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Regulation of the policy of solution of controversies in the matter of names of dominion for .MX (the "Regulation")

The Policy of solution of controversies in the matter of names of dominion for .MX (LDRP) will hereby be in force Regulation, as well as by the Additional Regulation of the supplier that administers the procedure, as it appears in his Web site.

I. GENERAL DISPOSITIONS

Article 1 Definitions

In the present Regulation it will be understood by:

Group of experts: To the group of learned people in the matter and named by a supplier to solve a request of resolution of controversy regarding dominion names.

Promovente: To the part that presents/displays a request of resolution of controversy on names of dominion in accordance with the Policy of solution of controversies in the matter of names of dominion for .MX (LDRP).

Jurisdiction: To the location of the main office of Registry .MX.

Applicable policy: The General Policies of the Registry .MX, Policy of solution of controversies in the matter of names of dominion for .MX (LDRP), as well as principles and norms related to controversies in the matter of dominion names.

Name of dominion: It represents a common identifier a group of computers or equipment connected to the network. It is a form simple of designed Internet address to allow the users to locate of easy way sites in Internet. To a name of dominion registered before Registry .MX.

Member of the group of experts: To the person appointed by the supplier to be member of the group of experts.

Part: To the promovente or the holder.

Applicable law: The law that is in force in the Mexican United States at the time of presentation of the request of resolution of controversy, and that is applicable to the case.

Supplier: To the supplier of services of resolution of controversies that counts on the authorization of Registry .MX to administer to controversies in the matter of names of dominion in the level dominion superior .MX.

Agreement of registry: The acceptance and knowledge of the General Policies of Registry .MX by the holder of a name of dominion registered in the level dominion superior .MX.

To title: The holder of a dominion name and against that has appeared a request of cancellation of the registry or transmission of the ownership of a name of dominion in .MX.

Additional regulation: The regulation adopted by the supplier that administers a procedure that complements the present regulation. The additional regulation will be compatible with the applicable policy or the present regulation and will include questions like the limitations and directives in the matter of words and of pages, the form of communication with the supplier and the form of presentation of the covers.

Article 2

Communications

- A. When a request of resolution of controversy regarding names of dominion to the holder is transmitted, it will be responsibility of the supplier to use the means reasonably available that are considered necessary to obtain that it indeed notifies the holder. This requirement will be fulfilled when:
 - i. The request of resolution of controversy regarding names of dominion is sent to all the directions of mail or telefacsimil that appears in the data of registry of the name of dominion in the data base "WHOIS" of Registry .MX corresponding to the holder of the name of registered dominion, that is to say, to the Registrante and;
 - ii. The request of resolution of controversy regarding names of dominion (including the Annexes, insofar as they are available, in electronic format) by electronic mail a is sent:
 1. The directions of electronic mail for the Registrante;
 2. The account of electronic mail of the administrator of the system of mail for this name of dominion, usually the account "postmaster" under the dominion name object of the request of resolution of controversy regarding dominion names, this only in

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case the mentioned accounts of electronic mail in the previous point, would present/display some problem;

- iii. The shipment of the request of resolution of controversy regarding names of dominion to any direction that the promovente has notified to the supplier as preferred and, insofar as it is possible, to the other directions provided by the promovente of the supplier by virtue of the article 3.B.v.
- B. Except for established in the article 2.A, any communication written to the promovente or the anticipated holder in the present Regulation will take place by the average favourites declared by the promovente or the holder, respectively (see the article 3.B.iii and 5.B.iii), or when this declaration does not exist:
 - i. by means of transmission of fax or telefacsimil, with confirmation of the transmission; or
 - ii. by ordinary or urgent mail, paid franking and receipt requested with notification; or
 - iii. electronically by means of Internet, as long as it has had the registry of his transmission.
- C. Any communication to the supplier or the group of experts will take place in the way and way (including the number of copies) established in the Additional Regulation of the supplier.
- D. The communications will take place in the language prescribed in the article 13.A and 13.B. When it is possible, the communications by electronic mail will have to be sent in common language.
- E. Any part will be able to update the data to put itself in contact with her notifying it to the supplier and Registry .MX.
- F. Except for the anticipated thing in the present Regulation or of the resolution of a group of experts, it will be considered that the communications anticipated in the present Regulation have taken place:
 - i. If fax or telefacsimil has been transmitted by means of, in the date that appears in the confirmation of the transmission; or
 - ii. If they have been transmitted by ordinary or urgent mail, in the date marked in the defense; or
 - iii. If they have been transmitted by means of Internet/electronic mail, in the date in which the communication has been transmitted, as long as the date of transmission is verifiable.
- G. Except for the anticipated thing in the present Regulation, all the terms calculated by virtue of the present Regulation as of the moment at which it takes place a communication will begin to count as of the earliest date in than it is considered that the communication in accordance with the article has taken place 2.F.
- H. Copy of any conducted communication will be sent:
 - i. By a group of experts to any part, to the supplier and the other part;
 - ii. By the supplier to any part, the other part; and
 - iii. On the one hand, to the other part, to the group of experts and the supplier, according to it is the case.
- I. It will be responsibility of that sends the communication to conserve the registry of the fact and the circumstances of the shipment, that it will have to be available for his inspection by the interested parts and to the aims of information.
- J. In case one part that sends a communication, receives the notification from which this one has not been received, the part will notify immediately to the group of experts (or, if a group of experts has still not named, to the supplier) the circumstances of the notification. Other procedures regarding the communication and any answer will take place in accordance with the established thing by the group of experts (or the supplier).

II. BEGINNING OF THE PROCEDURE

Request of resolution of controversy regarding dominion names.

Article 3

- A. All person or organization will be able to initiate a procedure of solution of controversies being presented/displayed a request of resolution of controversy regarding names of dominion to the supplier with authorization of Registry .MX (as she is appraised in the ANNEX To of the Policy of Solution of Controversies in the matter of names of dominion for .MX) in accordance with the General Policies of Registry .MX, Policy of solution of controversies in the matter of names of dominion for .MX (LDRP) and the present Regulation.
- B. **The request of resolution of controversy regarding dominion names** will appear in a printed copy and (except insofar as he is not available in the case of the Annexes) in electronic form and her will have:
 - i. To solicit that this request is put under a group of experts for its resolution in accordance with the **Policy of solution of controversies in the matter of names of dominion for .MX (LDRP)** and the present Regulation;
 - ii. To provide the names, the mailing dress and of electronic mail, and the telephone numbers and of telefacsimil of the holder and the promovente, as well as of any representative of the promovente;
 - iii. To specify the preferred form to carry out the communications directed to the promovente in the Policy of solution of controversies in the matter of names of dominion for .MX (including the person with which there is to put itself in contact, the means and the information regarding the direction) for a) material strictly electronic and B) material in which printed copies are included;
 - iv. To designate if the promovente chooses so that the Policy of solution of controversies in the matter of names of dominion for .MX (LDRP) is solved by a group of experts composed of a unique member or of three members and, in case the promovente decides on a group of experts composed of three members, to provide the names of three candidates that can act as members of the group of experts and the data to put themselves in contact with them (these candidates will be able to be selected from any list of experts of any supplier with authorization of Registry .MX);
 - v. To provide the name of the holder of the dominion name and all the information (including any mailing dress and of electronic mail, as well as the telephone numbers and telefacsimil) well-known by the promovente one on the way to put in contact with the holder or any representative of the holder, including the information that is based on relations previous to the request of resolution of controversy regarding names of dominion that allows to make contact with the enemy with the same, sufficiently detailed to allow that the supplier sends the request of resolution of controversy regarding dominion names as 2.A is described in the article;

- vi. To specify the name or names of dominion object of the request of resolution of controversy regarding dominion names;
- vii. To specify the mark or marks of products or registered services, registered commercial warning, denomination of origin or reserve of rights on which the **request of resolution of controversy regarding dominion names** is based and, with respect to each registered tradename, commercial warning registered, denomination of origin or reserve of rights, describing the products or services or legally had the charge of, there are if them, with which are used (the promovente also will be able to describe other products separately and services with which, at the moment in which the **request of resolution of controversy regarding dominion names** appears, it has intention to use these denominations in the future);
- viii. To describe, in accordance with the **Policy of solution of controversies in the matter of names of dominion for .MX (LDRP)**, the reasons on which the request of resolution of controversy regarding dominion names is based; including in particular:
 - 1. The way in which the name or names of dominion is identical or similar until the point to create confusion with respect to a mark of products or services registered, registered commercial warning, denomination of origin or reserve of right on which the promovente has right; and
 - 2. The reasons by which it would have to be considered that the holder does not have right or interest legitimate with respect to the dominion name; or dominion names object of the **request of resolution of controversy regarding dominion names**; and
 - 3. The reasons by which it would have to be considered that the name or names of dominion has been registered or used of bad faith.
 - 4. (In the description they will be due to examine, as far as elements 2) and 3) any aspect of the article 4.B and 4.C of the Policy of solution of controversies in the matter of names of dominion for .MX (LDRP). The description will have to satisfy any limit with words or pages established in the Additional Regulation of the supplier);
- ix. To specify, in accordance with the policy, the effects that are tried to obtain;
- x. To notify any procedure that has been begun or finished in relation to the name or names of dominion object of the **request of resolution of controversy regarding dominion names**;
- xi. To declare that it has been sent or transmitted the holder of the dominion name, in accordance with the article 2.B, a copy of the **request of resolution of controversy regarding dominion names**, along with the cover, as prescribes the Additional Regulation of the supplier;
- xii. To declare that the promovente will be put under any effect of the resolution that takes in agreement with the Policy from solution from controversies in the matter of names from dominion for .MX and applicable policy on the cancellation from the registry or transmission from the ownership from the name from dominion;
- xiii. To conclude with the declaration indicated next, followed of the company/signature of the promovente or its authorized representative:

"The promovente accepts that the **request of resolution of controversy regarding dominion names** that raise and what it solicits in relation to the registry of the dominion name affected solely the holder of the dominion name and exempts of the same a: a) the supplier of solution of controversies and to the members of the group of experts, except in case of deliberate infraction; b) to Registry .MX, as well as to its directors, representatives, employees and agents.

The certifica promovente and assures that the information contained in the **request of resolution of controversy regarding dominion names** is complete and exact, that the present **request of resolution of controversy regarding dominion names** does not appear with any inadequate reason, like the one to create obstacles, that the carried out affirmations are based on the present regulation, as it exists at the moment or in measurement that can extend by means of a reasonable argument and of good faith "
- xiv. To enclose all type of tests, including a copy in the agreement of registry and the **Policy of solution of controversies in the matter of names of dominion for .MX (LDRP)**, on which the request of resolution of controversy regarding dominion names is based, along with an enumeration of those documents;
- xv. **The request of resolution of controversy regarding dominion names** will be able to include more of a dominion name, as long as the dominion names have been registered by the same holder.
- xvi. **The request of resolution of controversy regarding dominion names** will be sent to the supplier in accordance with article 2.).

Notifications conducted by the supplier after the presentation of the Request of resolution of controversy regarding dominion names

Article 4

- A. The supplier will examine the request of resolution of controversy regarding dominion names in order to determine if it fulfills the dispositions of the Policy of solution of controversies in the matter of names of dominion for .MX (LDRP) and of the present Regulation and, if yes, will send the request of resolution of controversy regarding names of dominion (along with the explanatory cover prescribed by the Additional Regulation of the supplier) to the holder, in the way prescribed by the **article 2.A**, within three (3) days natural from the reception of the rates that the promovente has to pay in accordance with **article 22**.
- B. If the supplier determines that the request of resolution of controversy regarding dominion names does not fulfill the requirements indicated in this regulation, it would notify immediately to the promovente and the holder these breaches. The promovente will have five (5) days natural to correct any breach, after which the request of resolution of controversy regarding dominion names will be considered distant, still with the possibility that the promovente puts under a request of resolution of controversy regarding names of different dominion.
- C. The date of beginning of the procedure of the political resolution of controversy regarding dominion names will be the date in which the supplier completes its responsibilities by virtue of the article 2.A in relation to the shipment of the **request of resolution of controversy regarding names of dominion to the holder**.
- D. The supplier will notify the holder, promovente and to Registry .MX the date of beginning of the procedure of the policy.

Writing of answer**Article 5**

- A. Within twenty (20) days as of the date of beginning of the procedure of the policy of resolution of controversies, the holder will put under the supplier an answer writing.
- B. The answer writing will appear in printed copy and (except insofar as he is not available in the case of the Annexes) in electronic form and him will have:
- i. Specifically to respond to the declarations and allegations that appear in the **request of resolution of controversy regarding dominion names** and to include all the reasons for which the holder of the dominion name must conserve the registry and use of the dominion name object of the controversy (this part of the answer writing will have to satisfy any limitation with words or pages established in the Additional Regulation of the supplier);
 - ii. To provide the name, the mailing dress and of electronic mail, and the telephone numbers and of telefacsimil of the holder of the name of dominion, as well as of any authorized representative to act in representation of the holder in the procedure;
 - iii. To specify the preferred form to carry out the communications directed to the holder in the procedure (including the person with that there is to put itself in contact, the means and the information regarding the direction) for each type of: Material A) strictly electronic and B) material in which printed copies are included;
 - iv. If the promovente has decided in the **request of resolution of controversy regarding dominion names** on a group of experts composed of a unique member (the article is seen 3.B.iv), to declare if the holder chooses however so that the controversy is solved by a group of experts composed of three members;
 - v. If the promovente or the holder decides on a group of experts composed of three members, to provide the names of three candidates who can act as members of the group of experts and the data to put themselves in contact with the same (these candidates will be able to be selected from any list of experts of any supplier with the authorization of Registry .MX);
 - vi. To identify any procedure that has been begun or finished in relation to anyone of the dominion names object of the **request of resolution of controversy regarding dominion names**;
 - vii. To declare that it has been sent or transmitted to the promovente a copy of the answer writing, in accordance with the article 2.B; and
 - viii. To conclude with the declaration indicated next, followed of the company/signature of the holder or its authorized representative:

"The certifica holder and assures that the information that appears in the present writing of answer is, to its loyal one to know and to understand, complete and exact, that the present writing of answer does not appear with any inadequate reason, like the one to create obstacles, and that the affirmations carried out in the present writing of answer are hereby guaranteed Regulation and the applicable legislation, as it exists at the moment or insofar as it can extend by means of a reasonable argument and of good faith. "; and
 - ix. To enclose all type of documentary evidences on which the answer writing is based, along with an enumeration of those documents.
- C. If the promovente has chosen so that the controversy is solved by a group of experts composed of a unique member and the holder decides on a group of experts composed of three members, the holder will be forced to pay half of the rate applicable to groups of experts composed of three members according to the settled down thing in the Additional Regulation of the supplier. The payment will take place along with the shipment of the writing of answer to the supplier. In case the demanded payment does not take place, a group of experts composed of a unique member will solve the controversy.
- D. At the request of the holder, the supplier will be able, in exceptional cases, to extend the period of presentation of the answer writing. The period will be able to be extended by means of stipulation also written of the parts, as long as it approves it to the supplier.
- E. If the holder does not present/display an answer writing, as long as exceptional circumstances do not exist, the group of experts will solve the controversy being based on the **request of resolution of controversy regarding dominion names**.

Exemption of responsibility**Article 6**

Safe in case of negligence, neither Registry .MX, nor the supplier, nor a member of a group of experts will be responsible before no part by all act or omission in relation to any procedure by virtue of the present Regulation.

Modifications**Article 7**

The version of the present Regulation that is in force at the time of the presentation of the request of resolution of controversy regarding dominion names will apply to the initiated procedure that way. Any modification or update to the regulation will be published with a warning of fifteen (15) days in the page of Registry .MX <http://www.registry.mx>, so that the holder shows what to his interests he agrees. Once passed the previous term the holder of the dominion name will be forced under this new regulation, without it is necessary that Registry .MX realises no other type of publication or warning.

III. THE GROUP OF EXPERTS**Appointment of the group of experts****Article 8**

- A. The supplier will maintain and publish a professional list of members of the group of experts and its antecedents, that will be at the disposal of the public.
- B. If the holder and the promovente have not decided on a group of experts composed of three members (article 3.B.iv and 5.B.iv), the supplier will name, within five (5) days natural from the reception of the writing of answer or once passed the period granted for its presentation, a unique member of the group of

- experts among its list of experts. The honoraria of this group of experts composed of a unique member will be paid in their totality by the promovente.
- C. If the promovente or the holder chooses so that the controversy is solved by a group of experts composed of three members, the supplier will appoint three experts who will be member of the group of experts in accordance with the procedure settled down in the article 8.E. The honoraria of the group of experts composed of three members will be paid in their totality by the promovente, except when the holder has chosen so that the group of experts is compound of three members, in which case the applicable rates will be shared of equitable way by the parts.
 - D. Unless it has already decided on a group of experts made up of three members, the promovente will put under the supplier, within five (5) days natural from the communication of a writing of answer in which the holder decides on a group of experts made up of three members, the names of three candidates that can act as members of the group of experts, and the data that allow to make contact with the enemy with the same.
 - E. In case the promovente or the holder decides on a group of experts made up of three members, the supplier will try to name a member of the group of experts from the lists of candidates provided by the promovente and the holder. In case the supplier cannot carry out the appointment of a member of the group of experts in habitual conditions from the list of candidates of anyone of the parts, it will carry out this appointment from his list of experts. The third member of the group of experts will be named by the supplier from a list of five candidates presented/displayed by the supplier to the parts, and the supplier will select one of those five candidates of way like keeps a reasonable balance between the preferences from both parts, as they will be able to indicate to the supplier within five (5) days natural from the shipment by the supplier to the parts of the list of five candidates.
 - F. Once all the members of the group of experts have named, the supplier will notify to the parts the members of the group of experts who have been appointed and the date limit in which, without exceptional circumstances exist, the group of experts will send to the supplier the resolution that has taken.

Impartiality and independence

Article 9

All member of the group of experts will be impartial and independent, and before accepting his appointment it will have communicated to the supplier and the parts all circumstance that can seed a justifiable doubt on the impartiality or the independence of this member, or will have confirmed in writing that does not exist such circumstances. If at some time from the procedure new circumstances arise that can seed a justifiable doubt on the impartiality or the independence of the member of the group of experts, that member will communicate immediately these circumstances to the supplier. In this case, the supplier will be qualified to name a member substitute of the group of experts.

Communication between the parts and the group of experts

Article 10

No part nor nobody represents that it will be able to maintain one-way communicationses with the group of experts. All the communications between a part and the group of experts or the supplier will take place to an administrator appointed by the supplier in the form prescribed in the Additional Regulation of the supplier.

IV. DEVELOPMENT OF THE PROCEDURE

Transmission of the file to the group of experts

Article 11

The supplier will transmit the file to the group of experts as soon as the member of the group of experts is named, in the case of a group of experts composed of a single member, or as soon as the last member of the group is named, in the case of a group of experts composed of three members.

General faculties of the group of experts

Article 12

- A. The group of experts will carry out the procedure of solution of controversies in the form that considers appropriate in accordance with the applicable Policy of solution of controversies (LDRP) and the present Regulation.
- B. In all the cases, the group of experts will make sure that the parts are dealt with equality and which to each part a right opportunity is offered to him to set out its case.
- C. The group of experts will make sure that the procedure of solution of controversies takes place with the due speed. At the request of one it starts off or by own initiative, Regulation will be able to extend in exceptional cases a term hereby determined or by the group of experts.
- D. The group of experts will determine the admissibility, relevance, relative importance and weight of the tests.
- E. The group of experts will decide on the request of a part that asks for the accumulation of multiple controversies in the matter of names of dominion in accordance with the applicable Policy and the present Regulation.

Language of the procedures

Article 13

- A. Unless the parts decide the opposite, the language of the procedure will be the Spanish, except for the faculty of the group of experts to take another resolution, considering the circumstances of the procedure.
- B. The group of experts will be able to demand that the documents presented/displayed in languages different from the language of the procedure of solution of controversies go accompanied of a total or partial translation to the language of the procedure of solution of controversies.

Other declarations

Article 14

Besides the request of resolution of controversy regarding names of dominion and the

writing of answer, the group of experts, doing use of his faculties, will be able to allow or to demand other declarations of the parts.

Views

Article 15

They will not be carried out seen (including the views by videophone conference, videoconference and conference via Internet), unless the group of experts determines, making use of its exclusive faculties and exceptional way, that is necessary to carry out a view to solve the controversy.

Breach

Article 16

- A. In case a holder, without exceptional circumstances exist, does not present/display his writing of answer in accordance with the present Regulation, the group of experts will adopt a resolution with respect to the request of resolution of controversy regarding dominion names.
- B. The group of experts also will adopt a resolution with respect to the request of resolution of controversy regarding dominion names in case one starts off, without exceptional circumstances exist, does not respect some of the terms hereby established Regulation or by the group of experts.
- C. If one starts off, without exceptional circumstances exist, it fails to fulfill some disposition or exigency of the present Regulation or some request of the group of experts, this last one will draw the conclusions that consider appropriate.

Closing of the procedure

Article 17

When it is reasonably possible and as long as it consists to him that all the parts have had a right and equitable opportunity to set out their case, the group of experts will declare the closing of the procedure of resolution of controversies to more taking ten (10) days after the date of his appointment.

Resignation

Article 18

It will be considered that a part has resigned to its right of claim when knows or must have known that some disposition or exigency by virtue of the present Regulation has not been fulfilled, or some instruction of the group of experts, and which in spite of it comes without making with diligence a complaint with respect to this breach.

V. RESOLUTIONS

Applicable policy

Article 19

The group of experts will solve the request of resolution of controversy regarding names of dominion in accordance with the applicable Policy, the present Regulation, as well as the norms and principles of right that considers applicable.

Form and notification of the resolutions

Article 20

- A. The resolution will be transmitted to the supplier, when it is reasonably possible, within seven (7) days from the closing of the procedure of resolution of controversies.
- B. In the resolution it will appear the date in which one has taken place, the reasons on which one has been based and will be signed in digital or written form. The group of experts will be able to consult to the supplier with respect to questions of form regarding the resolution.
- C. As soon as it is possible, once the group of experts has transmitted the resolution to the supplier, will communicate this one to each part and the cash registers and Registry .MX so that its execution is carried out.
- D. Unless the group of experts determines the opposite, the supplier will publish the resolution in an accessible Web site by the public.

Retired of the request of resolution of controversy regarding names of dominion by agreement between the parts or other reasons for completion

Article 21

- A. If the parts reach an agreement before the decision of the group of experts is adopted, this one last one will finish to the procedure of solution of controversies, previous joint request of the parts, will register the agreement in the form of decided decision, that it will be signed by the group of experts and the parts. The group of experts will not be forced to give the reasons for this resolution.
- B. If the continuation of the procedure unnecessary or impossible is for whatever reason not mentioned in the paragraph a) before the resolution of the group of experts is adopted, this one last one will be authorized to dictate a resolution that ends the procedure of solution of controversies, unless one divides just reasons (to the perspective of the group of experts) for objection within a term determined by the group of experts present.

I SAW. RATES AND HONORARIA

Rates

Article 22

- A. The request of resolution of controversy regarding dominion names will be subject to the payment on the part of the promovente to the supplier of a fixed administrative rate in accordance with the rates published by the supplier that is in force at the time of the presentation of the request of resolution of controversy

regarding dominion names (the references are seen each one of the suppliers of solution of controversies which they are in the Annex of the **Policy of solution of controversies in the matter of names of dominion for .MX**).

- B. The rate will be composed by:
- i. The rate of the supplier, that could not be reimbursed; and
 - ii. A payable rate to the group of experts who could not be reimbursed after the appointment of this group.
- C. The supplier will not take measurement some with respect to the requests from resolution of controversy regarding names of dominions until it has received the rate A).
- D. If the supplier has not received the administrative rate within seven (7) days from the reception of the **request of resolution of controversy regarding dominion names**, will send a payment reminder to the promovente.
- E. In case the supplier has still not received the payment of the administrative rate within seven (7) days from the shipment of this reminder, it will be considered that the request of resolution of controversy regarding dominion names has retired.

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