1. To which disputes does the Uniform Domain Name Dispute Resolution Policy apply?

Answer: The Uniform Dispute Resolution Policy (the "Policy") applies to disputes involving registered .ph domain names.

2. If one wishes to file a complaint regarding a registered .pH domain name, what kind of actions can be taken?

Answer: Under the Uniform Domain Name Dispute Resolution Policy (the "Policy"), to file a Complaint, one should file a Complaint with a domain name dispute resolution provider appointed by the dotPH ("the REGISTRY") such as the Hong Kong International Arbitration Centre (HKIAC) in accordance with the Policy, its related Rules of Procedure and the Supplemental Rules of the domain name dispute resolution provider.

3. Who is entitled to commence an administrative proceeding under the phTLD Dispute Resolution Policy (the "Policy") and its related Rules of Procedure?

Answer: Any person or company is entitled to commence such a proceeding.

4. On what grounds can an administrative proceeding regarding a registered .ph domain name be based?

Answer: Article 4 (a) of the Policy states that the Complainant commencing a registered .ph domain name administrative proceeding must prove the following:

   i. the disputed domain name is identical or confusingly similar to a trademark, service mark, trade name or business name in which the Complainant has rights; and;
ii. the disputed domain name has been registered in bad faith and is being used in bad faith; and;

iii. the disputed domain name holder have no rights or legitimate interests in respect of the domain name.

It should be noted that in order to succeed in an administrative proceeding under the Policy, the Complainant must prove that all three (3) elements are present.

5. What constitutes "bad faith" in the registration and use of a registered .ph domain name?

Answer: Article 4(b) of the Policy gives the following as examples of evidence of the presence of bad faith. It is important to note that these examples are only indicative and do not constitute an exhaustive list:

(i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or

(ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or

(iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name in bad faith, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or
endorsement of your web site or location or of a product or service on your web site or location.

6. What is the role of the Hong Kong International Arbitration Centre (HKIAC) in the .ph domain name dispute resolution process?

Answer: The Hong Kong International Arbitration Centre (HKIAC) has been appointed by the dotPH ("REGISTRY") as one of the dispute resolution providers for .ph domain name disputes. As such, the HKIAC administers the administrative proceedings brought under the Policy in accordance with the Rules and the HKIAC's own Supplemental Rules.

7. What are the steps in a .ph domain name administrative proceeding?

Answer: Generally, the steps are as follows:

i. The Complainant files a Complaint with the Hong Kong International Arbitration Centre;

ii. The HKIAC notifies the registered holder of the .ph domain name in question of the Complaint and sends a copy of the Complaint to the registered holder;

iii. The registered holder of the .ph domain name in question files a Response;

iv. The HKIAC selects the Panel of one (1) or three (3) persons, depending on the circumstances of the case, who will make a determination regarding the dispute;

v. The Panel conducting the administrative proceeding renders its decision;

vi. If the decision of the Panel conducting the administrative proceeding requires that the .ph domain name in question be cancelled or transferred, the decision is implemented.

For additional information, please refer to the Flow Chart of Proceedings.

8. How long should a .ph administrative proceeding process take?
Answer: Under normal circumstances, after a Complaint is duly filed with the Hong Kong International Arbitration Centre, the Panel should notify the Parties and relevant Registrar of the decision within 60 days.

9. In what language is a .ph administrative proceeding conducted?

Answer: Article 11 of the Rules states that all communications shall be conducted in English.

10. What is the cost of a .ph domain name administrative proceeding?

The costs of the administrative proceedings are set by the domain name dispute resolution provider in consultation with the dotPH ("the REGISTRY").

According to Article 15 of the Supplemental Rules, the fees are as follows:

<table>
<thead>
<tr>
<th>Number of Domain Names included in the Complaint</th>
<th>Single Panelist (USD)</th>
<th>Three Member Panelist (USD)</th>
<th>HKIAC Administrative Fee (USD)</th>
<th>Total Fees (USD) Single</th>
<th>Total Fees (USD) Three</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 to 2 domain names</td>
<td>$500</td>
<td>$1,500</td>
<td>$250</td>
<td>$750</td>
<td>$1,750</td>
</tr>
<tr>
<td>3 to 5 domain names</td>
<td>$600</td>
<td>$1,800</td>
<td>$300</td>
<td>$900</td>
<td>$2,100</td>
</tr>
<tr>
<td>6 to 9 domain names</td>
<td>$800</td>
<td>$2,400</td>
<td>$500</td>
<td>$1,300</td>
<td>$2,900</td>
</tr>
<tr>
<td>10 domain names or more</td>
<td>$1,500</td>
<td>$4,500</td>
<td>$1,000</td>
<td>$2,500</td>
<td>$5,500</td>
</tr>
</tbody>
</table>

Ordinarily, the Complainant is responsible for paying all the fees, unless the Respondent (i.e. the holder of the .ph domain name which is in dispute) chooses to have the administrative proceeding conducted by a Panel of three (3) Panelists whereas the Complainant has chosen to have the Complaint decided by one (1) Panelist, in which case the fees are to be shared equally between the Parties.
It should also be noted, that according to Article 19 (d) of the Rules, in the exceptional circumstances that an in-person hearing is required, there will be additional fees to be paid the amount of which will be established by the HKIAC in agreement with the Parties and the Panel.

The fees above do not include any payments that a Party might have to pay to a lawyer or other representative representing such Party, which is a matter entirely for such Party.

11. How are fees of a .ph domain name dispute administrative proceeding paid?

Answer: According to the HKIAC Supplemental Rules, fees are to be paid to the HKIAC free of any bank charges, transfer fees or any withholdings, in United States Dollars (USD), by way of cash, cheque, draft or telegraphic transfer. Cheques or drafts are to be made payable to "Hong Kong International Arbitration Centre".

Telegraphic transfers are to be made as follows:

Account name: Hong Kong International Arbitration Centre
Account no.: 004-567-190897-001
Bank: The Hongkong and Shanghai Banking Corporation Limited

12. Must a Party be represented by a lawyer in a .ph domain name administrative proceeding?

Answer: No, it is not required, but a Party might find it useful to engage the services of a legal advisor for this purpose. A Party may represent itself or be represented by any person such Party may choose.

13. Can a Complaint include more than one disputed .ph domain name?

Answer: Yes. According to Article 3 (e) of the Rule for the phTLD Dispute Resolution Policy, the complaint may relate to more than one domain name, provided that the same domain name holder registers the domain names. Also please note that Article 10 (e) of the Rule for
the phTLD Dispute Resolution Policy provides that in the event of multiple disputes between a domain name holder and a Complainant, the Panel shall decide a request by a Party to consolidate multiple domain name disputes in accordance with the Policy and these Rules.

14. Will dotPH and the Registrar of the disputed .ph domain name be involved in the administrative proceeding?

Answer: No. According to Article 4 (h) of the Policy, dotPH ("REGISTRY") and the relevant Registrar shall neither participate in the administration nor conduct an administrative proceeding in respect of a .ph domain name, and neither will the relevant Registrar be liable as a result of a decision rendered by a Panel which has conducted an administrative proceeding. The relevant Registrar is not to be named as a party or otherwise in any administrative proceeding.

15. If a Complainant duly commences a .ph domain name administrative proceeding, can the Complainant still go to courts in connection with the disputed domain name?

Answer: Article 4 (K) of the Policy states that the mandatory administrative proceeding requirements set forth in Paragraph 4 shall not prevent either you or the Complainant from submitting the dispute to a court of competent jurisdiction for independent resolution before such mandatory administrative proceeding is commenced or after such proceeding is concluded. If an Administrative Panel decides that your domain name registration should be canceled or transferred, HKIAC will wait thirty (30) business days (as observed in the Philippines) after HKIAC is informed by the applicable Provider of the Administrative Panel's decision before implementing that decision. HKIAC will then implement the decision unless HKIAC has received from you during that period of thirty (30) business days official documentation (such as a copy of a complaint, file-stamped by the clerk of the court) that you have commenced a lawsuit against the complainant in a jurisdiction to which the complainant has submitted under Paragraph 3(b)(xiii) of the Rules of Procedure. (In general, that jurisdiction is either the Philippines or of your address as shown in our database. See
Paragraphs 1 and 3(b)(xiii) of the Rules of Procedure for details.) If HKIAC receives such documentation within the thirty (30) business days period, HKIAC will not implement the Administrative Panel’s decision, and HKIAC will take no further action, until HKIAC receives (i) evidence satisfactory to us of a resolution between the parties; (ii) evidence satisfactory to us that your lawsuit has been dismissed or withdrawn; or (iii) a copy of an order from such court dismissing your lawsuit or ordering that you do not have the right to continue to use your domain name.

16. Will a Party against whom a .ph domain name administrative proceeding is filed have recourse in Hong Kong courts?

Answer: Article 4 (K) of the Policy states that the mandatory administrative proceeding requirements set forth in Paragraph 4 shall not prevent either you or the complainant from submitting the dispute to a court of competent jurisdiction for independent resolution before such mandatory administrative proceeding is commenced or after such proceeding is concluded. If an Administrative Panel decides that your domain name registration should be canceled or transferred, HKIAC will wait thirty (30) business days (as observed in the Philippines) after HKIAC is informed by the applicable Provider of the Administrative Panel’s decision before implementing that decision. HKIAC will then implement the decision unless HKIAC has received from you during the thirty (30) business days period official documentation (such as a copy of a complaint, file-stamped by the clerk of the court) that you have commenced a lawsuit against the complainant in a jurisdiction to which the complainant has submitted under Paragraph 3(b)(xiii) of the Rules of Procedure. (In general, that jurisdiction is either the Philippines or of your address as shown in our database. See Paragraphs 1 and 3(b)(xiii) of the Rules of Procedure for details.) If HKIAC receives such documentation within the thirty (30) business days period, HKIAC will not implement the Administrative Panel’s decision, and HKIAC will take no further action, until HKIAC receives (i) evidence satisfactory to HKIAC of a resolution between the parties; (ii) evidence satisfactory to HKIAC that your lawsuit has been dismissed or withdrawn; or (iii) a copy of an order from such
court dismissing your lawsuit or ordering that you do not have the right to continue to use your domain name.

17. Where can I obtain information about the registered holder of a .ph domain name?

Answer: Information on registered .ph domain name holders can be obtained by clicking on http://www.domains.ph/ to enquire about the domain name from the database.

18. What happens if the Hong Kong International Arbitration Centre (HKIAC) deems a Complaint deficient in its Compliance Review?

Answer: According to Article 7 of the HKIAC Supplemental Rules, if the HKIAC determines that there are deficiencies in the Complaint, the HKIAC shall notify the Complainant of such deficiencies and the Complainant shall remedy such deficiencies within five (5) calendar days.

19. Must a Party respond regarding a .ph domain name dispute that has been filed at the HKIAC?

Answer: Yes. Under the terms of the Registration Agreement between the Registrar and the registered holder of a .ph domain name, the registered holder must have agreed to participate in any administrative proceeding commenced regarding the .ph domain name in question.

20. What happens if a Response is not filed on time or at all?

Answer: According to Article 5 (a) of the Rules and Article 6 of the HKIAC Supplemental Rules, a Party who is the registered holder of a .ph domain name against whom a Complaint is filed with the HKIAC must respond within twenty (20) calendar days of the date the HKIAC transmits the Complaint to such Party. In the event that such person (Respondent) does not file a Response (including the payment of any relevant fees) within said twenty (20) calendar days, according to Article 5 (e) of the Rules, the Panel will decide the case based on available information.
21. How is a Panel for a .ph domain name administrative proceeding established?

Answer: The Panels which conduct .ph domain name disputes are composed of one (1) or three (3) Panelists, depending on the nature/ circumstances of the case. The Hong Kong International Arbitration Centre (HKIAC) maintains a list of Panelists whom the HKIAC considers to be independent, reputable, knowledgeable, experienced, impartial and suited to undertake the task of deciding disputes in respect of .ph domain names. The HKIAC selects the Panelists to sit on a phTLD Dispute Resolution Policy Panel on a case-by-case basis considering the following criteria: the nature of the dispute, the availability of the Panelist(s), the identity of the Parties, the independence and impartiality of the Panelist(s), any stipulations in the relevant Registration Agreement and any suggestions made by the Parties themselves.

Prior to an appointment, a proposed Panelist must declare in writing to the Parties and the HKIAC, any circumstances which could give rise to any justifiable doubt as to the Panelist's impartiality or independence or prevent a prompt resolution of the dispute in question. If, at any stage during an administrative proceeding, new circumstances arise that could give rise to justifiable doubt as to the impartiality or independence of a Panelist, the Panelist in question shall promptly disclose such circumstances to the HKIAC, in which event the HKIAC shall have the discretion to appoint a substitute Panelist. Unless the Parties otherwise agree, no person shall serve as a Panelist in a dispute in which that person has any interest which, if known to a Party, might lead the Party to doubt the Panelist's impartiality or independence.

22. How long does a Panel have to render a decision in a .ph domain name administrative proceeding?

Answer: According to Article 15 (b) of the Rules, in the absence of exceptional circumstances the Panel in question shall forward to the Hong Kong International Arbitration Centre (HKIAC) the Panel's decision on a Complaint within fourteen (14) calendar days of the appointment of the Panel.
According to Article 16 (a) of the Rules, the HKIAC shall communicate the decision of the Panel to the Parties and the Registrar of the .ph domain name which was the object of the administrative proceeding within three (3) calendar days of the receipt by the HKIAC of the decision.

23. What kind of decision can a Panel make in a .ph domain name administrative proceeding?

Answer: A decision by a Panel conducting a .ph domain name dispute administrative proceeding must be in writing and the kinds of decision a Panel conducting a .ph domain name dispute may render are limited. A Panel might decide in one of two ways: (a) that the Complaint is not justified, in which case the existing registered .ph domain name holder shall be entitled to retain the .ph domain name in question; or (b) the Panel may decide that the Complaint is justified in which case the Panel will order that the domain name in dispute should be cancelled or transferred to the Party which brought the Complaint.

It should be noted that if a Panel, which conducts a .ph domain name dispute administrative proceeding finds that a Complaint was brought in bad faith and constitutes an abuse of the administrative proceeding, the Panel is required to state in its decision that this was the case.

A Panel may neither make money awards nor awards relating to costs, including but not limited to lawyer’s fees and costs.

24. Is it possible to challenge a Panel decision regarding a .ph domain name?

Answer: Article 8 of the Policy states that the administrative proceedings called for under the phTLD Dispute Resolution Policy shall not prevent either a Complainant or a domain name holder from submitting the dispute to a court in the place where dotPH (“REGISTRY”) is situated or to go for an arbitration before the administrative proceeding is commenced or after the administrative proceeding is concluded.
Transfers of a Domain Name to a New Holder - You may not transfer your domain name registration to another holder (i) during a pending administrative proceeding brought pursuant to Paragraph 4 or for a period of fifteen (15) business days (as observed in the location of our principal place of business) after such proceeding is concluded; or (ii) during a pending court proceeding or arbitration commenced regarding your domain name unless the party to whom the domain name registration is being transferred agrees, in writing, to be bound by the decision of the court or arbitrator. The HKIAC reserves the right to cancel any transfer of a domain name registration to another holder that is made in violation of this subparagraph.