**COMPLAINT TRANSMITTAL COVERSHEET**

Attached is a Complaint that has been filed against you with the World Intellectual Property Organization (**WIPO**) Arbitration and Mediation Center (the **Center**) pursuant to the .IO Domain Name Dispute Resolution Policy (the **Policy**) adopted by the Internet Computer Bureau Limited (**NIC.IO**) on June 1, 2020, the Rules for .IO Domain Name Dispute Resolution Policy (the **Rules**), adopted by NIC.IO on June 1, 2020, and the WIPO Supplemental Rules for .IO Domain Name Dispute Resolution Policy (the **WIPO Supplemental Rules**) in effect as of June 1, 2020.

The Policy is incorporated by reference into your Registration Agreement with the Registrar(s) of your domain name(s), in accordance with which you are required to submit to a mandatory administrative proceeding in the event that a third party (a **Complainant**) submits a complaint to a dispute resolution service provider, such as the Center, concerning a domain name that you have registered. You will find the name and contact details of the Complainant, as well as the domain name(s) that is/are the subject of the Complaint in the document that accompanies this Coversheet.

Once the Center has checked the Complaint to determine that it satisfies the formal requirements of the Policy, the Rules and the WIPO Supplemental Rules, it will forward an official copy of the Complaint, including annexes, to you by email as well as sending you hardcopy Written Notice by post and/or facsimile, as the case may be. You will then have 20 calendar days from the date of Commencement within which to submit a Response to the Complaint in accordance with the Rules and WIPO Supplemental Rules to the Center and the Complainant. You may represent yourself or seek the assistance of legal counsel to represent you in the administrative proceeding.

* The **Policy** can be found at   
  <https://nic.io/dispute_policy.htm>
* The **Rules** can be found at   
  <https://nic.io/rules_for_dispute_policy.htm>
* The **WIPO** **Supplemental Rules**, as well as other information concerning the resolution of domain name disputes can be found at

<https://www.wipo.int/amc/en/domains/rules/supplemental/io.html>

* A **model Response** can be found at <https://www.wipo.int/amc/en/docs/response-io.docx>

Alternatively, you may contact the Center to obtain any of the above documents. The Center can be contacted in Geneva, Switzerland by telephone at +41 22 338 8247, by fax at +41 22 740 3700 or by email at [domain.disputes@wipo.int](mailto:domain.disputes@wipo.int).

You are kindly requested to contact the Center to provide an alternate email address to which you would like (a) the Complaint, including Annexes and (b) other communications in the administrative proceeding to be sent.

A copy of this Complaint has also been sent to the Registrar(s) with which the domain name(s) that is/are the subject of the Complaint is/are registered.

By submitting this Complaint to the Center the Complainant hereby agrees to abide and be bound by the provisions of the Policy, Rules and WIPO Supplemental Rules.***Before the:***

**WORLD INTELLECTUAL PROPERTY ORGANIZATION**

**ARBITRATION AND MEDIATION CENTER**

|  |  |
| --- | --- |
| [NAME AND ADDRESS OF COMPLAINANT]  (**Complainant**) |  |
| -v- | **Disputed Domain Name(s):** |
| [NAME AND ADDRESS OF RESPONDENT]  (**Respondent**) | *[<the disputed domain name(s)>]* |

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

#### COMPLAINT

(Rules, Paragraph 3(b); WIPO Supplemental Rules, Paragraphs 4(a), 12(a), Annex E)

**I. Introduction**

[1.] This Complaint is hereby submitted for decision in accordance with the .IO Domain Name Dispute Resolution Policy (the **Policy**) adopted by the Internet Computer Bureau Limited (**NIC.IO**) on June 1, 2020, the Rules for .IO Domain Name Dispute Resolution Policy (the **Rules**), adopted by NIC.IO on June 1, 2020, and the WIPO Supplemental Rules for .IO Domain Name Dispute Resolution Policy (the **WIPO** **Supplemental Rules**) in effect as of June 1, 2020.

**II. The Parties**

**A. The Complainant**

(Rules, Paragraphs 3(b)(ii) and (iii))

[2.] The Complainant in this administrative proceeding is *[provide full name and, if relevant, corporate or legal status.]*

[3.] The Complainant’s contact details are:

|  |  |
| --- | --- |
| Address: | *[Specify mailing address]* |
| Telephone: | *[Specify telephone number]* |
| Fax: | *[Specify fax number]* |
| Email: | *[Specify email address]* |

[If there is more than one Complainant, provide the above information for each and arguments and evidence to support the consolidation of multiple Complainants in a single complaint in such cases, for example, where the multiple Complainants truly have a common grievance against the Respondent. Multiple Complainants may demonstrate a common grievance against the Respondent, for example, (1) where Complainants have a common legal interest in a relevant right or rights that are allegedly affected by the Respondent’s conduct, or (2) where the multiple Complainants are the target of common conduct by the Respondent which has clearly affected their individual legal interests.]

[4.] The Complainant’s authorized representative in this administrative proceeding is:

*[If relevant, identify authorized representative and provide all contact details, including postal address, telephone number, fax number, email address; if there is more than one authorized representative, provide contact details for each.]*

[5.] The Complainant’s preferred method of communications directed to the Complainant in this administrative proceeding is:

|  |  |
| --- | --- |
| Electronic-only material | |
| Method: | email |
| Address: | *[Specify one email address]* |
| Contact: | *[Identify name of one contact person]* |

|  |  |
| --- | --- |
| Material including hardcopy (where applicable) | |
| Method: | *[Specify one: fax, post/courier]* |
| Address: | *[Specify one address, if applicable]* |
| Fax: | *[Specify one fax number]* |
| Contact: | *[Identify name of one contact person]* |

**B. The Respondent**

(Rules, Paragraph 3(b)(v))

[6.] According to *[indicate why the person/entity identified in the Complaint has been identified as the Respondent (the .IO WhoIs information can be found at* [*https://www.nic.io/whois-search.htm*](https://www.nic.io/whois-search.htm)*)]*, the Respondent in this administrative proceeding is *[identify Respondent (the domain name holder), (including full name, and if relevant, corporate or legal status, place of incorporation and principal place of business, or residence)].* Copies of the printout of the database search(es) conducted on *[date]* are provided as Annex *[Annex number]*.

[7.] All information known to the Complainant regarding how to contact the Respondent is as follows:

*[Provide all contact details (postal address, telephone number, fax number, email addresses) for the Respondent, including those that may have been used successfully in the course of pre-complaint dealings and those available from any WhoIs look-up service.]*

[If there is more than one Respondent, provide the contact details for each Respondent and describe the relationship between them, which justifies them being named in a common complaint.]

## III. The Domain Name(s) and Registrar(s)

## (Rules, Paragraphs 3(b)(vi), (vii))

[8.] This dispute concerns the domain name(s) identified below:

*[Identify precisely the disputed domain name(s). You are also invited to indicate the date(s) of domain name registration.]*

[9.] The registrar(s) with which the domain name(s) is/are registered is/are:

*[Provide the name and full contact details of the registrar(s) with which the domain name(s) is/are registered.]*

## IV. Language of Proceedings

## (Rules, Paragraph 11)

[10.] *Paragraph 11(a) of the Rules provides that, subject to the authority of the Panel, the language of the proceedings shall be English unless the Parties have otherwise agreed to proceeding in a different language.*

## V. Jurisdictional Basis for the Administrative Proceeding

## (Rules, Paragraphs 3(a), 3(b)(xiv))

[11.] This dispute is properly within the scope of the Policy and the Administrative Panel has jurisdiction to decide the dispute. The registration agreement, pursuant to which the domain name(s) that is/are the subject of this Complaint is/are registered, incorporates the Policy. *[If relevant, indicate when the domain name(s) was/were registered and specify the provision of the registration agreement that makes the Policy applicable to the domain names(s).]* A true and correct copy of the domain name dispute policy that applies to the domain name(s) in question is provided as Annex *[Annex number]* to this Complaint and can be found at *[insert URL]*.

**VI. Factual and Legal Grounds**

(Policy, Paragraphs 4(a), (b), (c); Rules, Paragraph 3)

*[In completing this Section VI., do not exceed the 5000 word limit: WIPO Supplemental Rules, Paragraph 11(a). Relevant documentation in support of the Complaint should be submitted as Annexes, with a schedule indexing such Annexes. Such Annexes should be submitted in conformity with the WIPO Supplemental Rules, Paragraph 12(a), Annex E. Case precedents or commentaries, that are referred to for support should be referred to with complete citations (where appropriate, reference may be made by inserting the relevant URL).]*

[12.] This Complaint is based on the following grounds:

**A. The domain name(s) is(are) identical or confusingly similar to a trademark or service mark in which the Complainant has rights;**

(Policy, Paragraph 4(a)(i); Rules, Paragraphs 3(b)(viii), (b)(ix)(1))

* *[In accordance with the Rules, Paragraph 3(b)(viii), specify the trademark(s) or service mark(s) on which the Complaint is based and, for each mark, describe the goods or services, if any, in connection with which the mark is used. A separate description may also be given of the goods or services with which the Complainant intends, at the time the Complaint is submitted, to use the mark in the future. If applicable, attach copies of the registration certificates for the relevant marks.]*
* *[In accordance with the Rules, Paragraph 3(b)(ix)(1), describe the manner in which the domain name(s) is/are identical or confusingly similar to a trademark or service mark in which the Complainant has rights.]*

**B. The Respondent has no rights or legitimate interests in respect of the domain name(s);**

(Policy, Paragraph 4(a)(ii); Rules, Paragraph 3(b)(ix)(2))

* *[In accordance with the Rules, Paragraph 3(b)(ix)(2), describe why the Respondent should be considered as having no rights or legitimate interests in respect of the domain name(s) that is/are the subject of the Complaint. Attention should be paid to any relevant aspects of the Policy, Paragraph 4(c), including:*

- Whether before any notice to the Respondent of the dispute, there is any evidence of the Respondent’s use of, or demonstrable preparations to use, the domain name(s) or a name corresponding to the domain name(s) in connection with a bona fide offering of goods or services;

- Whether the Respondent (as an individual, business, or other organization) has been commonly known by the domain name, even if the Respondent has acquired no trademark or service mark rights;

- Whether the Respondent is making a legitimate noncommercial or fair use of the domain name(s), without intent for commercial gain misleadingly to divert consumers or to tarnish the trademark or service mark at issue.]

**C. The domain name(s)was/were registered or is/are being used in bad faith.**

(Policy, Paragraphs 4(a)(iii), 4(b); Rules, Paragraph 3(b)(ix)(3))

* *[In accordance with the Rules, Paragraph 3(b)(ix)(3), describe why the domain name(s) should be considered as having been registered or used in bad faith by the Respondent. Attention should be paid to any relevant aspects of the Policy, Paragraph 4(b), including:*

- Circumstances indicating that the domain name(s) was/were registered or acquired primarily for the purpose of selling, renting, or otherwise transferring the domain name registration(s) to the owner of the trademark or service mark (normally the Complainant) or to a competitor of that Complainant, for valuable consideration in excess of the Respondent’s out-of-pocket costs directly related to the domain name(s); or

- Whether the domain name(s) was/were registered in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the Respondent has engaged in a pattern of such conduct; or

- Whether the domain name(s) was/were registered primarily for the purpose of disrupting the business of a competitor; or

- Whether by using the domain name(s), the Respondent intentionally attempted to attract for commercial gain, Internet users to the Respondent’s website or other online location, by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of the Respondent’s website or location or of a product or service on the Respondent’s website or location.]

#### VII. Remedies Requested

#### (Rules, Paragraph 3(b)(x))

[13.] In accordance with Paragraph 4(i) of the Policy, for the reasons described in Section VI. above, the Complainant requests the Administrative Panel appointed in this administrative proceeding that *[“<the disputed domain name(s)> be transferred to the Complainant” / “<the disputed domain name(s)> be cancelled”.]*

**VIII. Administrative Panel**

(Rules, Paragraph 3(b)(iv); WIPO Supplemental Rules, Paragraph 8(a))

[14.] The Complainant elects to have the dispute decided by a *[choose one:*   
“single-member Administrative Panel*” / or “*three-member Administrative Panel*”*]*.*

[ ] [If a three-member Administrative Panel is designated, the names of three persons must be provided, one of whom the Center shall attempt to appoint to the Administrative Panel in accordance with Paragraph 6 of the Rules and Paragraph 8 of the WIPO Supplemental Rules. The names of the nominees may be taken from the Center’s published list of panelists at https://www.wipo.int/amc/en/domains/panel/panelists.jsp].

#### IX. Mutual Jurisdiction

#### (Rules, Paragraph 3(b)(xii))

[15.] In accordance with Paragraph 3(b)(xii) of the Rules, the Complainant will submit, with respect to any challenges that may be made by the Respondent to a decision by the Administrative Panel to transfer or cancel the domain name(s) that is/are the subject of this Complaint, to the jurisdiction of the courts of England.

**X. Other Legal Proceedings**

(Rules, Paragraph 3(b)(xi))

[16*.*] *[If any, identify other legal proceedings that have been commenced or terminated in connection with or relating to the domain name(s) that is/are the subject of the Complaint and summarize the issues that are the subject of that/those proceeding(s).]*

#### XI. Communications

#### (Rules, Paragraph 3(b); WIPO Supplemental Rules, Paragraphs 3, 4, 12)

[17.] This Complaint has been submitted to the Center in electronic form, including annexes, in the appropriate format.

[18.] A copy of this Complaint has been transmitted to the concerned registrar(s) on *[date]* in electronic form in accordance with paragraph 4(c) of the WIPO Supplemental Rules.

#### XII. Payment

(Rules, Paragraph 19; WIPO Supplemental Rules Paragraph 10, Annex D)

[19.] As required by the Rules and WIPO Supplemental Rules, payment in the amount of USD *[amount]* has been made by *[method]*. *(*Payments should be made using the Center's [secure online payment facility](https://www3.wipo.int/amc-payment/). For any payment-related queries or difficulties, please contact the Center Secretariat on (+41 22) 338 8247, or email the Center at [arbiter.mail@wipo.int](mailto:arbiter.mail@wipo.int)).

#### XIII. Certification

#### (Rules, Paragraph 3(b)(xiii); WIPO Supplemental Rules, Paragraph 15)

[20.] Complainant agrees that its claims and remedies concerning the registration of the domain name, the dispute, or the dispute's resolution shall be solely against the domain-name holder and waives all such claims and remedies against (a) the WIPO Center and panelists, except in the case of deliberate wrongdoing, (b) the registrar, and (c) NIC.IO, as well as their directors, officers, employees, and agents.

[21.] Complainant certifies that the information contained in this Complaint is to the best of Complainant's knowledge complete and accurate, that this Complaint is not being presented for any improper purpose, such as to harass, and that the assertions in this Complaint are warranted under these Rules and under applicable law, as it now exists or as it may be extended by a good-faith and reasonable argument.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*[Name/Signature]*

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_

#### List of Annexes

#### (Rules, Paragraph 3(b)(xiv); WIPO Supplemental Rules, Paragraphs 4(a), 12(a), Annex E)

[22.] The Rules provide that a Complaint or Response, including any annexes, shall be submitted electronically. Under the WIPO Supplemental Rules, there is a file size limit of 10MB (ten megabytes) for any one attachment, with an overall limit for all submitted materials of no more than 50MB (fifty megabytes).

[23] In particular, paragraph 12 and Annex E of the WIPO Supplemental Rules provides that, other than by prior arrangement with the Center, the size of any individual file (such as a document in Word, PDF or Excel format) transmitted to the Center in connection with any .IO proceeding shall itself be no larger than 10MB. When larger amounts of data need to be transmitted, larger files can be “split” into a number of separate files or documents each no larger than 10MB. The total size of a Complaint or response (including any annexes) filed in relation to a .IO dispute shall not exceed 50MB, other than in exceptional circumstances (including in the case of pleadings concerning a large number of disputed domain names) where previously arranged with the Center.

Annex 1:

Annex 2:

Annex 3:

Annex 4:

Annex 5:

*[Additionally, to avoid any uncertainty, it is requested that any Annexes (and their corresponding filenames) be clearly labeled and sequentially numbered (i.e. Annex 1, 2, 3, etc.), and a complete list of Annexes supplied].*