***Before the:***

**WORLD INTELLECTUAL PROPERTY ORGANIZATION**

**ARBITRATION AND MEDIATION CENTER**

|  |  |
| --- | --- |
| [NAME AND ADDRESS OF COMPLAINANT AS STATED IN COMPLAINT](**Complainant**) | **Case No:** *[Indicate assigned case number]* |
| -v- | **Disputed Domain Name*[s]*:** |
| [NAME AND ADDRESS OF RESPONDENT](**Respondent**) | *[<the disputed domain name(s)>]* |

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

#### RESPONSE

(Rules, Paragraph 5)

##### I. Introduction

[1.] On *[indicate date on which the Notification of Complaint and Commencement of Administrative Proceeding was received]*, the Respondent received a Notification of Complaint and Commencement of Administrative Proceeding from the WIPO Arbitration and Mediation Center (the **Center**) by email *[and/or the Written Notice by courier/facsimile on (date)]* informing the Respondent that an administrative proceeding had been commenced by the Complainant 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. The Center set *[insert date]* as the last day for the submission of a Response by the Respondent.

**II. Respondent’s Contact Details**

 (Rules, Paragraphs 5(c)(ii) and (iii))

[2.] The Respondent’s contact details are:

Name: *[Specify full name]*

Address: *[Specify mailing address]*

Telephone: *[Specify telephone number]*

Fax: *[Specify fax number]*

Email: *[Specify email address]*

*[If there is more than one Respondent, provide the above information for each.]*

[3.] The Respondent’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.]*

[4.] The Respondent’s preferred method of communications directed to the Respondent 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]*

**III. Response to Statements and Allegations Made in Complaint**

(Policy, Paragraphs 4(a), (b), (c); Rules, Paragraph 5(c)(i))

*[In completing this Section III., do not exceed the 5000 word limit: WIPO Supplemental Rules, Paragraph 11(b). Relevant documentation in support of the Response should be submitted as Annexes, with a schedule indexing such documents. Copies of 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]*

[5.] The Respondent hereby responds to the statements and allegations in the Complaint and respectfully requests the Administrative Panel to deny the remedies requested by the Complainant.

*[The Rules, Paragraph 5(c)(i) instruct the Respondent in its Response to “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…”. For a complainant to succeed, it must establish that each of the three conditions under the Policy, Paragraph 4(a)(i), (ii), (iii) are satisfied. With reference to that Paragraph 4(a), in this section the Respondent may wish to discuss some or all of the following, to the extent relevant and supported by evidence:]*

**A. Whether 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))

 *[In this connection, consideration may, for example, be given to the following:]*

* *[Any challenges to the trade or service mark rights asserted by the Complainant.]*
* *[A refutation of the arguments made by the Complainant concerning the manner in which the domain name(s) (is/are) allegedly identical or confusingly similar to a trademark or service mark in which the Complainant claims it has rights.]*

**B. Whether the Respondent has rights or legitimate interests in respect of the domain name*[s]*;**

(Policy, Paragraph 4(a)(ii))

 *[In this connection, consideration may, for example, be given to the following:]*

* *[A refutation of the arguments made by the Complainant as to 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. Evidence should be submitted in support of any claims made by the Respondent concerning its alleged rights or legitimate interests in the domain name(s).]*
* *[The Policy, Paragraph 4(c) sets out examples of circumstances demonstrating the Respondent’s rights to or legitimate interests in the domain name(s) for the purposes of the Policy, Paragraph 4(a)(ii). With reference to that Paragraph 4(c), to the extent argued by the Complainant, the Respondent should discuss and show that:*

*- before the Respondent received any notice of the dispute, there is 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;*

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

- 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(s) or service mark(s) at issue.]

**C. Whether the domain name*[s] [has/have]* been registered or *[is/are]* being used in bad faith.**

(Policy, Paragraph 4(a)(iii))

 *[In this connection, consideration may, for example, be given to the following:]*

* *[A refutation of the arguments made by the Complainant as to why the domain name(s) should be considered as registered or used in bad faith.]*
* *[The Policy, Paragraph 4(b) identifies several examples of circumstances that an Administrative Panel could consider as constituting bad faith. With reference to that Paragraph 4(b), to the extent argued by the Complainant, the Respondent should discuss and show that:*

*- the domain name(s) (was/were) not registered or acquired primarily for the purpose of selling, renting, or otherwise transferring the domain name registration(s) to the Complainant, as the alleged owner of the trademark or service mark, or to a competitor of the Complainant, for valuable consideration in excess of the Respondent’s out-of-pocket costs directly related to the domain name(s);*

*- the domain name(s) (was/were) not registered in order to prevent the Complainant from reflecting the mark in a corresponding domain name and, in connection therewith, the Respondent has not engaged in a pattern of such conduct;*

*- the Complainant and the Respondent are not competitors and/or the domain name(s) (was/were) not registered by the Respondent primarily to disrupt the Complainant’s business;*

*- the domain name(s) (was/were) not registered by the Respondent in an intentional attempt 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.]*

 If appropriate and the allegation can be substantiated with evidence, the Rules provide that a Respondent may ask the Panel to make a finding of reverse domain name hijacking. (Rules, Paragraph 15(e))]

#### IV. Consent to Remedy (Optional)

*[The Respondent may – in connection with an agreement between the Parties, or in its own discretion – include the below paragraph (no. 6).  If included, this informs the Complainant, the WIPO Center, the Registrar(s), and the Administrative Panel (if subsequently appointed) that the Respondent consents to the remedy requested by the Complainant.  Please note that any agreement between the Parties to transfer or cancel the disputed domain name prior to appointment of an Administrative Panel would require the Parties to complete and submit a Standard Settlement Form .]*

[6.] [The Respondent consents to the remedy requested by the Complainant and agrees to [transfer the disputed domain name(s) to the Complainant] / [cancel the disputed domain name(s).]

**V. Administrative Panel**

(Rules, Paragraphs 5(c)(iv) and (c)(v) and Paragraph 6; WIPO Supplemental Rules, Paragraph 7)

[7.] The Respondent elects to have the dispute decided by a *[state “single-member Administrative Panel” if the Complainant has asked for a single-member Administrative Panel and the Respondent agrees with that election. If the Respondent does not agree and wants a three-member Administrative Panel instead, state “three-member Administrative Panel”. Note that in the latter case the Respondent must pay half of the Center’s fee for a three-member Administrative Panel, as set out in WIPO Supplemental Rules, Annex D. If the Complainant has indicated it wants a three-member Administrative Panel, then the Respondent does not have the option of choosing a single-member Administrative Panel]*.

 *[If the Respondent designates a three-member Administrative Panel, or if the Complainant has designated a three-member Panel, the Respondent must provide the names of three persons, one of whom the Center will endeavor 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 these three nominees may be taken from the Center’s published list of panelists at* [*http://arbiter.wipo.int/domains/panel/panelists.html*](http://arbiter.wipo.int/domains/panel/panelists.html)*.*

**VI. Other Legal Proceedings**

(Rules, Paragraph 5(c)(vi))

[8. ] *[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).]*

#### VII. Communications

#### (Rules, Paragraphs 2(b), 5(c)(vii); WIPO Supplemental Rules, Paragraphs 3, 7, 12)

[9.] A copy of this Response has been transmitted to the Complainant on *[date]* in electronic form.

[10.] This Response is submitted to the Center in electronic form, including any annexes, in the appropriate format.

#### VIII. Payment

(Rules, Paragraph 5(d); WIPO Supplemental Rules, Annex D)

[11.] *[If relevant, state: “In view of the Complainant’s designation of a
single-member Panel and the Respondent’s designation of a three-member Panel, the Respondent hereby submits payment in the amount of USD (amount) by (method)”.] (*Payment by credit card 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.)

#### IX. Certification

#### (Rules, Paragraph 5(c)(viii); WIPO Supplemental Rules, Paragraph 15)

[12.] The Respondent agrees that, except in respect of deliberate wrongdoing, an Administrative Panel, the World Intellectual Property Organization and the Center shall not be liable to a party, a concerned registrar or NIC.IO for any act or omission in connection with the administrative proceeding.

[13.] The Respondent certifies that the information contained in this Response is to the best of the Respondent’s knowledge complete and accurate, that this Response is not being presented for any improper purpose, such as to harass, and that the assertions in this Response are warranted under the 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: \_\_\_\_\_\_\_\_\_\_\_\_\_\_

#### X. List of Annexes

[(Rules, Paragraph 5(c); WIPO Supplemental Rules, Paragraph 12, Annex E)

[14.] 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).

[15.] 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].*