

THE  
INSTITUTE *of*  
ARBITRATORS & MEDIATORS  
——  
AUSTRALIA

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**Supplemental Rules to the  
au Dispute Resolution Policy**

**(The “Supplemental Rules” and “Rules”)**

**Annexure I**

**1. Scope**

- (a) **Relationship to Rules.** These Supplemental Rules are to be read and used in connection with the au Dispute Resolution Policy.
- (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.

**3. Communications**

- (a) **Modalities.** Subject to Paragraphs 3(b) and 5(b) of the Rules, except where otherwise agreed beforehand with the IAMA, any submission that may or is required to be made to IAMA or to an Administrative Panel pursuant to these Rules may be made:
  - (i) by telecopy or facsimile transmission, with a confirmation of transmission; or
  - (ii) by electronic mail (e-mail) using the address specified by the Center.
- (b) **E-Mail Address.** For the purposes of any communications by electronic mail to the Center, including those required under Paragraphs 3(b) and 5(b) of the Rules, the following address should be used: national@iama.org.au.
- (c) **Copies.** When a paper submission is to be made to IAMA by a Party, it shall be submitted in four (4) sets together with the original of such submission.
- (d) **Archive.** IAMA shall maintain an archive of all communications received or required to be made under the Rules.

**4. Registrar Notification**

The Complainant shall provide a copy of the complaint to the Registrar at the same time as it submits its complaint to IAMA.

**5. Formalities Compliance Review**

- (a) **Deficiency Notification.** IAMA 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 IAMA within the time period provided for in Paragraph 4 of the Rules (i.e., five (5) calendar days), IAMA shall notify the Complainant, the Respondent and the Registrar of the deemed withdrawal of the complaint.
- (c) **Fee Refunds.** Unless the Complainant confirms its intention to re-submit a complaint to the IAMA following a deemed withdrawal, IAMA shall refund the fee paid by the Complainant pursuant to Paragraph 19 of the Rules, less a processing fee as set forth in Annexure A.

**6. Appointment of Case Administrator**

- (a) **Notification.** IAMA 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 IAMA 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, IAMA 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 IAMA, IAMA 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 IAMA 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 IAMA, the IAMA shall proceed to appoint the Administrative Panel, as follows:

- (i) If the Complainant has designated a single member Administrative Panel, IAMA shall appoint the Panelist from its published list;
- (ii) If the Complainant has designated a three member Administrative Panel, IAMA 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 IAMA a Declaration of Independence and Impartiality using the form set out in *Annexure B* hereto and posted on IAMA's web site.

**9. Fees**

The applicable fees for the administrative procedure are specified in *Annexure A* hereto and posted on the IAMA's web site.

**10. Word Limits**

- (a) The word limit under Paragraph 3(b)(ix) of the Rules shall be 5,000 words.
- (b) The word limit under Paragraph 5(b)(i) of the Rules shall be 5,000 words.
- (c) For the purposes of Paragraph 15(e) of the Rules, there shall be no word limits.

**11. Amendments**

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

**12. Exclusion of Liability.**

Except in respect of deliberate wrongdoing, IAMA, its officers and employees, and any person appointed as Arbitrator, one not liable to any party of to au Domain Administration Ltd or as respect of any act or omission arising out of or in connection with the Policy, the Rules and/or these Supplemental Rules unless such act or omission in shown to have been fraudulent.

## **Annexure A**

### **Domain Name Disputes Fees**

**FEES PAYABLE TO** the Institute of Arbitrators and Mediators Australia (IAMA) upon lodgment of a complaint pursuant to the auDA Dispute Resolution Policy and Rules.

#### **1. Complaint Fee**

- For a single member panel the complainant must pay \$2,000 (plus GST) to IAMA. For a 3-member panel the fee is \$4,500 (plus GST).
- If the Complainant requests a single member panel and the Respondent requests a 3-member panel then each party will pay \$2,250.

#### **2. Fee Refunds**

- Per Clause 5(c) of the IAMA Supplemental Rules the refunded amount will be \$1,500 for single member panel and \$4,000 for a 3-member panel. IAMA will always retain \$500 of any refund as administrative charges.

**Annexure A**

**STATEMENT OF ACCEPTANCE  
AND  
DECLARATION OF IMPARTIALITY &  
INDEPENDENCE**

Case Number:

I, the undersigned, \_\_\_\_\_ (Last Name, First Name),

hereby declare that I accept to serve as a Panelist under the au. Dispute Resolution Policy ("**auDRP**") the Rules to the auDRP ("**Rules**"), and IAMA's Supplemental Rules to the auDRP ("**Supplemental Rules**"). By making this declaration, I confirm that I have familiarized myself with the principles, standards, requirements and fees set out in the aforementioned instruments and that I am available to serve as a Panelist in accordance therewith. I further declare that, by accepting to serve as a Panelist in this case, I shall execute my responsibilities honestly, fairly and within the time periods required by the Rules and the Supplemental Rules.

Please check the appropriate box below, taking into consideration, *inter alia*, whether any past or present relationship exists, direct or indirect, with either of the parties, whether financial, professional or of another kind and whether the nature of any such relationship is such that disclosure is called for. **If in doubt, please make the disclosure [Any doubt should be resolved in favor of disclosure].**

- I am independent of each the parties. To the best of my knowledge and belief, there are no facts or circumstances, past or present, or that could arise in the foreseeable future, which need be disclosed as they might be of such a nature as to call in to question my independence in the eyes of one or both of the parties.
- I am independent of each of the parties. However, I wish to disclose the circumstances described in the attachment hereto (attach separate sheet) as they might be of such a nature as to call in to question my independence in the eyes of one or both of the parties.
- I hereby declare that I decline to serve as a Panellist in the present case. (Disclosure of the reasons for declining to accept the appointment should be made on a separate sheet and attached hereto.)

Signature: \_\_\_\_\_

Date: \_\_ / \_\_ / \_\_\_\_

Return to **Paul Crowley**  
**Chief Executive Officer**

**Explanatory Cover Sheet to be sent to the Respondent pursuant to 4 (a) of the auDR Rules**

To:

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1. The Institute of Arbitrators and Mediators Australia (IAMA) has been appointed by au Domain Administration Ltd (auDA) as a “Provider” of dispute resolution services in relation to disputes that arise in relation to the use of au domain names.

2. IAMA has received a complaint from \_\_\_\_\_ of \_\_\_\_\_ (State) in relation to the domain name \_\_\_\_\_ after a review for administrative compliance with the au Dispute Resolution Policy and Rules therefore has decided they are compliant. Accordingly, there is attached a complaint from the above named for your attention.

3. Administrative Commencement of Proceedings

The date of administrative commencement of these proceedings is deemed to be the .... / .... / .....

4. Time for Response

You should respond to this complaint within 20 days of the date of commencement of the administrative proceedings as shown in paragraph 2.

5. Contact of Response

If you elect to respond to this complaint you should provide a response to the Case Administrator (see Paragraph 6 below) of the IAMA in the form provided for in Rule 5 of the Rules for au Domain Name Dispute Resolution Policy. (A copy of these Rules is attached)

6. Case Administrator

IAMA has appointed Richard Atherton, as Case Administrator in this complaint. His contact details are:

PO Box 13064

Law Courts VIC 8010

Email: [national@iama.org.au](mailto:national@iama.org.au) Telephone: (03) 9607 6908

Please contact him if you have any queries in relation to this complaint.

7. The Complaint

A copy of the complaint is included herewith.