

世界知识产权组织统一域名争议解决办法补充规则 PDF转换
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https://www.100test.com/kao_ti2020/329/2021_2022__E4_B8_96_E7_95_8C_E7_9F_A5_E8_c36_329961.htm（简称补充规则

，1999年12月1日起生效）

- 1、范围（a）与规则的关系 本补充规则应与业经ICANN于1999年12月24日确认的统一域名争议解决办法规则（下称规则）一并予以理解使用。（b）补充规则的文本 行政解决程序应受提交投诉书之日现行有效的补充规则文本的约束。
- 2、定义 本补充规则任何术语的定义与规则相应术语的定义相同。
- 3、送达（a）送达方式 根据规则第3（b）条和第5（b）条的规定，除事先与中心另有约定外，任何根据规则可以或应要求向中心或行政专家组提交的文件可以下述方式提交：（i）通过电话或传真方式传送，并应附具传送确认书；（ii）通过使用经中心确认地址的电子邮件传送；（iii）如双方当事人同意，通过中心国际互联网案件档案管理系统传送。（b）电子邮件地址 为通过电子邮件方式向中心传送规则第3（b）条和第5（b）条所要求的文件的目的起见，应使用以下地址：domain.disputes@wipo.int（c）文件副本 当一方当事人向中心提交文件时，文件包括原件在内应一式四份。（d）案卷归档 中心应将其所收到的及当事人依规则要求所提交的所有文件留份并予以归档。
- 4、投诉书的提交（a）投诉传送格式文件封面 根据规则第3（b）（xii）条，投诉人应按照中心网站所发布的附件A中所设定的投诉传送格式文件封面的格式发送或传送其投诉书。如可能，投诉人应使用与已成为投诉标的的域名注册协议相同语言的文本。（b）通知注册管理机构 投诉人在向中心提交投诉书

的同时，应将投诉书副本提交至有关注册管理机构。（c）投诉通知须知 根据规则第4（a）条，中心应将投诉人投诉书连同中心网站发布的附件B所设定的投诉通知须知一并送达被投诉人。

5、形式符合审查（a）形式缺陷通知 中心应在其收到投诉书后5日内对投诉书是否符合争议解决办法、规则及补充规则的有关形式要求予以审查，并通知投诉人和被投诉人投诉书所存在的任何缺陷。（b）撤回投诉 如果投诉人未能在规则第4规定的期限内（即5日）就中心所指明的任何形式缺陷予以弥补，中心将通知投诉人、被投诉人和有关的注册管理机构，投诉视为已被撤回。（c）费用返还 除非投诉人确认其将就已视为撤回的投诉重新提起投诉，中心应在扣除附件D所规定的少许受理费后，将根据规则第19条所收取的费用返还投诉人。

6、案件经办人的指定（a）通知 中心应将其经指定作为案件经办人的工作人员的姓名及详细的联络信息告知当事人。该经办人将对与所涉争议及行政专家组联络有关的所有行政事件负责。（b）责任 案件经办人可向行政专家组或专家提供行政协助，但无权处理与所涉争议有关实体问题。

7、专家指定程序（a）当事人一方候选人 如果一方当事人应要求提供三位候选人姓名以供中心考虑指定为专家组（即根据规则第3（b）（iv）条、第5（b）（v）条和第6（d）条），该方当事人应以其自己选择的顺序提供三位候选人的姓名和详细的联络信息。在指定专家时，如可能，中心应尊重一方当事人所选择的上述顺序。（b）首席专家（i）根据规则第6（e）条所指定的第三位专家是首席专家。（ii）如果一方当事人未能根据规则第6（e）条向中心告知其候选人选择顺序以便确定首席专家，中心将指定首席专家。（iii）

尽管规则第6(e)条规定了专家组指定程序，当事人仍可共同协商确定首席专家。当事人双方应在其接到中心根据规则第6(e)条提供的专家候选人名单后5日内书面将其协商确定的首席专家通知中心。(c)被投诉人缺席如果被投诉人未能提交答辩或未能依照中心确定的最后期限支付规则第5(c)所规定的费用，中心将以下述方式指定行政专家组：(i)如果投诉人选择一人行政专家组，中心应从其发布的专家成员名册中指定专家；(ii)如果投诉人选择三人行政专家组，如可能，中心应从投诉人提供的候选人中指定一名专家，从其发布的专家成员名册中指定第耳风位专家和首席专家。8、独立公正声明根据规则第7条，在被指定为专家之前，候选人应用中心网站所发布的附件C所设定的格式文件向中心提交独立公正声明。9、费用行政程序所收取的费用在中心网站发布的附件D中予以规定。10、文字限制(a)规则第3(b)(ix)条文件字数为5000字。(b)规则第5(b)(i)条所指文件字数为5000字。(c)规则第15(e)条文件无字数限制。11、修改基准于争议解决办法和规则，中心可自行修改本补充规则。12、责任排除除故意行为外，行政专家组、世界知识产权组织及中心不对因与行政程序有关的任何行为或疏忽而对一方当事人、有关注册管理机构或ICANN承担责任。

(李虎译，仅供参考。原文请见

: <http://arbiter.wipo.int/domains/rules/supplemental.html>) World Intellectual Property Organization Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the "Supplemental Rules") (In effect as of December 1, 1999) 1. Scope(a) Relationship to Rules. These Supplemental Rules are to be read and used in

connection with the Rules for Uniform Domain Name Dispute Resolution Policy, approved by the Internet Corporation for Assigned Names and Numbers (ICANN) on October 24, 1999 (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.

3. Communications (a) Modalities. Subject to Paragraphs 3(b) and 5(b) of the Rules, except where otherwise agreed beforehand with the Center, any submission that may or is required to be made to the Center 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 Center. or (iii) where both parties agree, through the Center ' s Internet-based case filing and administration system. (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: domain.disputes@wipo.int. (c) Copies. When a paper submission is to be made to the Center by a Party, it shall be submitted in four (4) sets together with the original of such submission. (d) Archive. The Center 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 and posted on the Center ' s web site. Where available, the Complainant shall use the version that is in the same language(s) as the registration agreement(s) for the domain name(s) that is/are the subject of the complaint.

(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 Center.

(c) Complaint Notification Instructions. In accordance with Paragraph 4(a) of the Rules, the Center shall forward the complaint to the Respondent together with the instructions set out in Annex B hereto and posted on the Center ' s website.

5. Formalities Compliance Review

(a) Deficiency Notification. The Center 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 Center within the time period provided for in Paragraph 4 of the Rules (i.e., five (5) calendar days), the Center 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 Center following a deemed withdrawal, the Center shall refund the fee paid by the Complainant pursuant to Paragraph 19 of the Rules, less a processing fee as set forth in Annex D.

6. Appointment of Case

Administrator(a) Notification. The Center 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 Center 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 Center shall, subject to availability, respect the order of preference indicated by a Party.(b) Presiding PanelistThe third Panelist appointed in accordance with Paragraph 6(e) of the Rules shall be the Presiding Panelist. Where, under Paragraph 6(e) of the Rules, a Party fails to indicate its order of preference for the Presiding Panelist to the Center, the Center shall nevertheless proceed to appoint the Presiding Panelist. 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 Center 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 Center, the Center shall proceed to appoint the Administrative Panel, as follows: If the Complainant has designated a single member Administrative Panel, the Center shall appoint the Panelist from its published list. If the Complainant has designated a three member Administrative Panel, the Center 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 Center a Declaration of Independence and Impartiality using the form set out in Annex C hereto and posted on the Center ' s web site.

9. Fees The applicable fees for the administrative procedure are specified in Annex D hereto and posted on the Center ' 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, the Center may amend these Supplemental Rules in its sole discretion.

12. Exclusion of Liability. Except in respect of deliberate wrongdoing, an Administrative Panel, the World Intellectual Property Organization and the Center shall not be liable to a party, a concerned registrar or ICANN for any act or omission in connection with the administrative proceeding.

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