

Communications and Media Commission



Objection Rules and Procedures



Document Status:

Below is the policy state:

Version	1.0
Effective date	
State	Effective
Date of Issuance	Sep 6th, 2012

1- Definitions

Terms and expressions defined in CMC executive regulations, any subsequent amendments thereto, CMC by-laws, and the Regulations for Arab Domain Name Registration shall have the same meaning in these documents. In addition, the words and expressions set hereunder in this document shall have

the meanings assigned below:

1. Regulation: This document which regulates rules and procedures for disputes on domain names registration under Iraq country code top-level-domain and any future modifications to it.
2. CMC: Iraqi Communications and Media Commission which was established under order 65 of 2004. It is the official and authorized entity responsible for observing Iraq's code Top-Level-Domain (**ccTLD**) and sub-domains.
3. Decision: Any decision issued by CMC as a result of executing registration services.
4. Iraqi Domain names: Domain names under Iraq country code Top-Level-Domain administered by CMC
5. Dispute Parties: Includes both Complainant and Respondent, Each individually shall be referred to as Party.

2- Regulation Range

- This regulation sets the rules and procedures for disputes and ways of resolving disputes concerning Iraq domain names.
- Jurisdiction of CMC determined for the implementation of these regulations in consideration of any disputes, if the subject of an objection to any of the following cases:
 1. To be an objection to any decision issued by CMC on .iq domain registration.
 2. Be contested domain name under clear violation of the terms and provisions of Iraq Domain Name Registration Regulation or any other rules and procedures issued by CMC.
 3. The disputable domain name is similar or resemble and somewhat ambiguous for the domain name which belongs to the Complainant or to its trade name or trademark, provided that the registration or use of domain name in contested was in bad faith. For the purpose of this paragraph , the following facts, by the way of example and not limitation, are evidence that the domain name registration or use was in bad faith:
 - A. That the registration was for the purpose of sale, transfer, or lease the domain name in any form for the



benefit of the Complainant as the owner of a trademark or trade name for the domain name, or for the benefit of a competitor of the Complainant.

- B. The registration was for the purpose of preventing the owner of a trademark or trade name from registering a domain name corresponding to such trademark or trade name.
- C. That the main purpose of the registration or use it to impede the activity of the Complainant.
- D. That the purpose of registration or use was with a view to attracting internet users or convert them to visit a site on the internet so that to allude that this site is under the auspices of Complainant or related to him or to any of trademarks or trade names.

3-Correspondence

- All correspondences relating to this regulation shall be directed to the executive directorate.
- Communication with CMC regarding the disputes shall be through the updated and published method on the website, noting that the official website of CMC is (www.cmc.iq) unless another way is specified for communications.
- All correspondences between the parties themselves or between the parties and CMC must be collective; it is not permissible for any of the parties to address the other party (including CMC) without providing the other party with a copy of the correspondence, and its annexes.
- Correspondence issued pursuant to this Regulation shall be deemed properly sent to the parties if sent to the addresses mentioned in the form of dispute or information in the contested domain name available to CMC.
- All correspondence issued pursuant to this Regulation must be prepared in Arabic; other language may be accepted according to the conditions set by CMC for each individual case.
- CMC may communicate with the parties by e-mail or other appropriate means chosen by CMC.
- Complainant is the only one responsible for ensuring that the contact information listed in the dispute form is valid, accurate and updated during the period of dispute.

4- Dispute Submission

- Its allowed for any natural or legal person to submit/file a dispute to CMC, in accordance with the regulations contained in this Regulation.
- Dispute can be submitted electronically or through any other means specified by CMC, and according to the form designated for that purpose and which can be accessed through the website. The form may include the following:
 1. The identity of the complainant and his contact information.
 2. The name of the person representing complainant, and his contact information.
 3. Domain name(s) disputed.
 4. The identity of the Respondent and his contact information.
 5. The reasons, details, and requirements of dispute.
 6. Statement of any dispute or previous or existing issues related to the disputed domain name.
 7. All the contacts required shall contain the following information: postal address, phone numbers and mobile, fax, and email address.
 8. Adoption from the complainant of the following:
 1. Validity and accuracy of the information provided.
 2. The only purpose of submission of the dispute is that set out in the request.
 3. Approval of complainant to the exclusive jurisdiction of the Iraq laws and regulations and the Iraq courts in consideration of all the aspects of the dispute, including any remedy or appeal against any action or decision issued by CMC on the dispute.
 4. CMC may reject the application if complainant violates this approval.
 5. Complainant has to approve all of terms and conditions contained in this Regulation.
 6. Complainant has to approve Iraq's domain registration Regulation (in case of transfer the domain name).
 - Dispute must be accompanied by a copy of all supporting documents.
 - The dispute may relate to more than one domain, but all of which must belong to one registrant.



5- Dispute Revision

- CMC shall respond to complainant within three working days if there are deficiencies in the dispute that require updating. Complainant must complete the deficiencies within three working days after which CMC may reject the request without prejudice to the right of complainant to file a new objection.
- CMC shall review and complete the dispute within ten working days from the date of submission of dispute to a decision to reject the dispute.
- If the Commission determines that the dispute is a resubmission of a previously submitted dispute which has been decided upon; it must reject the new dispute without considering the merits, unless the dispute contains new facts or new evidence that were not available at the time of the first dispute.
- If a dispute is presented to any judicial or quasi-judicial body, such dispute shall not be considered until a decision is taken from that side

6- Dispute handling

- In case of dispute acceptance, CMC shall transmit a copy to the Respondent to respond to dispute within a maximum period of ten days and inform the respondent that failing to reply within the period specified shall result in CMC to decide in dispute based on the information in its possession, including information provided by the complainant.
- The Respondent response must:
 1. Be specific in aspects addressed in the dispute.
 2. Include all aspects dealt with in the dispute.
 3. recognize the accuracy and authenticity of the information provided in accordance with the form prescribed by CMC.
 4. Include all supporting documents of the respond.
- CMC may at any time request from either party any information, documents or additional statements relating to the dispute. Such information, documents or statements must be submitted within 10 working days.
- All conversations on the dispute are in writing. It is not allowed to either parties to take action verbally.
- CMC shall consider disputes according to the available documents and information, and in consistency with the general rules and regulations of CMC and in particular the rules, regulations and procedures related to Iraq domain names.
- All dispute parties shall be treated on equality basis; CMC gives each party a fair opportunity to clarify its opinion.



- Complainant may withdraw its dispute at any time before the issuance of a decision by CMC. In such case, the dispute will not be accepted again, unless in case the withdrawal was for the purposes of reaching an amicable solution between the complainant and the respondent or any other reasonable reason acceptable to CMC.
- Unless CMC decides otherwise, disputed domain name may not be transferred, deleted, suspended or modified until the dispute is completed.

7- CMC decision on the dispute

- CMC must issue its final decision on dispute within a maximum period of thirty days from the date of its acceptance.
- CMC shall notify the parties of its decision on the dispute as soon as issued. Such decision shall be considered final and shall be published on CMC website.
- CMC shall take one of the following decisions:
 1. To reject the dispute and to maintain the status quo.
 2. Correct its decision in respect of registration services.
 3. Cancel registration of the disputed domain name
 4. Transfer registration to complainant, provided that complainant meets the eligibility requirements for domain name registration.
- CMC's role is determined in executing CMC decision against dispute.

8- Implementation of CMC's Decision on the Dispute

1. The decision of CMC on any dispute is applicable after three working days from the date of its issuance, without affecting any grievance or appeal that may be submitted against the decision, unless a decision issued by a competent judicial authority to stop the implementation of the resolution.
2. If CMC's decision stipulates to cancel the disputed domain registration or transfer it to complainant, the resolution shall be implemented according to procedures established by CMC in this regard.



9- General Provisions

1. CMC has the right to determine fees for the meeting to consider disputes.
2. The implementation of this Regulation and the resulting resolutions is subject to the applicable laws and regulations in force in Iraq.
3. This regulation is approved by CMC's Board of Commissioners and will be valid from the date posted on the website.
4. This regulation, its terms and provisions may be amended from time to time by the CMC without any prior notice, provided that the amendment is posted on the website.
5. CMC may publish any information about disputes or resulting decisions in the way CMC deems appropriate

Information on this document:

Contact Person:

Contact the below for details on this regulation:

Name	CMC
Address	Iraq, Baghdad / Al-Masbah/ Hay Babil/ Sec/
Email	ig@cmc.iq