

# LEADR Supplemental Rules for .au Domain Name Dispute Resolution Policy (auDRP 2010-05)



(effective as of 13 August 2010)

## 1. Definitions

- (a) "LEADR" means LEADR – Association of Dispute Resolvers
- (b) "Policy" means .au Dispute Resolution Policy (auDRP), policy number 2010-05
- (c) "Rules" means AUDA's rules for the auDRP
- (d) "Supplemental Rules" means LEADR Supplemental Rules to the AUDA's Rules for the auDRP

Any term defined in the Rules shall have the same meaning in these Supplemental Rules.

## 2. Scope

Unless otherwise explicitly provided herein, the administrative proceedings for the resolution of complaints lodged to LEADR in accordance with the auDRP shall be governed by the Rules.

## 3. Communications

- (a) Any submissions to be made to LEADR during the proceedings shall be made either:
  - i. By electronic email to [adjudication@leadr.com.au](mailto:adjudication@leadr.com.au)
  - ii. By facsimile to (02) 9251 3733
- (b) LEADR will maintain a record of all correspondence required to be made under the Rules.

## 4. Submission of Complaint

Please ensure that the below requirements are met when you submit your complaint:

- (a) Submit the whole complaint electronically (including annexes)
- (b) Limit the complaint to 10 pages, excluding annexed material and exhibits
- (c) Ensure that the total size of *each* email (including attachments) transmitted to LEADR is not more than 6MB (megabytes), if information to transmit is more than 6MB, the files can be separated into more than one email
- (d) Ensure that the total size of *each* individual file (pdf/word/excel) transmitted to LEADR is not more than 6MB, if information to transmit is more than 6MB, the files can be transmitted separately (e.g. email attachment/fax)
- (e) Accompany the complaint with a cover sheet in the form of a LEADR complaint application form attached as Appendix A
- (f) No action shall be taken by LEADR on a complaint until LEADR has received from the Complainant the initial fee.
- (g) LEADR prefers submissions to be in PDF, however will accept submissions made as word or excel documents.

## **5. LEADR administrative Compliance Review**

- (a) Upon receipt of the complaint, LEADR's Case Manager appointed shall within five (5) calendar days review the complaint for administrative compliance with the Policy, Rules and Supplemental Rules.
- (b) LEADR will advise the Complainant of any deficiencies within the application which must be rectified within five (5) calendar days as per Paragraph 4(b) of the Rules.
  - i. If the Complainant fails to rectify the deficiencies within the required time frames LEADR will notify the Parties, and Registrar that the complaint is deemed withdrawn without prejudice to submission of a different complaint by the Complainant.

## **6. Notification of Complaint**

- (a) If the complaint is compliant with the Policy, Rules and Supplemental Rules, LEADR shall send Written Notice of the complaint to the Respondent as per Paragraph 4(a) of the Rules
- (b) The complaint as a whole will be forwarded to the Respondent electronically in accordance with Paragraph 2(a) the Rules.
- (c) LEADR shall also forward the complaint as a whole to the Registrar and notify AUDA electronically
- (d) The date of commencement of the administrative proceeding shall be the date on which LEADR completes its responsibilities under Paragraph 2(a) in connection with sending the complaint to the Respondent.

## **7. Submission of Response**

Please ensure that the below requirements are met when you submit your complaint:

- (a) Submit the whole response electronically (including annexes) no later than 20 calendar days after the date of commencement
- (b) Limit the response to 10 pages, excluding annexed material and exhibits
- (c) Ensure that the total size of *each* email (including attachments) transmitted to LEADR is not more than 6MB (megabytes), if information to transmit is more than 6MB, the files can be separated into more than one email
- (d) Ensure that the total size of *each* individual file (pdf/word/excel) transmitted to LEADR is not more than 6MB, if information to transmit is more than 6MB, the files can be transmitted separately (e.g. email attachment/fax)
- (e) Should the response not be submitted to LEADR within the required time frame, LEADR will proceed to appoint a Panelist/s as per Paragraph 6(b) and (e) of the Rules
- (f) LEADR prefers submissions to be in PDF, however will accept submissions made as word or excel documents.

## **8. Appointment of a Panelist**

- (a) LEADR maintains and publishes a publically available list of panelists and their qualifications on the website: [www.leadr.com.au](http://www.leadr.com.au)

- (b) If neither the Complainant or Respondent elect a three (3) member panel, LEADR shall select, within five (5) calendar days following receipt of the response (or the lapse of the time period to submit a response), a single panelist from the published list.
- (c) If either the Complainant or the Respondent elects a three (3) member panel, LEADR shall appoint the panelists in accordance with the procedures set out in Paragraph 6(e) of the Rules.
- (d) If the Respondent is the party to select a three (3) member panel, the Complainant must submit within five (5) calendar days of receipt of the response the names and contact details of three (3) candidates to serve as one of the panelists in accordance with Paragraph 6(d) of the Rules
- (e) Parties are notified once the Panelist/s have been elected and a date that the panel will forward a decision to LEADR (absent of exceptional circumstances)

## **9. Panelist Declaration**

Prior to appointment as a panelist, a candidate shall be required to submit to LEADR a declaration of impartiality and independence substantially in the form set forth in Paragraph seven (7) of the Rules.

## **10. Notification of Panelist/s Decision**

- (a) LEADR will submit the decision to the parties, registrar and AUDA within three (3) calendar days of receipt of the decision.
- (b) The decision in full will be published onto LEADR's website as per Paragraph 16(b) of the Rules

## **11. Fees**

- (a) The schedule of fees (in AUD) as advised by AUDA are below

- i. Single Panelist                    \$2,000 plus GST of \$200 (total \$2,200)
- ii. Three-Person Panel            \$4,500 plus GST of \$450 (total \$4,950)

- (b) The obligation to pay the fees is determined as follows:

- i. Three-Person Panel requested by Complainant: Complainant accepts liability for total amount
- ii. Three-Person Panel requested by Respondent: the liability for the fee is equally divided between the parties (i.e. \$2,475 each)

- (c) Payment should be made by cheque or money order, payable to:

LEADR  
Attention: Case Manager  
Level 1, 13-15 Bridge Street  
Sydney, NSW 2000

- (d) In the event of abandonment, withdrawal or other termination of a proceeding prior to the appointment of a Panel, LEADR shall refund fees to the Parties submitting them, except that it shall reserve an administrative processing fee of \$650. No part of any fee shall be refunded after appointment of a Panel pursuant to Paragraph 6 of the Rules.

## **12. Communication between Parties and the Panel**

No Party or anyone acting on its behalf may have direct communication with the Panel. Any Party communicating with LEADR shall copy such communication to all Parties.

## **13. General Powers of the Panel**

The Panel shall have the authority to determine challenges to its jurisdiction and procedural challenges arising from the Rules or these Supplemental Rules. Challenges to the impartiality, integrity or independence of a Panelist shall be determined by the LEADR Case Manager

## **14. Further Statements**

- (a) LEADR will convey to the Panel that any submission made by either Party, prior to the Panel's decision is complete, LEADR will not review such submission(s) for form or content, and instead will defer to the Panel the decision as to whether, and to what extent, such post-response submission(s) will be accepted and considered.

## **15. Exclusion of Liability**

- (a) Except in respect of deliberate wrongdoing, neither any member of the Panel nor LEADR shall be liable to a Party, a Registrar or AUDA for any act or omission in connection with any administrative proceeding
- (b) For the avoidance of doubt it is agreed and understood by the parties that where possible, LEADR will provide images of documents to the Panelist or Panel appointed and LEADR and its Panelists are jointly and singularly indemnified by the Parties for any issues, liability or other concerns arising from the use of technology in this manner

## **16. Amendments**

These Supplemental Rules may be amended by LEADR at any time at its sole discretion. The version of these Supplemental Rules in effect at the time of a Party's submission of a Complaint shall govern proceedings with respect to that complaint