

Proposed Amendments to both the .eu ADR Rules
&
Supplemental Rules

Class Complaint

1. Proposed Amendments to .eu ADR Rules

- Definition of the Complaint in Par. A1 of the ADR Rules is to be modified as follows:

“Complaint” means the document including all annexes prepared by one or more Complainants to initiate a cause of action under the ADR Proceeding.”

- Definition of the Complainant in Par. A1 of the ADR Rules is to be modified as follows:

“Complainant” means a Party initiating a Complaint

- Definition of the Parties in Par. A1 of the ADR Rules is to be modified as follows:

“Parties mean Complainants or Respondents or both.”

- The following new definition is to be added in Par. A1 of the ADR Rules:

“Class Complaint” means a single Complaint filed against a single domain-name holder in regard to multiple disputed domain names with the same language of proceeding filed by a single authorized representative acting on behalf of two or more Complainants and requesting separate relief where each Complainant requests relief in relation to a number but not all of the disputed domain names joined in the Class Complaint.”

- New sentence is to be added in Par. A3(b)(7) of the ADR Rules with the following wording:

“(7) In case ... , provided the appropriate fee is paid. If multiple requests to change the language of the ADR Proceeding are filed in the preparation for a Class Complaint, the earliest Time of Filing of such requests shall apply with respect to the Class Complaint if the Class Complaint is filed within thirty (30) Working days from the date of publication of the first decision on such requests to change the language of the ADR Proceeding, provided the appropriate fee is paid.”

- New Par. A4 (d) is to be inserted in the ADR Rules with the following wording:

“(d) Notwithstanding anything mentioned in Par. A4 (c) above, in case a Panel rejects a *Class Complaint* in part or in full for other reasons than (i) failure to prove that one or more of the disputed domain names are identical or confusingly similar to the name or names in respect of

which a right or rights are recognized or established by national and/or Community law; (ii) failure to prove Respondent's lack of rights or legitimate interests; or (iii) failure to prove Respondent's bad faith, the Panel can decide that one or more of the Complainants joined in the Class Complaint can file individual Complaint(s) with respect to one or more disputed domain names regarding which the Class Complaint was rejected.

- Par. B1 (c) of the ADR Rules is to be modified as follows:

“(c) The *Complaint* may relate to more than one domain name, provided that the *Parties* and the language of the *ADR Proceedings* are the same or the *Complaint* is in the form of a *Class Complaint*.”

- New Par. B1(d) is to be inserted in the ADR Rules with the following wording:

“(d) It is possible to file a *Class Complaint* provided the following conditions are met:

- The Class Complaint is based on legal arguments applicable equally, or substantially in the same manner, to all the disputed domain names;
- the person representing several different Complainants joined in the Class Complaint must provide evidence that it is authorized to act on behalf of each of the Complainants; and
- for the avoidance of doubt, the Panel can order transfer of any of the disputed domain name(s) only to the individual Complainant on which behalf such transfer was requested in the Class Complaint, in accordance with the ADR Rules and ADR Supplemental Rules.”

- Par. B12(g) of the ADR Rules is to be modified as follows:

“(g)the Panel shall issue an interim decision setting out its findings on issues (1) to (4) above and shall suspend the proceedings with respect to those of the disputed domain names for which issues (1) to (4) above apply until a date six months after the Time of Filing. In such event ...”

2. Proposed Amendments to the .eu ADR Supplemental Rules

- The following new sentence is added in the end of Par. B11 of the ADR Supplemental Rules:

“The word limits mentioned above do not apply for the Class Complaints.”

