



# THE CHARTERED INSTITUTE OF ARBITRATORS

(AUSTRALIA) LIMITED

ACN 118 131 016

Website: [www.arbitrators.org.au](http://www.arbitrators.org.au)

## SUPPLEMENTAL RULES for .au Domain Name Dispute Resolution Policy (the “Supplemental Rules”)

*In effect as of 1 August 2002*

### 1. Scope

- (a) **Relationship to Rules.** These Supplemental Rules are to be read and used in connection with the **Rules for .au Dispute Resolution Policy** adopted by the auDA from 1 August 2002 (the “Rules”).
- (b) **Version of Supplemental Rules.** The version of these Supplemental Rules as in effect on the date of the submission of the complaint shall apply to the administrative proceeding commenced thereby.

### 2. Definitions

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

**CIArb** means The Chartered Institute of Arbitrators (Australian) Limited, a dispute resolution service Provider approved by auDA.

### 3. Communications

- (a) **Methods.** Subject to Paragraphs 3(b) and 5(b) of the Rules, except where otherwise agreed beforehand with the CIArb, any submission that may or is required to be made to the CIArb or to an Administrative Panel pursuant to these Rules, may be made:
  - (i) by telecopy or facsimile transmission, with a confirmation of transmission;
  - (ii) by electronic mail (e-mail) using the address specified by the CIArb; or

- (iii) where both parties agree, through the CIArb's Internet-based case filing and administration system (when available).
- (b) **E-Mail Address.** For the purposes of any communications by electronic mail to the CIArb, including those required under Paragraphs 3(b) and 5(b) of the Rules, the following address should be used: [dispute@arbitrators.org.au](mailto:dispute@arbitrators.org.au).
- (c) **Copies.** When a paper submission is to be made to the CIArb by a Party, it shall be submitted in two (2) sets together with the original of such submission.
- (d) **Archive.** The CIArb shall maintain an archive of all communications received or required to be made under the Rules.

#### 4. Submission of Complaint

- (a) **Complaint Transmittal Coversheet.** In accordance with Paragraph 3(b)(xii) of the Rules, the Complainant shall be required to send or transmit its complaint under cover of the Complaint Transmittal Coversheet set out in [Annex A](#) hereto or posted on the CIArb's web site.
- (b) **Registrar Notification.** The Complainant shall provide a copy of the complaint to the concerned Registrar(s) at the same time as it submits its complaint to the CIArb.
- (c) **Complaint Notification Instructions.** In accordance with Paragraph 4(a) of the Rules, the CIArb shall forward the complaint to the Respondent together with the instructions set out in [Annex B](#) hereto or posted on the CIArb's website.

#### 5. Formalities Compliance Review

- (a) **Deficiency Notification.** The CIArb shall, within five (5) calendar days of receiving the complaint, review the complaint for compliance with the formal requirements of the Policy, Rules and Supplemental Rules and notify the Complainant and Respondent of any deficiencies therein.
- (b) **Withdrawal.** If the Complainant fails to remedy any deficiencies identified by the CIArb within the time period provided for in Paragraph 4 of the Rules (i.e., five (5) calendar days), the CIArb shall notify the Complainant, the Respondent and the concerned Registrar(s) of the deemed withdrawal of the complaint.
- (c) **Fee Refunds.** Unless the Complainant confirms its intention to re-submit a complaint to the CIArb following a deemed withdrawal, the CIArb shall refund the fee paid by the Complainant pursuant to Paragraph 19 of the Rules, less a processing fee of \$250.

#### 6. Appointment of Case Administrator

- (a) **Notification.** The CIArb shall advise the Parties of the name and contact details of a member of its staff who shall be the Case Administrator and who shall be responsible for all administrative matters relating to the dispute and communications to the Administrative Panel.

- (b) **Responsibilities.** The Case Administrator may provide administrative assistance to the Administrative Panel or a Panelist, but shall have no authority to decide matters of a substantive nature concerning the dispute.

## 7. Panelist Appointment Procedures

- (a) **Party Candidates.** Where a Party is required to submit the names of three (3) candidates for consideration for appointment by the CI Arb as a Panelist (i.e., in accordance with paragraphs 3(b)(iv), 5(b)(v) and 6(d) of the Rules), that Party shall provide the names and contact details of its three candidates in the order of its preference. In appointing a Panelist, the CI Arb shall, subject to availability, respect the order of preference indicated by a Party.

- (b) **Presiding Panelist**

- (i) The third Panelist appointed in accordance with Paragraph 6(e) of the Rules shall be the Presiding Panelist.
- (ii) Where, under Paragraph 6(e) of the Rules, a Party fails to indicate its order of preference for the Presiding Panelist to the CI Arb, the CI Arb shall nevertheless proceed to appoint the Presiding Panelist.
- (iii) Notwithstanding the procedure provided for in Paragraph 6(e) of the Rules, the Parties may jointly agree on the identity of the Presiding Panelist, in which case they shall notify the CI Arb in writing of such agreement no later than five (5) calendar days after receiving the list of candidates provided for in Paragraph 6(e).

- (c) **Respondent Default**

Where the Respondent does not submit a response or does not submit the payment provided for in Paragraph 5(c) of the Rules by the deadline specified by the CI Arb, the CI Arb shall proceed to appoint the Administrative Panel, as follows:

- (i) If the Complainant has designated a single member Administrative Panel, the CI Arb shall appoint the Panelist from its published list;
- (ii) If the Complainant has designated a three member Administrative Panel, the CI Arb shall, subject to availability, appoint one Panelist from the names submitted by the Complainant and shall appoint the second Panelist and the Presiding Panelist from its published list.

## 8. Declaration

In accordance with Paragraph 7 of the Rules, prior to appointment as a Panelist, a candidate shall be required to submit to the CI Arb a Declaration of Independence and Impartiality using the form set out in [Annex C](#) hereto or posted on the CI Arb's web site.

## 9. Word Limits

- (a) The word limit under Paragraph 3(b)(ix) of the Rules shall be 3,000 words.
- (b) The word limit under Paragraph 5(b)(i) of the Rules shall be 3,000 words.

- (c) For the purposes of Paragraph 15(e) of the Rules, there shall be no word limits.

## **10. Amendments**

Subject to the Policy and Rules, the CIArb may amend these Supplemental Rules in its sole discretion.

## **11. Exclusion of Liability.**

Except in respect of deliberate wrongdoing, the CIArb and any Administrative Panel appointed by it shall not be liable to a party, a concerned registrar or auDA for any act or omission in connection with the administration of any proceeding under the Policy and Rules.