

# **Instructions governing Alternative Dispute Resolution proceedings for domain names in the top-level domain .se**

(The Swedish version of the Instructions governing Alternative Dispute Resolution proceedings for domain names in the top-level domain .se shall prevail)

## **Decision-makers in a dispute resolution proceeding**

1. An alternative dispute resolution proceeding for a domain name in the .se top-level domain is executed by individuals who declare to the Internet Infrastructure Foundation (.SE) that they are willing to undertake assignments within the framework of the proceedings and are registered with the foundation.

The individual who will execute the dispute resolution proceeding is referred to as the arbitrator in these instructions.

An arbitrator must be knowledgeable, independent and impartial.

## **The organization that will manage the proceeding**

2. .SE will accept the petition for an alternative dispute resolution proceeding and initially deal with the proceeding according to what is stipulated in these instructions.

As the organization in charge, .SE will be referred to as the dispute resolution organization in these instructions.

The dispute resolution organization has only an administrative function and consequently, no insight into or influence on the arbitrator's decision process.

## **Introduction of a proceeding**

3. The party who wants to initiate an alternative dispute resolution proceeding for a domain name in the .se top-level domain, must submit a written petition to the dispute resolution organization.

4. The party requesting the proceedings (petitioner) must pay a petition fee to the dispute resolution organization according to the grounds established by the dispute resolution organization and which shall be accessible. If the fee is not paid, the matter will not be processed.

5. A petition for an alternative dispute resolution proceeding must contain information on the petitioner's

1. name, personal identification number or corporate identity number or similar,
2. mail or e-mail address and telephone number.

The petitioner must if possible submit the corresponding information stated in the first paragraph pertaining to the domain owner to whom the proceedings are directed (the domain owner).

6. The petition must also contain information pertaining to whether the proceeding will be handled by one or three arbitrators.

If the proceeding is to be handled by only one arbitrator, the dispute resolution organization will elect this individual.

If the petitioner wants the matter to be handled by three arbitrators, the dispute resolution organization will elect one of these, who will also be the chairman. The petitioner and the domain owner will each appoint an arbitrator from among those registered with the dispute resolution organization. Should the domain owner not respond to the petition the dispute resolution organization will elect arbitrator in the domain owner's place.

7. A petition must also contain the following information

1. claims in the proceeding,
2. the circumstances supporting the claims and
3. supporting evidence and facts to be verified by each particular piece of evidence.

Written evidence shall be submitted with the petition.

7a. If a party is simultaneously petitioning for dispute resolution proceeding for several domain names against the same domain owner, the petitions shall be handled in a single proceeding if they are supported by the same rights with a legal base in Sweden.

In cases other than what is stated in the first paragraph, petitions between the same parties may be handled in one proceeding, if it benefits the investigation.

The petitioner must state whether there may be grounds for implementing a single proceeding.

8. If a petition does not contain the information stated in sections 5 – 7 or the petition fee has not been paid, the dispute resolution organization will grant the petitioner an opportunity to remedy the shortcomings within a certain period of time. If the petitioner does not comply with such an order, the case will not be handled.

Decisions in these issues will be made by the dispute resolution organization.

### **Accelerated proceeding**

9. In the petition for dispute resolution proceeding, the petitioner has the opportunity to request that the case be handled as an Accelerated proceeding. An Accelerated proceeding is a dispute resolution proceeding with short decision

period, where the case is tried materially with only a brief justification of the decision.

10. The case is handled as an Accelerated proceeding if:

1. the petition contains information stated in sections 5 – 7,
2. the petition fee has been paid,
3. the petition contains a request that the case shall be handled as an Accelerated proceeding if the domain owner does not respond to the petition, and
4. the domain owner has not responded to the petition within the period stated in section 13 below.

11. Cases that must be decided as Accelerated proceedings according to section 10, must always be handled by one arbitrator, regardless of whether the petitioner requested in the petition that the proceeding be handled by one or three arbitrators.

Arbitrators for Accelerated proceedings are elected according to section 6, paragraph 2.

If the petitioner has requested that the case be handled by three arbitrators, and the case is transferred to Accelerated proceeding, .SE shall appoint one arbitrator in accordance with section 6, paragraph 2.

12. In other respects, Accelerated proceedings comply with the instructions, and has the same legal effect as a Alternative Dispute Resolution proceeding – however, with the addition of the instructions stated in section 13, paragraph 2, section 21, paragraph 2 and section 22, paragraph 3 below.

### **Correspondence with the domain owner**

13. If the petition contains the information stated in sections 5 – 7, the dispute resolution organization will grant the domain owner the opportunity to respond to the petition in writing within 30 days from the date it was dispatched to the domain owner's most recent address. A dispatch via e-mail will be as valid in the same way as a dispatch via normal mail.

When dispatching the petition, the dispute resolution organization will inform the domain owner that the case may be decided although no response has been received from the domain owner, and that, if the petitioner has requested it, the petition may be handled as an Accelerated proceeding if there was no response to the petition from the domain owner.

14. In the response, the domain owner must state whether the petition is accepted or disputed. If the petition is disputed, the domain owner must state the reason for this and the evidence invoked. Written evidence must be provided in the response.

In connection with the dispatch of the petition, the dispute resolution organization must inform the domain owner about the information that must be contained in the response.

15. In the response, the domain owner may, if the petitioner requests only one arbitrator, request that the proceeding be handled by three arbitrators.

For the appointment of the other arbitrators, section 6, third paragraph applies. The additional fee incurred by the proceeding being handled by three arbitrators must be defrayed by the domain owner. If the fee is not paid, the proceeding will be handled by the arbitrator appointed according to section 6, second paragraph.

16. The dispute resolution organization must submit the response from the domain owner to the petitioner for information.

The dispute resolution organization may not make any decisions pertaining to further correspondence on the proceeding.

### **Arbitrators' procedure**

17. After the dispute resolution organization has concluded the correspondence in the proceeding, the petition, response and other documents that arrived pertaining to the proceedings must be submitted to the arbitrator(s).

The dispute resolution organization must inform the petitioner and the domain owner about the person(s) who were appointed as arbitrator(s).

18. The arbitrator(s) must ensure that the dispute issue is investigated to the degree required, without involving unnecessary factors in the proceeding.

Through questions and statements, the arbitrator(s) will eliminate obscure and incomplete information in the parties' statements.

The arbitrator(s) will decide whether additional correspondence is required in the proceeding.

If the arbitrator(s) believe that petitions that are handled jointly according to section 7a should be handled separately, the arbitrator(s) must make the decision. The petitions and documents in the case must then be returned to the dispute resolution organization.

19. The proceeding to be handled by the arbitrator(s) must be in writing.

20. A dispute may not be processed without informing a party about information provided in the proceeding by someone other than that party and that party has had the opportunity to comment on the information, should the arbitrator(s) deem it necessary for the investigation.

21. The arbitrator(s) decision, which will be in writing, must always be based on the content of the documents and findings from the investigation.

The reasons behind the ruling from which the arbitrator(s) determines the dispute issue must be stated. However, in Accelerated proceeding decisions, the reasons shall only briefly be stated.

22. A petition for an alternative dispute resolution proceeding that is examined by

one arbitrator must be settled within 30 days from the date the petition was submitted to the arbitrator. If there are special reasons, the arbitrator may extend the period.

A petition for an alternative dispute resolution proceeding that is examined by three arbitrators must be settled within 60 days from the date the petition was submitted to the arbitrators. If there are special reasons, the arbitrator who is the chairman may extend the period.

A petition for an alternative dispute resolution proceeding that is examined according to Accelerated proceeding must be settled within ten working days from the date the petition was submitted to the arbitrator. If there are extraordinary reasons, the arbitrator may extend the period.

23. The documents that are included or prepared in a dispute resolution proceeding must be gathered in a single file by the arbitrator(s).

The arbitrator(s)'s decision must immediately be sent to the dispute resolution organization. In conjunction with the decision, material that was collected during the arbitrator(s)'s process must be sent to the dispute resolution organization.

In connection with the decision being sent to the dispute resolution organization, the arbitrator(s) must summarize the case, stating the dispute issue and other relevant circumstances.

### **Special instructions**

24. The dispute resolution organization will immediately inform the petitioner and the domain owner of the decision from an alternative dispute resolution proceeding.

25. The decision from an alternative dispute resolution proceeding must be public and kept available by the dispute resolution organization.

26. The petition for an alternative dispute resolution proceeding must be made in Swedish or English. The decision is made in the language in which the petition was submitted. The domain owner is free to respond to a dispute resolution petition in either Swedish or English.

27. Anyone who is party to an alternative dispute resolution proceeding may engage a representative or assistant. A written authorization is not required unless considered necessary by the arbitrator(s).

28. If a party in an alternative dispute resolution proceeding initiates an action in a court of law in the matter relating to the dispute resolution, the proceeding must continue if the parties do not agree that it be suspended.

29. A party in an alternative dispute resolution is responsible for his/her own expenses in the proceedings.

*Revised June 2012*