



International Chamber of Commerce

*The world business organization*

International Centre for Expertise Centre international d'expertise

## NEW GENERIC TOP-LEVEL DOMAIN NAMES (“gTLD”) DISPUTE RESOLUTION PROCEDURE

### OBJECTION FORM TO BE COMPLETED BY THE OBJECTOR

- *Objections to several Applications or Objections based on more than one ground must be filed separately*
- *Form must be filed in English and submitted by email to [expertise@iccwbo.org](mailto:expertise@iccwbo.org)*
- *The substantive part is limited to 5000 words or 20 pages, whichever is less*

**Disclaimer:** *This form is the template to be used by Objectors who wish to file an Objection. Objectors must review carefully the Procedural Documents listed below. This form may not be published or used for any purpose other than the proceedings pursuant to the New GTLD Dispute Resolution Procedure from ICANN administered by the ICC International Centre for Expertise (“Centre”).*

#### References to use for the Procedural Documents

Name	Abbreviation
Rules for Expertise of the ICC	“Rules”
Appendix III to the ICC Expertise Rules, Schedule of expertise costs for proceedings under the new gTLD dispute resolution procedure	“Appendix III”
ICC Practice Note on the Administration of Cases	“ICC Practice Note”
Attachment to Module 3 - New gTLD Dispute Resolution Procedure	“Procedure”
Module 3 of the gTLD Applicant Guidebook	“Guidebook”

## Identification of the Parties, their Representatives and related entities

### Objector

Name	NATIONAL ASSOCIATION OF REALTORS®
Contact person	Kenneth Burlington
Address	430 North Michigan Avenue
City, Country	Chicago, IL 60611 US
Telephone	312-329-8360
Email	kburlington@realtors.org

*If there is more than one Objector, file separate Objections.*

### Objector's Representative(s)

Name	NATIONAL ASSOCIATION OF REALTORS®
Contact person	Michael Thiel
Address	430 North Michigan Avenue
City, Country	Chicago, IL 60611 US
Telephone	312-329-8373
Email	mthiel@realtors.org

*Add separate tables for any additional representative ((for example external counsel or in-house counsel)*

### Objector's Representative(s)

Name	dotRealEstate LLC
Contact person	Brian Johnson
Address	3029 Prospect Avenue
City, Country	Cleveland, OH 44115 US
Telephone	216-361-1000
Email	bdj@secondgen.com

### Objector's Contact Address

Name	NATIONAL ASSOCIATION OF REALTORS®
Contact person	Michael Thiel

Address	430 North Michigan Avenue
City, Country	Chicago, IL 60611 US
Telephone	312-329-8373
Email	mthiel@realtors.org

*This address shall be used for all communication and notifications in the present proceedings. Accordingly, notification to this address shall be deemed as notification to the Objector. The Contact Address can be the Objector's address, the Objector Representative's address or any other address used for correspondence in these proceedings.*

### **Objector's Contact Address**

Name	dotRealEstate LLC
Contact person	Brian Johnson
Address	3029 Prospect Avenue
City, Country	Cleveland, OH 44115 US
Telephone	216-361-1000
Email	bdj@secondgen.com

### **Applicant**

Name	Uniregistry, Corp.
Contact person	Mr. Frank Taylor Schilling
Address	3-110 Governors Square, 1361 GT
City, Country	Grand Cayman, Grand Cayman - KY1-1108, KY
Telephone	+13459167606
Email	contact@uniregistry.com

*If there is more than one Applicant, file separate Objections.*

### **Other Related Entities**

Name	
Contact person	
Address	
City, Country	
Telephone	

Email	
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*Add separate tables for any additional related entity.*

## Disputed gTLD

### gTLD Objector objects to [.example]

Name

. REALESTATE Application ID: 1-845-86924

*If there is more than one gTLD you wish to object to, file separate Objections.*

## Objection

### What is the ground for the Objection (Article 3.2.1 of the Guidebook and Article 2 of the Procedure)

**Limited Public Interest Objection:** the applied-for gTLD string is contrary to generally accepted legal norms of morality and public order that are recognized under principles of international law.

or

**Community Objection:** there is substantial opposition to the gTLD application from a significant portion of the community to which the gTLD string may be explicitly or implicitly targeted.

### Objector's Standing to object (Article 3.2.2 of the Guidebook and Article 8 of the Procedure)

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#### NAR Has Standing As A Community Objector

In order to have standing to submit a Community Objection, a party must show that it is an "[e]stablished institution associated with a clearly delineated community." Guidebook § 3.2.2.

1. NAR is an established institution

The NATIONAL ASSOCIATION OF REALTORS® (hereinafter "NAR"; see [www.REALTOR.org](http://www.REALTOR.org)) is a not-for-profit professional association comprised of approximately 1,000,000 persons engaged in various facets of the real estate business including residential and commercial brokerage, property management, appraisal, counselling, building and development. Individuals obtain their membership in NAR through one of more than 1400 state and local REALTOR associations located throughout the United States. By number of members it is the largest professional association in the United States.

2. NAR has an on-going relationship with a clearly delineated community

a. NAR's historical relationship with the community

NAR was formed in 1908, when over one hundred people from the real estate industry sought to form an organization which could lead the promotion (and protection) of private ownership of real estate and advance professional competence in the rendition of real estate services. Consistent with this vision, for over one hundred years NAR has provided such leadership for the benefit of not just its members, but for millions of real estate owners and other real estate practitioners both in the United States and globally.

Upon its founding, NAR quickly became a leader in the real estate field. Recognizing the need for the establishment of standards for the delivery of real estate services and strong ethical conduct, one of NAR's first major accomplishments was the development and adoption of a Code of Ethics for its members. In 1913, the REALTOR Code of Ethics became one of the first codes established outside of the traditional learned professions. With over a century of use, NAR's Code of Ethics is highly regarded and looked to both within the industry and outside, including the judicial system, for guidance in establishing the standard of conduct for real estate professionals.

When NAR was founded there was virtually no regulation of the industry by government. NAR was an early advocate for the adoption of real estate licensing regulations in the individual states. NAR's first General Counsel authored the first version of a model license law.

NAR has also always recognized the importance of the ability of individuals to own real estate to a healthy society.<sup>1</sup>

NAR serves as an incubator for the development of other groups globally. Throughout the first thirty years of its existence NAR represented not just real estate professionals in the United States but also in Canada. The 1913 annual meeting of NAR, at which the Code of Ethics was adopted, was held in Winnipeg, Ontario. The local real estate boards located in Canada, seeing a need for representation in their national capital similar to that found in Washington, D.C., formed the Canadian Real Estate Association which in many ways followed the pattern established by NAR. Real estate professionals in Canada who join the Canadian Real Estate Association and abide by its standards are REALTORS in Canada. Committees and Divisions of NAR have also sparked the creation and development of other organizations in the real estate industry, including the Urban Land Institute and the National Association of Home Builders.<sup>2</sup>

Throughout the years the world has turned to NAR to provide information and resources. NAR maintains bilateral relations with eighty-one international real estate groups in nearly sixty countries around the world. NAR has also accepted a leadership role in providing information and consulting in emerging markets, including through its expertise on the use of multiple listing services. Initially through its Eastern European Real Estate Foundation, NAR provided assistance in the development of the new markets for real estate in those countries. This effort continued and expanded when the Foundation changed its name to the International Real Property Foundation to focus on developing real estate markets in emerging economies such as Central Europe, India and Eastern Africa.

Through all of the efforts over the last one hundred years, NAR has emerged as the single most influential leader within the real estate field. It provides the real estate industry with not just a representative to express its views on matters large and small, but also a leader through which ethics and professionalism within the business can be advanced for the benefit of all.

b. The community is clearly delineated

Membership in the NAR is voluntary, and the Code of Ethics is only binding upon those real estate practitioners who elect to become members of the NAR. As a result the term "REALTOR" was coined

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<sup>1</sup> This is embodied in the opening paragraph of the preamble to the Code of Ethics:

Under all is the land. Upon its wise utilization and widely allocated ownership depend the survival and growth of free institutions and of our civilization. REALTORS® should recognize that the interests of the nation and its citizens require the highest and best use of the land and the widest distribution of land ownership. They require the creation of adequate housing, the building of functioning cities, the development of productive industries and farms, and the preservation of a healthful environment.

<sup>2</sup> NAR, through the application of the principles established in the REALTOR® Code of Ethics, has also encouraged the creation of multiple listing services to cover virtually all markets within the United States. The availability of multiple listing services in all of these markets has promoted the transparency of the real estate transactions for both buyers and sellers and has made real estate a commodity that can be readily bought and sold by consumers and investors alike.

to allow those who had subscribed to the Code of Ethics to distinguish themselves not just to other real estate practitioners, but also to the public. The community as set forth herein comprises the 1,000,000+ real estate professional members of NAR referenced above, who are engaged in various facets of the real estate business including residential and commercial brokerage, property management, appraisal, counselling, building and development, each of whom subscribe to the Code of Ethics, and each of whom are REALTORS (the "Community").

### **Description of the basis for the Objection (Article 3.3.1 of the Guidebook and Article 8 of the Procedure) - Factual and Legal Grounds**

*(Description of the basis for the Objection, including: a statement giving the specific ground upon which the Objection is being filed, and a detailed explanation of the validity of the Objection and why it should be upheld.)*

#### **Statement Of Specific Ground Upon Which The Objection Is Being Filed**

As stated above under "Summary" in the "Objector's Standing to object", NAR objects to the current application for ".realestate" as a Community Objection as set forth on page 3-22 of the Guidebook.

#### **Detailed Explanation Of The Validity Of The Objection And Why It Should Be Upheld**

Under the Guidebook,

For an objection to be successful, the objector must prove that:

1. The community invoked by the objector is a clearly delineated community
2. Community opposition to the application is substantial
3. There is a strong association between the community invoked and the applied-for string
4. The application creates a likelihood of material detriment to the rights or legitimate interests of a significant portion of the community to which the string may be explicitly or implicitly targeted. Guidebook pg. 3-22

#### **1. The Community is Clearly Delineated**

The Community is clearly delineated as the 1,000,000+ members of NAR referenced in the "Standing" section above, all of whom are engaged in various facets of the real estate business including residential and commercial brokerage, property management, appraisal, counselling, building and development. All members of the Community subscribe to NAR's Constitution, Bylaws and rules and regulations, including NAR's strict Code of Ethics. Members of the Community are further identified through NAR's REALTOR collective membership mark.

The Guidebook sets forth several factors to balance in determining whether a community is clearly delineated (Guidebook pg. 3-22 and 3-23):

- a. The Public recognizes the Community at a local and/or global level.

NAR is the largest professional association in the United States. The REALTOR® mark has been in active use for real estate-related services since at least 1916, and REALTOR® has been registered as a collective membership mark with the United States Patent and Trademark Office since at least 1950. It is also registered for that or other services in the trademark offices of an additional 45 nations and the European Community.

There are currently over 1,000,000 members of the Community in the world<sup>3</sup>, many of which are practicing under the REALTOR® mark. The public recognizes the Community as a community of real estate professionals who provide real estate-related services pursuant to standards as set forth under NAR's Constitution, Bylaws and rules and regulations, including the strict Code of Ethics.<sup>4</sup>

- b. There are formal boundaries around the Community, and specific requirements for what persons are considered to form the Community.

NAR has very strict formal requirements (boundaries) as to whether or not an individual can or does become a member, such as a REALTOR, and thus a member of the Community.

To be a member of the Community, an individual must subscribe to NAR's Constitution, Bylaws and rules and regulations, including NAR's strict Code of Ethics, and in most instances pay dues. The Code establishes time-honored and baseline principles that come from the collective experiences of REALTORS® since the Code of Ethics was first established in 1913. In addition, REALTORS® earn designations and certifications to increase their skills, proficiency, and knowledge. Designations and certifications acknowledging expertise in various real estate sectors are awarded by NAR and its affiliated groups upon completion of required courses and experience. REALTORS® also join state and local associations, and subscribe to the rules and regulations of such state and local associations.

- c. The Community has been in existence for a long time.

The Community, as defined by membership with NAR, has been in existence for a century. The REALTOR® mark has been in active use for real estate-related services since at least 1916, and REALTOR® as a registered collective membership mark has been in use since 1950.

The Community has been in existence for a long time, and has so existed since before the popularization of the Internet and the DNS.

- d. The Community is global.

The REALTOR® mark is registered in the trademark offices of 45 nations and the European Community. While based in North America, the Community reach is global.

- e. There are over 1,000,000 people that make up the Community.

As previously noted, NAR membership, which defines the community, is over 1,000,000 strong, and is by far the largest professional association in North America.

All applicable factors weigh towards a conclusion that the Community at issue is clearly delineated.

## 2. Community Opposition to the Application is Substantial

As the sole entity which determines the criteria for membership in NAR (and, as such, the Community at issue), NAR is in the unique position to state both its position as an entity and as representative of all of its members, including REALTORS®.

Speaking on its own behalf, and as representative of over 1,000,000 members of the Community, NAR and its membership oppose the current application, and this opposition is substantial and complete.

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<sup>3</sup> The membership number represents only the number of members practicing in the United States. Individuals holding membership but engaged in the real estate profession exclusively outside the United States are counted separately.

<sup>4</sup> Please see "NAR's historical relationship with the community" above for further indicia of NAR's participation with the public and associated public recognition of the Community, particularly as such relates to REALTORS® and the real estate profession.



The Guidebook sets forth several factors to balance in determining whether there is substantial opposition (Guidebook pg. 3-23):

- a. Number of expressions of opposition relative to the composition of the community.

Since NAR's membership defines the Community, and as NAR represents all of its members, and in doing so opposes the current application, this ratio is one hundred percent (100%).

- b. The representative nature of entities expressing opposition.

Again, NAR defines the Community by its membership, and NAR represents ALL members of the Community.

- c. Level of recognized stature or weight among sources of opposition.

NAR is membership organization for all Community members. Among the Community, NAR has the highest stature and weight.

- d. Diversity among sources of expressions of opposition.

There is no diversity of opposition within the Community.

- e. Historical defence of the Community in other contexts.

As discussed in more detail above in "NAR's historical relationship with the community", NAR has on numerous occasions within the past century defended and acted on behalf of the Community. NAR is also active on political and business grounds with regard to promoting the interests of its members in the real estate profession.

- f. Costs incurred by objector in expressing opposition, including other channels the objector may have used to convey opposition.

Through the entity "dotRealEstate LLC", an application for .realestate as a new gTLD has been filed which identifies NAR as the entity which will determine registration and use guidelines for the .realestate gTLD. Under the stewardship of NAR, the .realestate gTLD would include all of the professionalism and ethical constraints Internet users as a whole have come to expect from NAR and Community members, including REALTORS®. Under the current Applicant's proposal, as set forth in Applicant's answer to application question 18, no such professionalism or constraints will be required.

Objector has no other viable, commercially reasonable channel to convey its and its members (the Community's) opposition to the Applicant's current application.

All applicable factors weigh towards a conclusion that the Community opposition to the application is substantial.

### 3. There is a Strong Association Between the Community Invoked and the Applied-for String

A strong association between the string "realestate" and the community is expressly created by both (a) the fact that the core nature of the entire Community relates to real estate, and (b) the Applicant's acknowledgment of a strong association between the string and the community.

- a. The core nature of the entire Community relates to real estate.

There is little doubt that the term "real estate" relates to real property and land.<sup>5</sup> NAR is the largest professional association in the United States, representing greater than one million members and over approximately 1,400 local associations/boards. Membership in NAR, and particular membership as a REALTOR®, identifies professionals involved in residential and commercial real estate as brokers, salespeople, property managers, appraisers, counsellors, and others who are engaged in all aspects of the real estate industry.

There is no larger, more comprehensive or representative membership organization for "real estate" and the "real estate" industry than NAR and its Community, particularly REALTORS®.

For over a century the term "real estate" has been associated with the Community via NAR. The Community, via NAR, has initiated guidelines and policies relating to real property and land sale throughout the world.

b. The Applicant acknowledges a strong association between the string and the Community

The Applicant itself acknowledges a strong association between the applied for string "realestate" and the Community. Applicant states:

"Real estate" is the best and most common term to describe real property that consists of houses or buildings and land. Within the U.S. market alone, various segments of the real estate industry account for a significant number of small and locally owned businesses.

.REALESTATE will offer a meaningful domain for this industry as well as an identifiable online location all Internet users will recognize as they seek information regarding real estate. .REALESTATE will convey a strong sense of a web publisher's content. (Application, answer to Question 18(a))

Applicant further acknowledges that .REALESTATE is a gTLD "with specific semantic meaning" (Id.), and identifies .REALESTATE as a "specialty gTLD". (Id.) Applicant even notes that:

A specialized top-level domain string, like .REALESTATE, immediately conveys the purpose for which the user is seeking to access a site. (Id.)

Applicant is clearly targeting (and thus associating) the string "realestate" with the very group of professionals, real estate agents and brokers, who comprise the Community:

Uniregistry will offer .REALESTATE as an intuitively relevant top-level domain serving registrants seeking to provide information about real estate and housing. (Id. at 18(b))

Indeed, the Applicant presupposes a strong association between the "real estate" string and the Community by noting that the gTLD is "semantically meaningful":

Uniregistry's .REALESTATE gTLD will increase competition by offering a specialized, semantically meaningful alternative to existing gTLDs. (Id.)

There is thus a direct and strong association between the string "realestate" and the Community, which itself is comprised of real estate professionals. The string is, in both direct meaning and in effect, directed at the very core of what the Community practices.

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<sup>5</sup> See, for example, Google's definition from Princeton.edu, "real property: property consisting of houses and land" ([http://www.google.com/search?hl=en&newwindow=1&site=&source=hp&q=definition+real+estate&og=definition+real+estate&gs\\_l=hp.3..0i7j0i22i30i3.728.3768.0.4665.22.17.0.5.5.0.166.1573.8j9.17.0.les%3B..0.0...1c.1.5.hp.jmLE9\\_8OPe4](http://www.google.com/search?hl=en&newwindow=1&site=&source=hp&q=definition+real+estate&og=definition+real+estate&gs_l=hp.3..0i7j0i22i30i3.728.3768.0.4665.22.17.0.5.5.0.166.1573.8j9.17.0.les%3B..0.0...1c.1.5.hp.jmLE9_8OPe4)) and Merriam-Webster, "property in buildings and land" (<http://www.merriam-webster.com/dictionary/real%20estate>).

4. There is a Likelihood of Material Detriment to the Rights or Legitimate Interests of NAR and a Significant Portion of the Community.

A likelihood of material detriment to the rights or legitimate interests of NAR and the Community is shown by the balancing of factors set forth in the Guidebook.

The Guidebook sets forth several factors to balance in determining whether there is a likelihood of material detriment (Guidebook pg. 3-24):

(a) Nature and extent of damage to the reputation of the Community represented by the objector that would result from the applicant's operation of the applied-for gTLD string.

The Community identified herein currently operates under the standards or levels of service required under NAR's Constitution, Bylaws and rules and regulations, including NAR's strict Code of Ethics. The Community thus enjoys a reputation in the eyes of consumers and users for just such service levels, and benefits from such in offering real estate services.

The Community represented by NAR would incur significant and irreparable damage to its reputation that would directly result from Applicant's operation of the .REALESTATE gTLD.

Applicant intends to operate the .REALESTATE gTLD in an open manner, with no real estate-specific or Community-specific rules or guidelines. See, Applicant's application, answer to Question 18. It is Applicant's philosophy to make the gTLD open to as many registrants as possible:

A neutral registry does not provide preferential registration opportunities to any particular market participant, create anti-competitive rules that prevent domain name registration by competitors, or become so deeply involved in the target market that its presence as the registry services provider creates the appearance of impropriety or bias. Uniregistry always will act as a neutral services provider for .REALESTATE. (Id. at 18(a))

In the event Applicant was allowed to operate the .REALESTATE gTLD as described by Applicant's own words in Applicant's application, websites at domains under the .REALESTATE gTLD would not have to operate under the standards or levels required under NAR's Constitution, Bylaws and rules and regulations, including NAR's strict Code of Ethics. As consumers and users would see such operators providing websites in the .REALESTATE gTLD, it is likely that such consumers would confuse such operators with members operating under the REALTORS® certification mark or otherwise as members of the Community. To the extent such operators did not operate at or above the standards or levels required under NAR's Constitution, Bylaws and rules and regulations, including NAR's strict Code of Ethics (and no such levels are required by Applicant), the reputation of members of the Community would be damaged by association with such subpar services, and further with consumer confusion with services under the .REALESTATE gTLD which were not up to the standards or levels required under NAR's Constitution, Bylaws and rules and regulations, including NAR's strict Code of Ethics.

Further, it has been NAR's mission (and by association, the Community's mission) since its inception a century ago to bring professionalism and a sense of ethics to the real estate industry. The reputation of the real estate Community has thrived under NAR's stewardship, and the Community has come to enjoy the benefits of a century's worth of operation under NAR's Constitution, Bylaws and Code of Ethics. Such reputation and goodwill has been hard fought, and obtained at a significant price.

Services offered in the real estate industry within other TLD's have been hit-or-miss, with many websites operated professionally and ethically by members of the Community, but with many other websites not operated very professionally or ethically by entities which are not members of the Community, and thus not bound by the professional and ethical requirements binding any member of the Community. Applicant's operation of the .REALESTATE gTLD under Applicant's current guidelines would promote unregulated, unvetted registration and use of real estate-targeted domains

and websites in the same vein as current websites which are not operated professionally or ethically by non-Community members. Unlike the other TLD's in which such websites operate, Community members will not be able to "unassociate" themselves with such websites in a .REALESTATE gTLD, as the strong association between the string "realestate" and the Community will tie such subpar websites to the Community. The reputation of the Community, hard fought over 100 years of professionalism, will be significantly and irreparably damaged by such registration and use.

(b) Evidence that the Applicant is not acting in accordance with the interests of the community; particularly that Applicant does not intend to institute effective security protection for user interests.

Applicant is clearly not acting in accordance with the interests of the Community; particularly as Applicant does not intend to institute effective security protection for user interests. Beyond the "standard" protections of restricting some reserved names, operating a sunrise period and otherwise complying with the standard requirements of any open gTLD, Applicant intends on running an open gTLD, with no substantive, real estate-related or Community-related restrictions, guidelines or policies.

The history of the DNS has made abundantly clear that, without oversight, open TLDs lead to abusive registrations and use. There can be little doubt that Applicant's goal is nothing less than a completely open, unregulated gTLD, which will allow any non-Community entity to register and use a .REALESTATE domain without any regard to the Code of Ethics or any other real estate-related guidelines.

An open .REALESTATE gTLD is not in the interests of the Community. The Community has spent a century fostering a reputation for professionalism and ethics. Such a reputation is not reflected in today's gTLD's by entities which are not members of the Community and which are not bound to the Community's guidelines, practices and standards of professionalism and ethics. Proliferation of the .REALESTATE gTLD under Applicant's lack of effective security protections will exacerbate the status quo, further damaging the Community and Internet users who rely on the professionalism and ethics of members of the Community.

An open .REALESTATE gTLD is not in the interests of the Community or Internet users in general. Applicant proposes to run an open .REALESTATE gTLD, for their financial benefit in obtaining the most registrations commercially possible, regardless of the negative impact on users or the Community. Applicant acts in no one's interest except their own financial interest.

A likelihood of material detriment to the legitimate interests of the Community is nearly guaranteed under Applicant's stewardship.

(c) Operation of websites under Applicant's stewardship would interfere with core activities of the Community.

The "core activities" of the Community include the provision of real estate-related services in a professional, ethical manner under the guidelines, rules and restrictions set forth by NAR.

For example, many Community members, and particularly REALTORS®, use websites to provide real estate listings for which the Community member is an agent. Such websites must operate under the guidelines, rules and restrictions as set forth by NAR for Community membership. Users, and particularly real estate buyers, have come to rely on the reliability, professionalism and ethical nature of such websites in the real estate industry.

Unfortunately, both users and Community members alike must be wary of unregulated, unreliable, unprofessional and unethical real estate-related websites in current gTLD's which compete with their regulated, reliable, professional and ethical cousins under Community management. These unregulated, unreliable, unprofessional and unethical websites already interfere with the core activities of the Community, and cause user confusion and damage.

Domains and websites in an Applicant-run .REALESTATE gTLD would extend and exacerbate this interference with the core activities of the Community, as the Applicant, just like currently open gTLDs, lacks regulations, guidelines, rules and restrictions for mitigating and minimizing unreliable, unprofessional and unethical real estate-related websites. It is highly likely that an open, unregulated .REALESTATE gTLD would comprise a similar mixture of some good, but mostly bad, real estate-related sites, with the "bad" domains and websites magnifying interference with the professional, ethical core activities of the Community.

(d) The Community is dependent upon the DNS for its core activities.

While, prior to the prevalence of the internet, Community members used proprietary, closed systems for providing real estate-related information, and particularly the real estate listing systems identified above, since the onset of the internet, a significant portion of the Community's activities are dependent upon the DNS. Consumers and real property sellers and purchasers have become accustomed to obtaining the real estate listings and other real estate-related information provided by the Community via websites accessible via the DNS.

Most REALTORS® now provide real estate listing services via the DNS, whether through broker websites or individual REALTOR® websites, and this is what consumers have come to expect.

Further, as the last minority of listing services move to the DNS, the Community has become dependent upon the DNS in order to function. For all practical purposes, the Community has no other technically realistic or feasible means (generally accessible by the vast majority of intended users) by which to offer professional real estate-related services. It is not commercially reasonable to return to the days of proprietary systems. It is not commercially reasonable to operate Community listing services in a non-online capacity, or through other traditional media such as radio or television. Other on-line options, such as social media or vpn's, are not commercially reasonable in light of the broad spectrum of users and their expectations regarding open access to such real estate listing systems.

The only commercially realistic venue for current and future community real estate listings is the DNS.

(e) The damage would be concrete and economic.

As set forth above, damage to the Community's reputation and the Community's ability to provide professional and ethical real estate-related services via the DNS would be both concrete and economic, and would also damage NAR directly.

For example, Community members would have to compete with unregulated, non-Community members for premium and non-premium .REALESTATE domains, and would be economically harmed by having to pay additional costs to obtain such domains. Community members are at an economic disadvantage to non-Community members, as the non-Community members need not absorb the cost of Community membership dues or the costs inherent with maintaining compliance with Community professional and ethical standards.

Furthermore, as .REALESTATE under Applicant's stewardship would be an open, unregulated gTLD subject to unprofessional and unethical websites, the Community, which, as set forth above, is dependent upon the DNS for its core functions, would have to expend time, effort and funds to distinguish their DNS presence from the DNS presence of the entire .REALESTATE gTLD, or face the very real financial consequence of association with unregulated, unprofessional and unethical websites in the .REALESTATE gTLD.

(f) It is certain that a detrimental outcome will occur.

There is little doubt that the detrimental outcomes for NAR and the Community set forth above will come to be if the .REALESTATE gTLD is allocated to Applicant.

Certainty of a detrimental outcome is achieved by Applicant's blatant attempt to operate an open, unregulated gTLD in a controlled and regulated environment. Such actions would be inconsistent with the expectations of not only all of the members of the Community, but of all users, also.

Such detriment has been empirically shown by unregulated, unprofessional and unethical registration and use of real estate-related domains in current gTLD's. For example, see [www.NAR.com](http://www.NAR.com), which is not associated with NAR, yet, as a parked page, contains numerous ad links using NAR's REALTOR® mark. The history of the DNS, and particularly as such relates to open, unregulated TLD's, shows that open, unregulated TLD's will be populated in large part by unregulated registrants who are not bound by professional and ethical guidelines. Such registrants will not provide websites which are consistent or compliant with any professional or ethical guidelines. Detriment to the Community, and users in general, is a certainty.

Finally, certainty is also achieved by NAR's long-standing position as a real estate professional institution. This is not an instance of an entity created for the purposes of applying for a new gTLD and attempting to create a "paper" community for use against another applicant. This is a case of a century old institution with over 1,000,000 members clearly delineating a Community and seeking to enforce hard-fought and won professional and ethical standards which have governed the real estate industry for almost 100 years.

For these and other reasons listed herein, there is a likelihood of material detriment to the rights and legitimate interests of NAR and a significant portion of the community.

### **Remedies Requested**

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Objector requests that this panel accept this objection and find in objector's favor.

Objector requests that Applicant's application for the applied-for string "realestate" be denied based upon this objection, and the application removed from pendency.

### **Communication (Article 6(a) of the Procedure and Article 1 of the ICC Practice Note)**

A copy of this Objection is/was transmitted to the Applicant on: March 13, 2013 by email to the following address: [contact@uniregistry.com](mailto:contact@uniregistry.com)

A copy of this Objection is/was transmitted to ICANN on: March 13, 2013 by email to the following address: [newgtld@icann.org](mailto:newgtld@icann.org)

**Filing Fee (Article 1 Appendix III to the Rules and Article 8(c) of the Procedure)**

As required, Euros 5 000 were paid to ICC on March 13, 2013.

Evidence of the payment is attached for information.

**Description of the Annexes filed with the Objection (Article 8(b) of the Procedure)**

*List and Provide description of any annex filed.*

There are no Annexes

Date: March 13, 2013

Signature:

A handwritten signature in blue ink, written over a horizontal line. The signature is cursive and appears to read 'H. M. ...'.

# J.P.Morgan

## Funds Transfer Initiation Transaction Detail Report By Last Entry Date, Status, and Amount

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**Tran Type:** PAYMENT  
**Tran ID:** 62147193

**Confirmation No:** 3072CMZ003600000  
**Clearing Ref:**

**Pay Method:** FXW  
**Value Date:** 03/13/2013  
**Status:** Released

**Payment Amount:** EUR 5,000.00

**FX Rate:** 1.3421

**Equivalent Amount:** USD 6,710.50

**Cust Ref:**

**Beneficiary is a Bank:** No

**By Order:**  
**Swift Id:**  
**Name:**  
**Address:**

**Ultimate Bene:** CH790024024022453473Z  
**Swift Id:**  
**Name:** INTERNATIONAL CHAMBER OF COMMERCE  
**Address:** 38, COURS ALBERT 1ER  
75008 PARIS, FRANCE  
CH

**Bene Bank:**  
**Swift Id:** UBSWCHZH80A  
**Name:** UBS AG  
**Address:** BAHNHOFSTRASSE 45,ZURICH  
SWITZERLAND  
CH

**Intermediary:**  
**Swift Id:**  
**Name:**  
**Address:**

**Bank Info:** /FIXED/

**Payment Detail:** APPLICANT ID 1-845-86924  
OBJECTOR: NAR  
STRING .REALESTATE

**Debit Bank Chgs:** Remitter  
**Corresp. Bank Chgs:** Beneficiary

**Instruction Cd:**

**Reg Rpt Code:**  
**Country:**  
**Text:**

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