**COMPLAINT TRANSMITTAL COVERSHEET**

You are hereby informed that a Complaint has been filed against you with the World Intellectual Property Organization (WIPO) Arbitration and Mediation Center (the Center) pursuant to the China ccTLD Dispute Resolution Policy (the Policy) as approved by the China Internet Network Information Center, the China ccTLD Dispute Resolution Policy Rules (the Rules), and the WIPO Supplemental Rules for China ccTLD Dispute Resolution Policy and China ccTLD Dispute Resolution Policy Rules (the WIPO Supplemental Rules).

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. 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. You may represent yourself or seek the assistance of legal counsel to represent you in the administrative proceeding.

The Policy can be found at

http://cnnic.com.cn/PublicS/fwzxxgzcfg/201907/t20190726\_70774.htm

The Rules can be found at

http://cnnic.com.cn/PublicS/fwzxxgzcfg/201907/t20190726\_70775.htm

The WIPO Supplemental Rules can be found at

https://www.wipo.int/amc/en/domains/rules/supplemental/cn.html

A model Response can be found at

<https://www.wipo.int/amc/en/docs/response-cn.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 e-mail at domain.disputes@wipo.int.

You are kindly requested to contact the Center to provide the contact details to which you would like (a) the official version of the Complaint and (b) other communications in the administrative proceeding to be sent.

A copy of this Complaint has also been sent to the Registry and the concerned Registrar(s) with which the disputed 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, Article 12; WIPO Supplemental Rules, Paragraphs 4(a), 12(a), 12(d), Annex D)

**I. Introduction**

[1.] This Complaint is hereby submitted in electronic form for decision in accordance with the China ccTLD Dispute Resolution Policy (the Policy), approved by the China Internet Network Information Center (CNNIC), the China ccTLD Dispute Resolution Policy Rules (the Rules), approved by CNNIC, and the WIPO Supplemental Rules for China ccTLD Dispute Resolution Policy and China ccTLD Dispute Resolution Policy Rules (the WIPO Supplemental Rules).

**II. The Parties**

**A. The Complainant**

(Rules, Articles 12(b) and 12(c))

[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, describe the relationship between the Complainants and why each Complainant has a sufficient common interest in the domain name(s) in issue for a joinder to be permissible.]

[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, Article 12(e))

[6.] According to *[indicate why the person/entity identified in the Complaint has been identified as the Respondent, e.g., the concerned registrar’s WhoIs database (Information about the concerned registrars can be found at* *https://cnnic.cn/jczyfw/CNym/cnzcfwjgcx/).]*, 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 WhoIs 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) and/or Agency

## (Rules, Articles 12(f) and 12(g))

[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.]*

*[The .CN Policy is ONLY applicable to .CN and .中国 domain names that have been registered for less than three years. Policy, Article 2]*

[9.] The Registrar(s) and/or the Agency with which the domain name(s) is/are registered is/are:

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

## IV. Language of Proceedings

## (Policy, Article 6; Rules, Article 8; WIPO Supplemental Rules, Paragraph 18)

*[Article 8 of the Rules provides that, unless otherwise agreed by the Parties or determined in exceptional cases by the Panel, the language of the domain name dispute resolution proceedings shall be Chinese. The Panel may order that any documents submitted in languages other than Chinese be wholly or partially translated into Chinese. ]*

[10.] The Complaint has been submitted in *[specify language] / [pursuant to an agreement between the parties stipulating that [specify language] should be the language of the administrative proceeding, a copy of which is provided as Annex [Annex number] to this Complaint.] / [The Complainant requests that the language of proceedings be [specify language] and provides the following supporting arguments and evidence, including any relevant pre-complaint correspondence between the parties, the identity of the parties, the nationality and place of residence of the parties, and any other evidence of a respondent’s familiarity with the requested language.]*

## V. Jurisdictional Basis for the Administrative Proceeding

## (Rules, Articles 12(a) and 12(m))

[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.

**VI. Factual and Legal Grounds**

(Policy, Articles 8, 9 and 10; Rules, Article 12;

WIPO Supplemental Rules, Paragraph 12(a))

*[In completing this Section VI., do not exceed the 3,000 word limit: WIPO Supplemental Rules, Article 12(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(d), Annex D. 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 with or confusingly similar to the Complainant’s name or mark in which the Complainant has civil rights or interests;**

(Policy, Article 8(a); Rules, Articles 12(h) and12(i)(1))

* *[In accordance with the Rules, Article 12(h), specify the name(s) or 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 to use the mark in the future. If applicable, attach copies of the registration certificates for the relevant name(s) or marks.]*
* *[In accordance with the Rules, Article 12(i)(1), describe the manner in which the domain name(s) is/are identical with or confusingly similar to the Complainant’s name or mark in which the Complainant has civil rights or interests.]*

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

(Policy, Articles 8(b) and 10; Rules, Article 12(i)(2))

* *[In accordance with the Rules, Article 12(i)(2), describe why the Respondent should be considered as having no rights or legitimate interests in respect of the domain name(s)or major part of the domain name(s) that is/are the subject of the Complaint. Attention should be paid to any relevant aspects of the Policy, Article 10, including:*

- Whether before receiving the Complaint transmitted by the domain name dispute resolution service provider, there is any evidence of the Respondent’s use of 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 before receiving the Complaint transmitted by the domain name dispute resolution service provider, the Respondent has been commonly known by the domain name, even if the Respondent has acquired no trademark or service mark rights;

- Whether before receiving the Complaint transmitted by the domain name dispute resolution service provider, the Respondent is making a legitimate noncommercial or fair use of the domain name(s), without intent for commercial gain to misleadingly divert consumers.]

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

(Policy, Articles 8(c) and 9; Rules, Article 12(i)(3))

* *[In accordance with the Rules, Article 12(i)(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, Article 9, including:*

- Whether the purpose for registering or acquiring the domain name(s) is to sell, rent or otherwise transfer the domain name registration(s) to the complainant who is the owner of the name or mark or to a competitor of that complainant, and to obtain unjustified benefits; or

- Whether the Respondent has registered the domain name(s) in order to prevent the owners of the names or marks from reflecting the names or the marks in corresponding domain name(s); or

- Whether the Respondent has registered or acquired the domain name(s) for the purpose of damaging the Complainant’s reputation, disrupting the Complainant’s normal business or creating confusion with the Complainant’s name or mark so as to mislead the public; or

- Other circumstances which may prove the bad faith.]

#### VII. Remedies Requested

#### (Rules, Article 12(j))

[13.] In accordance with Article 14 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, Articles 12(d) and 21 to 30; WIPO Supplemental Rules, Paragraph 7(b))

[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 Articles 23 to 27 of the Rules and Paragraph 7 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/cnlist.html]

#### IX. Mutual Jurisdiction

#### (Policy, Article 15)

[15.] In accordance with Article 15 of the Policy, 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 at the place where the office of CNNIC is located or subject to the agreement between the Parties, to a Chinese arbitration institution for arbitration.

**X. Other Legal Proceedings**

(Rules, Article 12(k))

[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). All materials concerning the above proceedings that can be obtained by the Complainant shall be submitted.]*

 *[If any, identify prior proceeding(s) filed under the Policy in connection with or relating to the domain name(s) that is/are the subject of the Complaint.]*

#### XI. Communications

#### (Rules, Article 12, WIPO Supplemental Rules, Paragraphs 3, 4 and 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 CNNIC and the concerned Registrar(s) on *[date]* in electronic form in accordance with Paragraph 4(c) of the WIPO Supplemental Rules.

#### XII. Payment

(Rules, Articles 45 to 47; WIPO Supplemental Rules, Paragraph 14, Annex C)

[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).

#### XIII. Certification

#### (Rules, Article 12(l); WIPO Supplemental Rules, Paragraph 16)

[20.] The Complainant agrees that, except in respect of deliberate wrongdoing, an Administrative Panel, WIPO and the Center shall not be liable to a party, CNNIC or the concerned Registrar(s) for any act or omission in connection with the administrative proceedings.

[21.] The Complainant certifies that the Complaint was filed in accordance with China ccTLD Dispute Resolution Policy and China ccTLD Dispute Resolution Policy Rules as well as the relevant laws; that the information contained in this Complaint is to the best of Complainant’s knowledge complete and accurate; that the corresponding claims and remedies shall be solely against the domain name holder and waives all such claims and remedies against WIPO and the Center, the Administrative Panel, CNNIC and the Registrar, the registry administrator as well as the Agency.

Respectfully submitted,

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

*[Name/Signature]*

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

#### List of Annexes

#### (Rules, Article 12(m); WIPO Supplemental Rules,

#### Paragraphs 4(a), 12(d) and Annex D)

[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 D of the WIPO Supplemental Rules provide 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 .CN and .中国 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 .CN and .中国 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.]*