

RIPE



RIPE NCC Conflict Arbitration

Formalise RIPE NCC Arbitration?



Arbitration Process

- Informal procedure - not meant to fall within the scope of the “Arbitration” as described in Dutch civil law. After the ruling is communicated, courts remain competent
- But, the ruling is binding - failure to adhere leads to termination of SSA
- RIPE Policies and RIPE NCC Procedures apply

Initiation of Procedure

1. Party requests arbitration

- After attempt to resolve conflict between themselves
- Within one year of commencement of dispute
- Completed within two months

2. Party selects arbiter from the RIPE NCC list

3. Arbiter introduces themselves to parties (declare possible conflict of interest)

4. Indemnification statement signed within two weeks

—> **PROCEDURE STARTS**



Actions From the Arbiter, Information and Timeframe

5. Request for information from arbiter to parties

- Parties must submit information within two weeks

6. Optional: second request information within four weeks

- Parties must submit information within two weeks

7. Arbiter may request external advice

8. Ruling within 12 weeks from start procedure

Ruling

- The ruling must:
 - Have a clear action and be enforceable
 - Resolve the dispute
 - Be based on concrete provisions of RIPE Policies, publicly available RIPE NCC documents, and information provided by parties
 - Optional: give recommendations

Clerical Support by RIPE NCC or Third Party

- Monitor applicable time lines
- Assist with procedural or material questions
 - Admissibility request
 - Scope arbitration proceeding
 - Framework for material assessment
 - How to deal with questions and evidence
- Second pair of eyes on draft decision
- Assist with arbitration case report

Benefits of Current Procedure

- Fast, simple and low cost
- Flexibility
- Arbiters from the RIPE community
- Possible to focus on community standards
- Leave formal legal test to courts

Consequences if Formalised

- Courts will no longer be competent
- Arbiters needs to operate in complex legal framework, more formal checks
- Arbiters will no longer be from the RIPE community
- Increase of costs
- Less accessible

Comparison with SIDN Dispute Resolution

- Similarities:
 - Informal, binding decisions (rulings) and courts remain competent
- Differences:
 - WIPO is accredited by SIDN for the administration of solving .nl domain disputes
 - Mediation process at start of procedure

Questions?

