

# Rules of Alternative Dispute Resolution

In force as of 1 January 2014

## 1. INTRODUCTORY PROVISIONS

- 1.1. This document establishes the rules for the alternative resolution of disputes arising between a Domain Name Holder entered in the electronic database of ccTLD .cz domain names and a third party that challenges the Domain Name or its registration.
- 1.2. Unless expressly established otherwise, the terms used in this document have the same meaning as defined in the Rules of Registration of Domain Names in ccTLD .cz.

## 2. AD HOC ARBITRATION

- 2.1. The Holder is irrevocably and publicly subject to the authority of the Arbitration Court attached to the Economic Chamber of the Czech Republic and the Agriculture Chamber of the Czech Republic (hereinafter the “**Arbitration Court**”) in arbitration proceedings before this Arbitration Court pursuant to the Code for the Resolution of Disputes Over .CZ Domains published in the Commercial Bulletin (hereinafter the “**.CZ Code**”), in property disputes that can be resolved in which a third party challenges any Domain Name of the Holder entered in the electronic database of ccTLD .cz domain names maintained by the CZ.NIC Association, or its registration, if the third party expresses its willingness in writing to the Holder to submit to the authority of this Arbitration Court in the given matter by submitting the dispute in writing to the Arbitration Court in accordance with the .CZ Code. The dispute will be decided by a single arbiter named by the President of the Arbitration Court or by three arbiters on the basis of the rules set forth in the .CZ Code. The e-mail address of the Holder listed in the registration record of any of the Domain Names that are the subject of the dispute shall serve during the proceedings for delivering information to the Holder, and the Holder confirms that it is able to communicate using this address in connection with the arbitration proceedings conducted on the basis of these Rules of Alternative Dispute Resolution.
- 2.2. This ad hoc arbitration applies to all of the Holder’s Domain Names, including Domain Names that the Holder registers following the ad hoc arbitration.
- 2.3. The right of either party to apply to the Court for a preliminary injunction remains unaffected.

## 3. PROCEEDINGS

- 3.1. The Arbitration Court is a permanent arbitration court pursuant to Act No. 216/1994 Coll., on arbitration proceedings and the execution of arbitration rulings, as amended, and pursuant to Act No. 301/1992 Coll., on the Economic Chamber of the Czech Republic and the Agriculture Chamber of the Czech Republic, as amended.
- 3.2. The Statute of the Arbitration Court attached to the Economic Chamber of the Czech Republic and the Agriculture Chamber of the Czech Republic, the Code of the Arbitration Court attached to the Economic Chamber of the Czech Republic and the Agriculture Chamber of the Czech Republic, the Code of the Arbitration Court attached to the Economic Chamber of the Czech Republic and the Agriculture Chamber of the Czech Republic and the Code for the Resolution of Disputes Over .CZ Domains were published in the Commercial Bulletin.
- 3.3. The proceedings are initiated by filing a complaint in accordance with the .CZ Code. The proceedings are conducted in electronic form described in the .CZ Code using the on-line platform available at [domeny.soud.cz](http://domeny.soud.cz); the arbitration proceedings shall be held in Prague, Czech Republic.

- 3.4. The arbitration proceedings fee shall be paid by the complainant in the amount established in the List of Fees for .CZ Domain Name disputes depending on the number of Domain Names that are involved in the dispute. Fees according to the List of Fees consist of compensation for the arbiter(s) (arbiter fees) and an administrative fee to the Arbitration Court. If the claim includes monetary compensation, the complainant shall also pay a fee from the amount of sought compensation in accordance with the rules established in the List of Fees. If the Holder raises an objection against the authority (competence) of the Arbitration Court, the Holder may be required to pay a fee for this objection.
- 3.5. In addition to expenses connected with the payment of fees for the arbitration proceedings, parties to the dispute may also incur legal fees and other possible expenses resulting from their participation in the arbitration proceedings. The winning party may be awarded compensation for these expenses, and the losing party may be ordered to pay this compensation to the winning party.
- 3.6. Filings by the parties and the Arbitration Court, as well as other documents in the arbitration proceedings (including the arbitration ruling), shall be delivered in the manner set forth in the .CZ Code.
- 3.7. No appeals can be filed against an issued arbitration ruling, unless both parties agree to have the ruling reviewed by other arbiters in new arbitration proceedings. Delivered arbitration rulings take legal effect and are executable.
- 3.8. The Arbitration Court Codes and the List of Fees are available at [www.soud.cz](http://www.soud.cz), or at [domeny.soud.cz](http://domeny.soud.cz).

#### **4. FINAL PROVISIONS**

- 4.1. The consent to these Rules of Alternative Dispute Resolution and the ad hoc arbitration included therein shall be given in writing or in any other way from which it is apparent that the party has given its consent thereto and from which it is possible to identify the content of the communication and the persons between whom the communication has taken place.
- 4.2. CZ.NIC is entitled to change the Rules of Alternative Dispute Resolution and related documents at any time. The current version of these documents is always available at <http://www.nic.cz>.
- 4.3. CZ.NIC is obliged to publish any amendment to the documents mentioned in Article 4.2 at least 1 month before the effective date of such a change by publishing the respective amendment at <http://www.nic.cz>.
- 4.4. In the event that these Rules of Alternative Dispute Resolution are changed in accordance with Article 4.2, the Holder must, upon the nearest following extension of the Domain Name registration, grant its consent to the new version of the Rules of Alternative Dispute Resolution in a manner set out in Article 4.1.
- 4.5. The Holder is entitled to reject the changes to the Rules of Alternative Dispute Resolution and
  - 4.5.1. cancel the registration of all its Domain Names by written notice delivered to the Designated Registrar or the CZ.NIC Association no later than the day preceding the effective date of the respective change to the Rules of Alternative Dispute Resolution, or
  - 4.5.2. deliver to the CZ.NIC Association a notice of rejection of the changes to the Rules of Alternative Dispute Resolution no later than the day preceding the effective date of the respective change to the Rules of Alternative Dispute Resolution; in such a case, the registration of all the Domain Names of the Holder shall expire on the day

preceding the effective date of the changes to the Rules of Alternative Dispute Resolution.