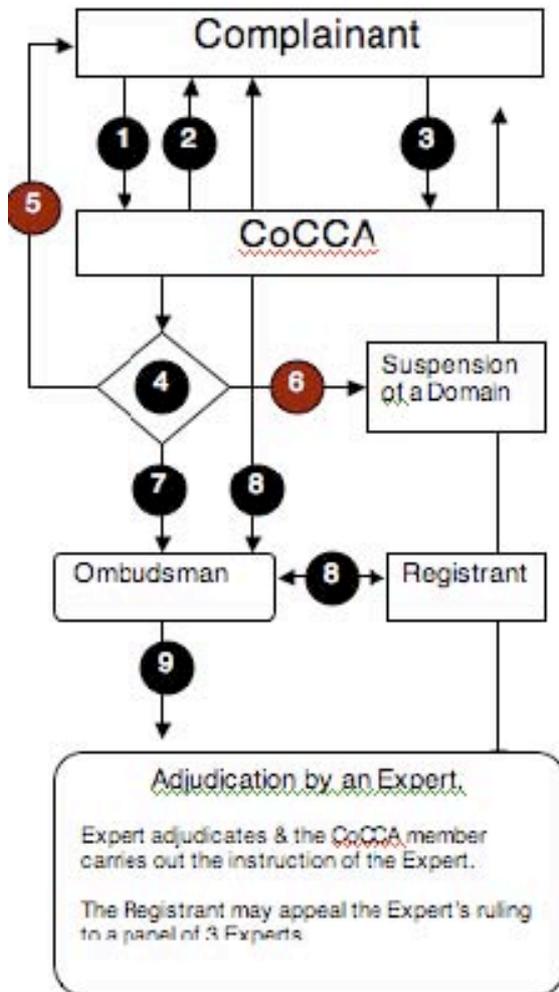
If the Expert makes a Decision that a Domain Name registration should be cancelled, suspended, transferred or otherwise amended, the Ombudsman will implement that Decision by causing the necessary changes to be made to the Register after 10 Days of the date that the parties were notified, unless, during the 10 Days following the date that the parties were notified the Ombudsman receives from either Party an appeal statement or official documentation showing that the Party has issued and served legal proceedings

CoCCA will publish the full Decision and the date that any action which the Decision requires will be taken, on the CoCCA website.

Either Party will have the right to appeal a Decision. The Appeal Panel will consider appeals on the basis of a full review of the matter and may review procedural matters.

Complaint Resolution Service : Procedural Overview

Complaint Resolution Procedure



- 1 AUP Complaint lodged on-line.
- 2 AUP Form sent to **Complainant** for signature.
- 3 **Complainant** returns signed form by FAX.
- 4 Complaint reviewed and sent to member's designated complaints officer by CoCCA AUP Complaints officer.
- 5 Complaint *rejected* - complaint does not deal with issue covered by AUP, is unsigned or otherwise incorrectly filed. Returned to **Complainant**. No action taken.
- 6 Suspension - If action is required to protect the member's network or the public interest the member suspends the domain. If the domain has been registered through a registrar, the member may request the Registrar to suspend. If registrar does not suspend, the member suspends at the registry.
- 7 Referral to Ombudsman, Complaint reviewed and sent to Ombudsman for informal mediation.
- 8 Informal mediation.
- 9 Referral to Expert, Informal mediation fails to resolve the complaint and the Complainant wishes to have the matter adjudicated by an Expert.