

REGIONAL CENTRE FOR ARBITRATION KUALA LUMPUR
SUPPLEMENTAL RULES TO MYNIC'S (.MY) DOMAIN NAME
DISPUTE RESOLUTION POLICY

1. Scope

- (a) **Relationship to Rules.** These Supplemental Rules are to be read and used in connection with MYNIC's (.my) Domain 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 Regional Centre for Arbitration Kuala Lumpur, whom MYNIC has appointed to provide domain name dispute resolution services in accordance with the Policy and Rules.
- (b) **MYNIC** means MYNIC Berhad (i.e. Malaysian Network Information Centre), its officers and employees ("Employees").
- (c) **Policy** means MYNIC's (.my) Domain Name Dispute Resolution Policy.

- (d) **Proceeding** means a proceeding under MYNIC's (.my) Domain Name Dispute Resolution Policy and Rules and the Supplemental Rules of the Centre.
- (e) **Rules** means the Rules of MYNIC's (.my) Domain Name Dispute Resolution Policy.
- (f) **Supplemental Rules** means these Supplemental Rules.
- (g) **Working day** means any day other than a Saturday, Sunday or a Federal public holiday.

3. Communications

All communications pursuant to Rule 3 of the Rules shall be directed to the Centre and not to the Panel.

4. The Complaint

- (a) The section in the Complaint that is in relation to Rule 4.3 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:
 - (i) in electronic form; and
 - (ii) 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 if the Complainant requests a single-member Panel. The Complainant shall submit five (5) hard copies of the Complaint if the Complainant requests a three (3) member Panel. If the Respondent requests a three-member Panel, the Complainant may be asked to submit additional copies of the Complaint.
- (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.

5. Commencement of Proceeding

For the purpose of the Rules and these Supplemental Rules, a Proceeding commences on the date the Respondent should have received the Complaint initiated under these Rules.

6. The Response

- (a) The section in the Response that is in relation to Rule 6.2 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:
 - (i) in electronic form; and
 - (ii) in hard copy, either by registered post, by courier or by hand delivery.
- (c) The Respondent shall submit three (3) hard copies of the Response to the Centre if the Complainant requested a single-member Panel. If the Complainant or Respondent requested a three-member Panel, the Respondent shall submit five (5) hard copies of the Response to the Centre.
- (d) If the Respondent 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 Centre shall proceed to appoint a Panel.

7. Extension for Filing a Response

The Respondent may request additional time to submit a Response. The Centre 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 6.6 of the Rules have not been performed.

8. Reply

The Complainant may submit its Reply (if any) in accordance with Rule 7 of the Rules. The Reply shall not exceed five thousand (5,000) words, not including annexed material and exhibits.

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

- (a) The 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:

- (i) in electronic form; and
 - (ii) in hard copy, either by registered post, by courier or by hand delivery.
- (c) If the Panel is a single-member Panel, three (3) hard copies of the requested further written statements and/or documents shall be submitted. If the Panel is a three-member Panel, five (5) hard copies of the requested further written statements and/or documents shall be submitted.
- (d) Each submission shall:
 - (i) be timely submitted as provided under Rule 9 (a) of these Supplemental Rules; and
 - (ii) not amend the Complaint, Response or Reply, as the case may be.

10. The Record of the Proceeding

The Complaint, Response, Reply (if any) and further written statements and documents referred to in Rule 9 of these Supplemental Rules and Rule 14 of the Rules shall constitute the complete record to be considered by the Panel.

11. In-Person Hearings

No in-person hearings (including hearings by way of telephone conference, video conference and web conference) are allowed except as provided in Rule 15 of the Rules.

12. Appointment of Panel

- (a) The Centre shall maintain and publish a list of Panellists and their qualifications in the Centre's web site. The Centre shall appoint a Panellist from this list to serve as a single-member Panel. The appointment shall be in accordance with Rule 8.2 of the Rules.
- (b) In cases involving a three-member Panel, Rule 8.3 of the Rules shall apply. The third Panellist shall be appointed by the Centre.
- (c) Further to Rule 6(d) of these Supplemental Rules, the Centre shall appoint the second and third Panellist in the event the Complainant requested a three-member Panel.

13. Challenge of Panellist

- (a) Any Panellist may be challenged by either Party, if circumstances exist that give rise to justifiable doubts as to the Panellist's impartiality or independence.

- (b) A Party who intends to challenge a Panellist must file notice of his challenge in writing with the Director of the Centre within five (5) Working days of the appointment of the Panellist.
- (c) A Party who intends to file a notice of challenge against a Panellist after the period stipulated in Rule 13(b) of these Supplemental Rules but before the 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 copy of the notice must be served to the other Party.
- (e) A challenge of a Panellist 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.

14. Panel Decisions

Panel decisions shall meet the requirements set forth in Rule 17 of the Rules and shall be of a length that the Panel deems appropriate.

15. Settlement or other grounds for termination

The Provider must inform MYNIC and the Parties the reason(s) for terminating the Proceeding in accordance with Rule 19 of the Rules.

16. Correction of Clerical Mistakes

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

17. Fees

The Fees (which comprise of the administrative fee and Proceeding fee) for the Proceeding(s) are specified in the Schedule of Fees annexed to these Supplemental Rules and posted on the Centre's web site.

18. Availability of Arbitral Proceedings under the Centre

The following procedure may be adopted if either Party is not satisfied with the decision of the Panel:

- (a) The Parties, by agreement in writing, may commence an arbitral proceeding in accordance with the Rules of the Centre within a period of ten (10) Working days of the Centre having informed the Parties and MYNIC of the Panel's decision. The Centre shall

inform MYNIC that an arbitration has commenced within the said period of ten (10) Working days.

- (b) When the arbitration is concluded, the Centre shall provide a copy of the award to MYNIC within ten (10) Working days of the publication of the award.

19. 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.