



THE UNITED REPUBLIC OF TANZANIA  
MINISTRY OF INFORMATION, COMMUNICATION AND  
INFORMATION TECHNOLOGY  
TANZANIA COMMUNICATIONS REGULATORY  
AUTHORITY

ISO 9001:2015 CERTIFIED



# DOMAIN NAME DISPUTE RESOLUTION GUIDELINES

---

Issued by TCRA – February, 2022





THE UNITED REPUBLIC OF TANZANIA  
MINISTRY OF INFORMATION, COMMUNICATION  
AND INFORMATION TECHNOLOGY  
**TANZANIA COMMUNICATIONS REGULATORY  
AUTHORITY**



ISO 9001:2015 CERTIFIED

---

**DOMAIN NAME DISPUTE RESOLUTION GUIDELINES**

Document No: TCRA/EXT/DICT/GUD-DSP/001

---

Approved by	Title	Signature	Date
Dr. Jabiri K. Bakari	Director General		22/02/22

THE ELECTRONIC AND POSTAL COMMUNICATIONS (DOMAIN NAMES  
MANAGEMENT) REGULATIONS, 2020 G.N.940 of 30/10/2020

---

**GUIDELINES**

---

*(Made pursuant to Regulations 24)*

---

**DOMAIN NAME DISPUTE RESOLUTION**

ARRANGEMENT OF GUIDELINES

1. Introduction
2. Application
3. Interpretation
4. Objectives
5. Mandatory Administrative Proceedings Commencement
6. Other Disputes and Litigation
7. Involvement in Disputes
8. Transfers During a Dispute
9. Procedures
10. Amendments

THE ELECTRONIC AND POSTAL COMMUNICATIONS (DOMAIN NAMES  
MANAGEMENT) REGULATIONS, 2020 G.N.940 of 30/10/2020

**GUIDELINES**

*(Made pursuant to Regulations 24)*

**DOMAIN NAME DISPUTE RESOLUTION**

*Introduction*

1. Tanzania Communications Regulatory Authority (TCRA) is a quasi-independent Government body established under the Tanzania Communications Regulatory Act [Cap 172], responsible for regulating telecommunications, broadcasting and postal sectors in Tanzania.

TCRA is the sponsoring entity delegated by the Internet Corporation for Assigned Names and Numbers (ICANN) to administer and manage the dot tz domain name registry. The management of the dot tz domain names is governed by the Electronic and Postal Communications (Domain Name Management) Regulations, 2020.

This document describes the guidelines and procedures governing domain name dispute resolution made per Regulation 24 of the Electronic and Postal Communications (Domain Names Management), Regulations 2020.

*Application*

2. These Guidelines shall apply to domain name disputes between a third-party Complainant and Domain Name Holder over the registration and use of Internet domain name in the dot tz domain namespace.
3. In these Guidelines, unless the context otherwise requires:-

*“Accredited Registrar”* means the legal entity with which the Respondent has registered a domain name that is the subject of a complaint.

*Interpretations*

*“Authority”* means the Tanzania Communications Regulatory Authority established under the Tanzania Communications Regulatory Authority Act No.12 of 2003



*"Complainant"* means any person or entity being the party initiating a complaint concerning a domain - name registration under the Regulations.

*"Domain Name Holder"* means the registered owner of the domain

*"Fee"* means the fee payable by the Complainant to the Provider to initiate a Proceeding;

*"Provider"* means an administrative-dispute-resolution service provider authorized by TCRA.

*"Panel"* means administrative panel appointed by a Provider to decide a complaint concerning a domain-name registration.

*"Panelist"* means an individual appointed by a Provider to be a member of the Panel.

*"Respondent"* means the holder of a domain-name registration against which a complaint is initiated.

*"Supplemental Rules and Guidelines"* means the rules and guidelines adopted by the Provider administering a proceeding to supplement these Guidelines. Supplemental Rules shall not be inconsistent with the Domain Name Resolution Guidelines and the Electronic and Postal Communications (Domain Names Management), Regulations 2020, and shall cover fees, word, page limits and guidelines, the means for communicating with the Provider and the Panel, and the form of cover sheets.

*"Written Notice"* means electronic notification by the Provider to the Respondent of the commencement of an administrative proceeding under the Policy which shall inform the Respondent that a complaint has been filed against it, and which shall state that the Provider has electronically transmitted the complaint including any annexes to the Respondent by the means specified herein. Written notice does not include a hardcopy of the complaint itself or any annexes.

#### Objectives

4. The objectives of these Guidelines are: -
  - a) To assist in resolving domain name disputes.
  - b) To provide a faster way to resolve a dispute regarding the registration and use of an Internet domain name.
  - c) To minimize the instances of domain name disputes.

5. Mandatory Administrative Proceedings will be conducted before an administrative dispute resolution service provider authorized by the Authority.

Mandatory  
Administrative  
Proceedings

5.1 Applicable Disputes

The Respondent is required to submit to a mandatory administrative proceeding in the event that the Complainant asserts to the applicable Provider, in compliance with these Guidelines, that:

- 5.1.1 The Respondent's domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- 5.1.2 The Respondent has no rights or legitimate interests in respect of the domain name; and
- 5.1.3 The Respondent's domain name has been registered or is being used in bad faith.

In the administrative proceeding, the Complainant must prove that each of these three elements is present.

5.2 Evidence of Registration or Use in Bad Faith

The following circumstances, in particular but without limitation, if found by the panel to be present, shall be evidence of the registration or use of a domain name in bad faith:

- 5.2.1 Circumstances indicating that the respondent has registered or acquired the domain name primarily for 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;
- 5.2.2 The respondent has registered the domain name to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name;
- 5.2.3 The respondent has registered the domain name primarily to disrupt the business of a competitor; and



5.2.4 By using the domain name, the respondent has 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 the respondent website or location.

5.3 Demonstrating Your Rights to and Legitimate Interests in the Domain Name in Responding to a Complaint.

After receiving a complaint, the Respondent shall prepare for the response. Any of the following circumstances, in particular but without limitation, if found by the panel to be proved based on its evaluation of all evidence presented, shall demonstrate the Respondent's rights or legitimate interests to the domain name:

5.3.1 Before any notice to the Respondent of the dispute, the use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services;

5.3.2 The Respondent as an individual, business, or other organization has been commonly known by the domain name, even if no trademark or service mark rights have been acquired; and

5.3.3 The Respondent is making a legitimate non-commercial or fair use of the domain name without intent for commercial gain to divert consumers misleadingly or to tarnish the trademark or service mark at issue.

5.4 Selection of Provider

The Complainant should select the Provider from among those authorized by the Authority by submitting the complaint to that Provider. The updated list of approved complaint providers shall be found at [www.karibu.tz](http://www.karibu.tz)

5.5 Consolidation

5.5.1 In the event of multiple disputes between the Respondent and the complainant, either party may

apply to consolidate the disputes before a single Panel;

5.5.2 The application shall be made to the first Panel appointed to hear a pending dispute between the parties;

5.5.3 The Panel may consolidate before it any or all such disputes in its sole discretion, provided that the disputes consolidated are governed by these Guidelines.

#### 5.6 Fees

All fees charged by the Provider in connection with any dispute before a Panel shall be paid by the Complainant, except in cases where the Respondent elects to expand the Panel from one to three panellists as provided in Guideline 9(2) (b) (iv), in which case all fees will be split evenly between the Respondent and the Complainant.

#### 5.7 Involvement in Administrative Proceedings

5.7.1 The Authority and the Accredited Registrar will not participate in the administration or conduct of any proceeding before a Panel.

5.7.2 Neither the Authority nor the Accredited Registrar shall be liable to any decisions rendered by the Panel.

#### 5.8 Remedies

The Panel upon determination of the dispute may order the following: -

5.8.1 Cancellation of domain name;

5.8.2 Transfer of the Respondent domain name registration to the Complainant; or

5.8.3 Dismiss an application.

#### 5.9 Notification and Publication

5.9.1 The Provider shall notify the Authority and the Accredited Registrar if applicable of any decision made by the Panel concerning a domain registered with the Authority.

5.9.2 All decisions under these Guidelines will be published in full over the Provider and Authority's website, except



when a Panel determines an exceptional case to redact portions of its decision.

- 5.9.3 The format of the publication shall include, case number, date of decision, domain name (s), commencement date and status of case.

#### 5.10 Availability of Court Proceedings

- 5.10.1 A party aggrieved by the decision of the dispute resolution provider as outlined on guideline 5 and 5.1 above may seek redress to the court of law.
- 5.10.2 In case the Panel decides that the Respondent domain name registration should be cancelled or transferred, the Authority or the Accredited Registrar if applicable, will wait ten (10) business days after being informed by the relevant Provider of the Panel's decision before implementing that decision.
- 5.10.3 The Authority and the Accredited Registrar, if applicable will implement the decision, unless received from the Respondent during that ten (10) business day period official notice that the Respondent have commenced a lawsuit against the complainant to a court in Tanzania with competent jurisdiction.
- 5.10.4 The Authority and the Accredited Registrar, if applicable upon receiving official notice under paragraph 5.9.1, will not implement the Panel's decision, until received either of the following:
- (i) Evidence satisfactory of a resolution between the parties; or
  - (ii) Evidence satisfactory that a lawsuit has been dismissed or withdrawn;

#### 6 Involvement in Disputes

- a) Neither the Authority nor the Accredited Registrar, if applicable will participate in any way in any dispute other than the Authority and the Accredited Registrar if applicable regarding the registration and use of the Respondent's domain name.

- b) The Respondent shall not join the Authority and the Accredited Registrar if applicable, as a party in any proceeding.

## 7 Transfers During a Dispute

### 7.1 Transfers of a Domain Name to a New Holder:

7.1.1 The Respondent shall not transfer domain name registration to another holder:

- a) During a pending administrative proceeding brought pursuant to these Guidelines or for a period of fifteen (10) business days after such proceeding is concluded; and

7.1.2 The Authority reserves the right to cancel any transfer of a domain name registration to another holder that is made in violation of this Guideline.

*Other  
Disputes and  
Litigation*

### 7.2 Changing Accredited Registrars

7.2.1 The Respondent may not transfer domain name registration to another registrar during a pending administrative proceeding brought pursuant to these Guidelines or for a period of fifteen (15) business days after such proceeding is concluded.

*Involvement  
in Disputes*

7.2.2 The Respondent may transfer administration of domain name registration to another registrar during a pending court action or arbitration, provided that the domain name the respondent has registered with the Authority shall continue to be subject to the proceedings commenced against the respondent in accordance with the terms of these Guidelines.

7.2.3 In the event that the Respondent transfers a domain name registration during the pendency of a court action or arbitration, such dispute shall



*Transfer  
During a  
dispute*

remain subject to the domain name dispute of the Accredited Registrar from which the domain name registration was transferred.

## 8 Procedures

### 8.1 Communications

#### 8.1.1 Forwarding Complaints

When serving documents between parties, it shall be the provider's responsibility to employ reasonably available means calculated to achieve actual notice to respondent including: -

- a) Sending Written Notice of the complaint to all postal mail and facsimile addresses if applicable
  - i. Shown in the domain name's registration data in the Authority and the Registrar if applicable "Whois" database for the registered domain-name holder, the technical contact, and the administrative contact and
  - ii. Supplied by the Authority and the Accredited Registrar if applicable to the Provider for the registration's billing contact
- b) Sending the complaint, including any annexes, in electronic form by e-mail to:
  - i. The e-mail addresses for those technical, administrative, and billing contacts;
  - ii. Postmaster@<contested domain name>; and
  - iii. If the domain name (or "www." followed by the domain name) resolves to an active web page (other than a generic page the Provider concludes is maintained by a Accredited Registrar or ISP for parking domain-names registered by multiple domain-name holders), any e-mail address shown or e-mail links on that web page; and;
- c) Sending the complaint, including any annexes, to any e-mail address the Respondent has notified the Provider it prefers and, to the extent practicable, to

all other e-mail addresses provided to the Provider by Complainant under Guideline 8 (2) (b).

#### 8.1.2 Format of a Written Communications

Except as provided in guideline 8(1) (a), any written communication to complainant or Respondent provided for under these Guidelines shall be made electronically via the Internet (a record of its transmission being available), or by any reasonably requested preferred means stated by the Complainant or Respondent, respectively. Communications shall be made in the language prescribed in guideline 8 (9)

#### *Procedures*

#### 8.1.3 Contact update

Either Party may update its contact details by notifying the provider, the Authority and the registrar if applicable.

#### 8.1.4 Communication delivery

Except as otherwise provided in these Guidelines, or decided by a Panel, all communications provided for under these Guidelines shall be deemed to have been made:

- a) If via the Internet, on the date that the communication was transmitted, provided that the date of transmission is verifiable; or, where applicable;
- b) If delivered by telecopy or facsimile transmission, on the date shown on the confirmation of transmission; or
- c) If by postal or courier service, on the date marked on the receipt.

#### 8.1.5 Time period

Except as otherwise provided in these Guidelines, all time periods calculated under these Guidelines to begin when a communication is made shall begin to run on the earliest date that the communication is deemed to have been made in accordance with guideline 8.1.4



#### 8.1.6 Communications between parties

Any communication by;

- a) A panel to any party shall be copied to the provider and to the other party;
- b) The provider to any party shall be copied to the other party; and
- c) A party shall be copied to the other party, the panel and the provider, as the case may be.

#### 8.1.7 Retention of records of Communications

It shall be the responsibility of the sender to retain records of the fact and circumstances of sending, which shall be available for inspection by affected parties and for reporting purposes. This includes the provider in sending written notice to the respondent by post or facsimile under guideline 8(1) (a) (i).

#### 8.1.8 Non delivery of communication

In the event a party sending a communication receives notification of non-delivery of the communication, such party shall promptly notify the panel, if no panel is yet appointed the provider, of the circumstances of the notification. Further proceedings concerning the communication and any response shall be as directed by the panel or the provider).

### 8.2 The complaint

#### 8.2.1 Complaint submission

Any person or entity may initiate an administrative proceeding by submitting a complaint in accordance with these Guidelines.

#### 8.2.2 Complaint Format

The complaint and its annexures shall be submitted in electronic form and shall: -

- a) state that the complaint is submitted for decision in accordance with the Policy and these Guidelines;

- b) provide the name, postal and e-mail addresses, and the telephone and telefax numbers of the complainant or representative authorized to act for the complainant in the administrative proceeding;
- c) specify a preferred method for communications directed to the complainant in the administrative proceeding;
- d) Designate whether complainant elects to have the dispute decided by a single-member or a three-member panel and, in the event, Complainant elects a three members Panel, provide the names and contact details of three candidates to serve as one of the Panellists. The candidates may be drawn from any of the Authority-authorized Provider's list of panellists.
- e) provide name and address of the Respondent;
- f) specify the domain name subject to a Complaint;
- g) identify the Accredited Registrar with whom the domain name is registered at the time the complaint is filed;
- h) identify the Accredited Registrar with whom the domain name is registered at the time the complaint is filed;
- i) Specify the trademark or service mark on which the complaint is based and, for each mark, describe the goods or services, if any, with which the mark is used. Complainant may also separately describe other goods and services with which it intends, at the time the complaint is submitted, to use the mark in the future.



- j) describe, in accordance with these Guidelines, the grounds on which the complaint is made including, in particular;
  - i. the manner in which the domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights;
  - ii. the reason as to why respondent should be considered as having no rights or legitimate interests in respect of the domain name that is subject of the complaint; and
  - iii. Why such domain name(s) should be considered as having been registered or being used in bad faith.
- k) specify, in accordance with these Guidelines, the remedies sought;
- l) identify any other legal proceedings that have been commenced or terminated in connection with or relating to any of the domain name(s) that are the subject of the complaint;
- m) complainant's verification on the information alleging in the complaint;
- n) signed and dated by the complainant or his authorized representative:
- o) Annex any documentary or other evidence, including a copy of the Policy applicable to the domain name(s) in dispute and any trademark or service mark registration upon which the complaint relies, together with a schedule indexing such evidence.

#### 8.2.3 Number of domain names per complaints

The complaint may relate to more than one domain name, provided that the domain names are registered by the same domain-name holder.

### 8.3 Notification of Complaint

#### 8.3.1 Review

The Provider shall review the complaint for administrative compliance with these Guidelines and, forward the complaint, electronically to the Respondent, and should send a written notice of the complaint, in the manner prescribed by guideline 8(1)(a), within seven (7) calendar days following receipt of the fees to be paid by the complainant in accordance with guideline 8(18).

#### 8.3.2 Deficiency notification

- a) If the provider finds the complaint to be administratively deficient, shall promptly notify the Complainant and the Respondent of the nature of the deficiencies identified.
- b) The Complainant shall have five (5) calendar days within which to correct any such deficiencies, after which the administrative proceeding may be deemed withdrawn without prejudice to submission of a different complaint by Complainant.

#### 8.3.3 Date of commencement of administrative proceedings;

#### 8.3.4 The date of commencement of the administrative proceeding shall be the date on which the provider forwards a complaint to the Respondent;

#### 8.3.5 Notification of administrative proceedings

The Provider shall immediately notify the Complainant, the Respondent, the Registrar if applicable and the Authority of the date of commencement of the administrative proceeding.



#### 8.3.6 Timeline for submission of response

The respondent shall submit a response to the provider within twenty (20) days from the date of commencement of the administrative proceeding.

#### 8.3.7 Details of response

The response shall be submitted in electronic form and shall:

- a) Respond specifically to the statements and allegations contained in the complaint and include any and all bases for the respondent to retain registration and use of the disputed domain name.
- b) Provide the name, postal and e-mail addresses, and the telephone and telefax numbers of the respondent or any representative authorized to act for the respondent in the administrative proceeding;
- c) If a complainant has elected a single-member panel in the complaint, state whether respondent elects instead to have the dispute decided by a three-member panel;
- d) If either complainant or respondent elects a three-member Panel, provides the names and contact details of three candidates to serve as one of the Panellists. These candidates may be drawn from any of the Authority Authorized Provider's list of panellists.
- e) Identify any other legal proceedings that have been commenced or terminated in connection with or relating to any of the domain name that is subject to the complaint;

- f) Respondent's verification on the correctness and source of information adduced in the response;
- g) Signed and dated by the respondent or his authorized representative:
- h) Annex any document or other evidence upon which the Respondent relies together with a schedule indexing such documents.

#### 8.3.8 Selection of a number of panel members

- a) If Complainant has elected his dispute to be decided by a single-member Panel and the respondent elects a three-member Panel, respondent shall be required to pay one-half of the applicable fee for a three-member Panel as set forth in these Guidelines and the payment shall be made together with the submission of the response to the provider.
- b) In the event that the required payment is not made, the dispute shall be decided by a single-member Panel.

#### 8.3.9 Request for extension of time to file response

- a) The provider may in exceptional cases, upon application by the Respondent, extend the period time for filing of the response.
- b) The period may also be extended by written stipulation between parties, provided the stipulation is approved by the provider.

#### 8.3.10 Non submission of response

If a Respondent does not submit a response, in the absence of exceptional circumstances, the panel shall decide the dispute basing on the complaint.

### 8.4 Panel Appointment and Timing of Decisions

#### 8.4.1 Selection of Panellist

- a) The Provider under due process and its sole discretion shall select qualified individuals to act as



Panellists. The provider and the Authority shall maintain and publish a publicly available list of Panellists and their qualifications.

- b) Subject to guideline 8(2)(b)(iv) and 8(3)(f)(iv), if neither the complainant nor the respondent has elected a three-member Panel, the Provider shall within five (5) calendar days following receipt of the response by the provider, or the lapse of the time period for the submission thereof, appoint a single panellist from the list of panellists. The fees for a single-member panel shall be paid entirely by the complainant.
- c) If either the complainant or the respondent elects to have the dispute decided by a three member's panel, the provider shall appoint three panellists in accordance with the procedures identified in guideline 8(4)(a)(v). The fees for a three-member panel shall be paid by the complainant, except where election for a three-member panel was made by the respondent, the applicable fees shall be shared equally between the parties.
- d) Unless a three-member panel is already elected, the complainant shall submit to the provider, within five (5) calendar days of communication of a response in which the respondent elects a three-member panel, the names and contact details of three candidates to serve as one of the panellists. These candidates may be drawn from any of the Authority authorized provider's list of panellists.
- e) In the event that either the complainant or respondent elects a three-member Panel, the provider shall endeavour to appoint one panellist from the list of candidates provided by each of the complainant and the respondent.
- f) In the event the provider is unable, within five (5) calendar days, to secure the appointment of a panellist on its customary terms from either party's list of candidates, the provider shall make that appointment from the list of panellists.



- g) The third panellist shall be appointed by the provider from a list of five candidates submitted by the provider to the parties, the provider's selection from among the five being made in a manner that reasonably balances the preferences of both parties, as may be specified to the provider within five (5) calendar days of the provider's submission of the five-candidate list to the parties.

#### 8.4.2 Notification of the panellist selection

Once the entire panel is appointed, the provider shall notify the parties on the panellists appointed and the date the Panel shall forward its decision on the complaint to the provider.

#### 8.5 Impartiality and Independence

- 8.5.1 A panellist shall be impartial and independent.
- 8.5.2 Each member of the Panel shall submit to the Provider a Statement of Acceptance and Declaration of Impartiality and Independence to the Provider and has a duty to disclose any circumstances giving rise to justifiable doubt as to the panellist's impartiality or independence.
- 8.5.3 If at any stage during the administrative proceeding, new circumstances arise that could give rise to justifiable doubt as to the impartiality or independence of the panellist, that panellist shall promptly disclose such circumstances to the provider. In such event, the provider shall have the discretion to appoint a substitute panellist.

#### 8.6 Communication between Parties and the Panel

- 8.6.1 No party or anyone acting on its behalf may have any unilateral communication with the panel.
- 8.6.2 All communications between a party and the Panel or the provider shall be made to a case administrator appointed by the provider in the manner prescribed in the provider's supplemental guidelines and rules.

#### 8.7 Transmission of the File to the Panel



The provider shall forward the file to the panel as soon as a panellist is appointed in case of a panel consisting of a single member, or as soon as the last panellist is appointed in the case of a three-member panel.

#### 8.8 General Powers of the Panel

- 8.8.1 The panel shall conduct the administrative proceeding in such manner as it considers appropriate in accordance with these Guidelines.
- 8.8.2 In all cases, the panel shall ensure that parties to the proceedings are treated equally and given fair opportunity to present their cases.
- 8.8.3 The panel shall ensure that the administrative proceeding takes place with due expedition.
- 8.8.4 The panel may, at the request of a party or on its own motion, extend, in exceptional cases, a time frame fixed by these Guidelines or by the panel.
- 8.8.5 The panel shall determine the admissibility, relevance, materiality and weight of the evidence.
- 8.8.6 The panel may consolidate multiple domain name disputes in accordance with these Guidelines.

#### 8.9 Language of Proceedings

- 8.9.1 Unless otherwise agreed by the parties, or specified otherwise in the registration agreement, language of the administrative proceeding shall be the language of the registration agreement.
- 8.9.2 Subject to the sub guideline (a) above, the panel shall have the authority to determine other language to be used, having regard to the circumstances of the administrative proceeding.
- 8.9.3 The panel may order that any document submitted in languages other than the language of the administrative proceeding be accompanied by a translation in whole or in part into the language of the administrative proceeding.

In addition to the complaint and the response, the panel may request, in its sole discretion, further statements or documents from either of the parties.

#### 8.10 In-Person Hearings

There shall be no in-person hearings including hearings by teleconference, videoconference, and web conference, unless the panel determines, in its sole discretion and as an exceptional matter, that such a hearing is necessary for deciding the complaint.

#### 8.11 Default

8.11.1 In the event that a Party, in the absence of exceptional circumstances, does not comply with any of the time periods established by these Guidelines or the panel, the Panel shall proceed to a decision on the complaint.

8.11.2 If a party, in the absence of exceptional circumstances, does not comply with any provision of, or requirement under, these Guidelines or any request from the panel, the panel shall draw such inferences therefrom as it considers appropriate.

#### 8.12 Panel Decisions

8.12.1 A panel shall decide a complaint on the basis of the evidence and argument submitted and in accordance with these Guidelines and any laws and principles of laws of Tanzania, or the laws that deemed applicable by the Panel.

8.12.2 In the absence of exceptional circumstances, the Panel shall forward its decision to the Provider within twenty-one (21) calendar days of its appointment pursuant to guideline 8.4. For reasonable cause, the timeline for decision may be amended and communicated to the Parties in accordance to the Supplemental Rules of the Provider.

8.12.3 In case of a three-member panel, the panel's decision shall be decision of the majority.

8.12.4 The panel's decision shall be in writing, identify the names of the Panellists, providing reasons for arriving into, and shall indicate the date on which it was delivered.



8.12.5 Panel decisions and dissenting opinions shall normally comply with the guidelines as to length set forth in the Provider's Supplemental Rules and decision.

8.12.6 If the panel concludes that the dispute is not within the scope of guideline 5(1) (1) of these Guidelines, it shall so state.

8.12.7 If after considering the submissions, the panel finds that the complaint was brought in bad faith, the panel shall declare in its decision that the complaint was brought in bad faith and constitutes an abuse of the administrative proceeding.

#### 8.13 Communication of Decision to parties

8.13.1 Within three (3) calendar days after receiving the decision from the panel, the provider shall communicate the full text of the decision to each party, the Authority and the registrar if applicable.

8.13.2 The Authority and the concerned Registrar if applicable shall immediately communicate to each Party and the Provider, the date for the implementation of the decision in accordance with the Policy.

8.14 Subject to guideline 4(1).10, if the panel determines otherwise the provider shall publish the full decision and the date of its implementation on a public accessible website.

#### 8.15 Settlement or Other Grounds for Termination

8.15.1 If, before the panel's decision, the parties agree on a settlement, the panel shall terminate the administrative proceeding.

8.15.2 If, before the panel's decision is made, it becomes unnecessary or impossible to continue the administrative proceeding for any reason, the panel shall terminate the administrative proceeding, unless a party raises justifiable grounds for objection within a period of time to be determined by the panel.

#### 8.16 Effect of Court Proceedings

8.16.1 In the event of any legal proceedings initiated prior to or during an administrative proceeding in respect of a domain-name dispute that is the subject of the complaint, the panel shall have the discretion to decide whether to suspend or terminate the administrative proceeding, or to proceed to a decision.

8.16.2 In the event that a party initiates any legal proceedings during the pendency of an administrative proceeding in respect of a domain-name dispute that is the subject of the complaint, it shall promptly notify the panel and the provider.

#### 8.17 Fees

8.17.1 The complainant shall pay to the provider an initial fixed fee in accordance with the Provider's Supplemental Rules and Guidelines, upon lodging the application

8.17.2 A respondent opted under guideline 8.3.7(d) to have the dispute decided by a three-member panel, rather than the single-member panel opted by the complainant, shall pay the provider one-half the fixed fee for a three-member panel.

8.17.3 In all other cases, the complainant shall bear all of the provider's fees, except as prescribed under Section guideline. Upon appointment of the panel, the provider shall refund the appropriate portion, if any, of the initial fee to the complainant, as specified in the Provider's Supplemental Rules and Guidelines.

8.17.4 No action shall be taken by the Provider on a complaint until payment of the initial fee in accordance with guideline 8.17.1 is received from complainant.

8.17.5 In an event an in-person hearing is held, the provider shall request the parties for the payment of additional fees and costs associated with the hearing, which shall be



established in agreement with the parties and the panel.

#### 8.18 Exclusion of Liability

Except in the case of deliberate wrongdoing, neither the provider nor a panellist shall be liable to a party for any act or omission in connection with any administrative proceeding under these Guidelines.

#### 9 Amendments

These Guidelines may be amended with the approval of the Authority

Dar es Salaam

22<sup>ND</sup> February, 2022

  
Dr. Jabiri K. Bakari

**DIRECTOR GENERAL**



Mamlaka ya Mawasiliano Tanzania  
Mawasiliano Towers, Na. 20 Barabara ya Sam Nujoma,  
POSTIKODI 14414 Dar Es Salaam | S. L. P 474  
+255 22 2199760 - 9 / +255 22 2412011 - 2 / +255 784558270 - 1  
dg@tcra.go.tz | barua@tcra.go.tz

