***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 REGISTRANT](**Registrant**) | *[<the disputed domain name(s)>]* |

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

#### RESPONSE

(Procedure, Article 5)

##### I. Introduction

[1.] On *[indicate date on which the Notification of Complaint and Commencement of Administrative Proceeding was received]*, the Registrant received a Notification of Complaint and Commencement of Administrative Proceeding from the WIPO Arbitration and Mediation Center (the **Center**) by email informing the Registrant that an administrative proceeding had been commenced by the Complainant in accordance with Saudi Domain Name Dispute Resolution Rules (the **Rules**), the Saudi Domain Name Dispute Resolution Procedure (the **Procedure**) and the WIPO Supplemental Procedures for Saudi Domain Name Dispute Resolution Procedure (the **Supplemental Procedures**). The Center set *[insert date]* as the last day for the submission of a Response by the Registrant.

**II. Registrant’s Contact Details**

 (Procedure, Article 5.2.2)

[2.] The Registrant’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 Registrant, provide the above information for each.]*

[3.] The Registrant’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 Registrant’s preferred method of communications directed to the Registrant 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**

(Rules, Articles 7.1, 7.2, 7.3 ; Procedure, Article 5.2.1)

*[In completing this Section III., do not exceed the 5000 word limit: Supplemental Procedures, 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 Registrant 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 Procedure, Article 5.2.1, instructs the Registrant in its Response to “Respond specifically to the statements and allegations contained in the complaint and include any and all bases for the Registrant (domain name holder) to retain the disputed domain name…”. For a complainant to succeed, it must establish that each of the three conditions under the Rules, Articles 7.1.1, 7.1.2, and 7.1.3 are satisfied. With reference to that Article 7.1, in this section the Registrant 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, trade name or service mark in which the Complainant has rights;**

(Rules, Article 7.1.1)

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

* *[Any challenges to the trademark, trade name 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, trade name or service mark in which the Complainant claims it has rights.]*

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

(Rules, Article 7.1.2, 7.3)

 *[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 Registrant 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 Registrant concerning its alleged rights or legitimate interests in the domain name(s).]*
* *[ The Rules, Article 7.3 sets out examples of circumstances demonstrating the Registrant’s rights to or legitimate interests in the domain name(s) for the purposes of the Rules, Article 7.1.2. With reference to that Article 7.3, to the extent argued by the Complainant, the Registrant should discuss and show that:*

*- before the Registrant received any notice of the dispute, there is evidence of the Registrant’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 Registrant (as an individual, business, or other organization) has been or is commonly known by the domain name(s) in issue, even if the Registrant has acquired no trademark or service mark rights;*

- the Registrant is making a legitimate non-commercial or fair use of the domain name(s), without intent for commercial gain misleadingly to divert consumers or to tarnish the registered trade name, 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.**

( Rules, Article 7.1.3, 7.2)

 *[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 and used in bad faith.]*
* *[The Rules Article 7.2 identifies several examples of circumstances that an Administrative Panel could consider as constituting bad faith. With reference to that Article 7.2, to the extent argued by the Complainant, the Registrant 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, trade name or service mark, or to a competitor of the Complainant, for valuable consideration in excess of the Registrant’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 owner of the trademark, trade name or service mark from reflecting the mark in a corresponding domain name and, in connection therewith, the Registrant has not engaged in a pattern of such conduct;*

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

*- the domain name(s) (was/were) not registered by the Registrant in an intentional attempt to attract for commercial gain, Internet users to the Registrant’s web site or other on-line location, that will create illusion that it is under the supervision or care of the Complainant or has a relationship with it or any of its trademarks or trade names*

 If appropriate and the allegation can be substantiated with evidence, the Rules provide that a Registrant may ask the Panel to make a finding that the complaint was submitted in bad faith, which constitutes an abuse of the Administrative Proceeding (including, but not limited to maliciously attempting to seize control of a domain name or to harass the Registrant). (Procedure, Article 13.2.b.1]

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

*[The Registrant 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, SaudiNIC, the Registrar(s), and the Administrative Panel (if subsequently appointed) that the Registrant consents to the remedy requested by the Complainant.]*

[6.] [The Registrant 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**

(Procedure, Articles 5.2.3, 5.2.4, 6; Supplemental Procedures, Paragraph 8(a))

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

 *[If the Registrant designates a three-member Administrative Panel, or if the Complainant has designated a three-member Panel, the Registrant must provide the names of three persons, one of whom the Center will endeavor to appoint to the Administrative Panel in accordance with Article 6 of the Procedure and Paragraph 8 of the Supplemental Procedures. The names of these three nominees may be taken from the Center’s published list of panelists.]*

**VI. Other Legal Proceedings**

(Procedure, Article 5.2.5)

[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

#### (Procedure, Articles 2.1, 5.2; Supplemental Procedures, Paragraphs 3, 7, 12)

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

#### VIII. Payment

(Procedure, Article 5.3; Supplemental Procedures, Annex B)

[10.] *[If relevant, state: “In view of the Complainant’s designation of a single-member Panel and the Registrant’s designation of a three-member Panel, the Registrant 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

#### (Procedure, Article 5.2.6, Supplemental Procedures, Paragraph 14)

[11.] The Registrant 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 CITC for any act or omission in connection with the administrative proceeding.

[12.] The Registrant certifies that the information contained in this Response is to the best of the Registrant’s knowledge accurate and complete, that this Response is not being presented in bad faith and that the objective of this response, in its current form or as it may expanded upon in good faith, is justifiable pursuant to applicable regulations and procedures.

Respectfully submitted,

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

*[Name/Signature]*

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

#### X. List of Annexes

[(Procedure, Article 5.2.7, Supplemental Procedures, Paragraph 12, Annex D)

[13.] The Procedure provides that a Complaint or Response, including any annexes, shall be submitted electronically. Under the Supplemental Procedures, 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).

[14.] In particular, Paragraph 12 and Annex D of the Supplemental Procedures 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 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 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].*