

**KUALA LUMPUR REGIONAL CENTRE FOR ARBITRATION SENSITIVE DOMAIN
NAMES DISPUTE SUPPLEMENTAL RULES TO .MY DOMAIN REGISTRY'S
SENSITIVE NAME
DISPUTE RESOLUTION POLICY (SNDRP)**

1. Scope

- (a) **Relationship to Rules.** These Sensitive Domain Names Dispute Resolution Supplemental Rules are to be read and used in connection with .my Domain Registry's Sensitive Name Dispute Resolution Policy and Rules.
- (b) The Centre shall apply the Rules, the Policy and the Centre's Supplemental Rules in effect at the time a Complaint is submitted.

2. Definitions

- (a) **Centre** means the Kuala Lumpur Regional Centre for Arbitration , whom my Domain Registry has appointed to provide sensitive name dispute resolution services in accordance with the Policy and Rules.
- (b) **.my Domain Registry** means MYNIC Berhad (i.e. Malaysian Network Information Centre Berhad), its officers and employees ("Employees").
- (c) **Policy** means .my Domain Registry's Sensitive Name Dispute Resolution Policy.
- (d) **Proceeding** means a proceeding under .my Domain Registry's Sensitive Name Dispute Resolution Policy and Rules and thSupplemental Rules of the Centre.
- (e) **Rules** mean the Rules of .my Domain Registry's Sensitive Name Dispute Resolution Policy.
- (f) **Supplemental Rules** means these Sensitive Domain Names Dispute Resolution Supplemental Rules.
- (g) **Working day** means any day other than a Saturday, Sunday or a Federal public holiday.

3. Communications

- (a) All communications pursuant to Rule 3 of the Rules shall be directed to the Centre and not to the Sub-Reference Panel.
- (b) The communications will be deemed as received under the following circumstances;
 - (i) where sent by electronic mail, after twenty-four (24) hours from transmission but only if the time and date of transmission can be confirmed;
 - (ii) where sent by registered post to an address in Malaysia, three (3) working days after the date of posting;
 - (iii) where sent by registered post to an address outside of Malaysia, seven (7) working days after the date of posting;
 - (iv) where sent by courier to an address in Malaysia, one (1) working day after the date of being dispatched via courier;
 - (v) where sent by courier to an address outside of Malaysia, three (3) working days after the date of being dispatched via courier ;
 - (vi) where sent by facsimile, upon confirmation of transmission by way of a transmission report; and
 - (vii) where sent by way of hand delivery upon recipients employees have acknowledged receipt of such communication.

4. The Complaint

- (a) The section in the Complaint that is in relation to Rule 4 of the Rules shall not exceed five thousand (5,000) words, not including annexed material and exhibits.
- (b) The Complaint shall be sent to the Centre in electronic form and in hard copy either by registered post, by courier or by hand delivery..
- (c) The Complainant shall submit three (3) hard copies of the Complaint to the Centre
- (d) The Complainant shall send or transmit its Complaint under cover of the Complaint Transmittal Coversheet posted on the Centre's web site.
- (e) The Centre shall not take any further action including examining the completeness of the Complaint and/or its compliance with the Rules until it has received the Fees.

- (f) In the event that the Centre finds the complaint is not in accordance with item 4.3 of the Rules the Centre shall notify the Complainant who has five (5) working days to rectify the same. The complaint is considered withdrawn in event of failure to do so or in event the complaint is still not in compliance after rectification.
- (g) In the event that fees is unpaid notwithstanding a request for payment after five (5) working days the complaint is deemed as withdrawn.

5. Notification of the Compliant

- (a) Upon receipt of the Fees and in cases of a complete compliant, the Centre shall appoint a Panel Member as Chairperson to review the Compliant to ensure it complies with the requirements of the Policy and Rules and that it falls within the scope of the Sensitive Name Dispute Resolution Policy and Rules. The appointment and decision of the Chair person as to the scope of submission of compliant shall be completed within seven (7) working days from the receipt of fee.
- (b) If the complaint is considered outside the scope of the Sensitive Names Domain Resolution Policy and Rules, the Chairperson shall communicate the same to the Centre who shall inform the Complainant and this Complaint shall be considered withdrawn
- (c) Where the Complaint is complete and in compliance with the Rules, the Centre will send the Complaint to the Registrant. The contact details of the Complainant will not be provided to the Registrant

6-. Commencement of Proceeding

For the purpose of the Rules and these Supplemental Rules, a Proceeding commences on the date the Registrant receives the Complaint initiated under these Rules.

7. The Response

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- (a) The section in the Response that is in relation to Rule 6 of the Rules shall not exceed five thousands (5,000) words, not including annexed material and exhibits.
- (b) The Response shall be sent to the Centre in the electronic form and in hard copy either by registered post, by courier or by hand delivery within fifteen (15) days of date of commencement of proceedings.
- (c) If the Registrant fails to submit its Response within the time specified in Rule 6.1 of the Rules without showing any exceptional circumstances for such failure, the Reference Panel shall proceed with the Proceeding without any further reference to the Registrant.
- (d) A copy of the response will be forwarded to the Complainant without the contact details of the respondent.

8. Extension for Filing a Response

The Registrant may request additional time to submit a Response. The Reference Panel may exercise its discretion in determining whether exceptional circumstances exist warranting an extension and if so, the length of the extension. No request for an extension shall be approved if any of the conditions set forth in Rule 6.5 of the Rules have not been performed.

9-. Submission of other Written Statements and Documents; No Amendment to the Complaint

- (a) The Reference Panel may, through the Centre, request from the Parties further written statements and documents. The Parties shall submit the requested items to the Centre within five (5) Working days after the date of the request.
- (b) The further written statements and/or documents shall be submitted to the Centre in electronic form and in hard copy.
- (c) Each submission shall:
 - (i) be timely submitted as provided under Rule 8 (a) of these Supplemental Rules; and

- (ii) not to amend the Complaint or Response, as the case may be.

10-. The Record of the Proceeding

The Complaint, Response and further written statements and documents referred to in Rule 8 of these Supplemental Rules and Rule 13 of the Rules shall constitute the complete record to be considered by the Reference Panel.

11. Appointment of Sub-Reference Panel

- (a) The Centre shall maintain and publish a list of members of the Panel and their qualifications in the Centre's web site.
- (b) Prior to the appointment of any panelist the Centre shall require confirmation of independence and impartiality of the panel member.
- (c) For each Proceeding, the Centre shall appoint a Chairperson who shall decide if the complaint is within the scope of the Policy and Rules within seven (7) days upon the receipt of fee.
- (d) Within five (5) days of commencement of the proceedings Chairperson shall nominate and notify the Centre of two (2) members of the Panel from this list to serve jointly as the Sub-Reference Panel. The Centre shall appoint the co panelist within ten (10) days after notification of the nomination by the Chair. Should a nominee be considered as unsuitable a substitute nomination shall be made by the Chair and the time period for appointment be extended by five(5) working days if required.
- (e) The appointment shall be in accordance with Rule 7 and Rule 8 of the Rules.
- (f) The Centre shall transmit the file containing the Complaint, the Response and any other relevant documents received from the Parties to the Sub-Reference Panel once the Centre has ascertained that the file is complete. The guidelines for Sensitive Names shall also be given to the subpanel member upon the issuance of proper undertaking from the panel members as to confidentiality of the same.
- (g) Barring exceptional circumstances, the Sub-Reference Panel will forward its decision to the Centre within fifteen (15) working days after receipt of file. The decision shall be in the format under Form H duly signed by the tribunal members. The Chair shall ensure compliance of the same in terms of format and timelines.
- (h) The decision of the panel is confidential and the Provider shall inform the parties and .my DOMAIN REGISTRY of the date when the decision is to be implemented

12. Challenge of Member of the Sub-Reference Panel

- (a) Any member of the Sub-Reference Panel may be challenged by either Party, if circumstances exist that give rise to justifiable doubts as to the member of the Reference Panel's impartiality or independence.
- (b) A Party who intends to challenge a member of the Sub-Reference Panel must file notice of his challenge in writing with the Director of the Centre within five (5) Working days of the appointment of the Sub-Reference Panel.
- (c) A Party who intends to file a notice of challenge against a member of the Sub-Reference Panel after the period stipulated in Rule 11 (b) of these Supplemental Rules but before the Sub-Reference Panel's decision has been made, may request additional time to submit a notice of challenge. The Centre may exercise its discretion in determining whether reasonable circumstances exist warranting an extension and if so, the length of the extension.
- (d) A challenge of a member of the Sub-Reference Panel is a confidential matter, which other than as provided in Rule 9 of the Rules and in these Supplemental Rules, is not to be divulged to any other Party.
- (e) The Director of the Centre can, upon a finding of justifiable doubts as to a member of the Sub-Reference Panel's impartiality or independence, remove that member and appoint a new member of the Sub-Reference Panel in the manner provided in Rule 7 of the Rules.
- (f) The Director of the Centre shall have the discretion whether or not to dissolve and replace the entire Sub-Reference Panel. (See Rule 8.2 of the Rules).

13. Sub-Reference Panel Decisions

Sub-Reference Panel decisions shall meet the requirements set forth in Rule 15 of the Rules and shall be of a length that the Sub-Reference Panel deems appropriate.

14. Correction of Clerical Mistakes

Clerical mistakes or errors in the Sub-Reference Panel's decision arising from oversight or omission by the Sub-Reference Panel may be corrected by the Director of the Centre.

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15. Fees

The Fees for the Proceeding are RM300 per Complaint..

16. Amendment of Supplemental Rules

The Supplemental Rules may be amended by the Centre in its sole discretion as it considers fit. The amended Supplemental Rules will be posted on the Centre's website at least one (1) month before becoming effective.