**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 Uniform Domain Name Dispute Resolution Policy (the **Policy**) approved by the Internet Corporation for Assigned Names and Numbers (**ICANN**) on October 24, 1999, the Rules for Uniform Domain Name Dispute Resolution Policy (the **Rules**) approved by ICANN on September 28, 2013, and in effect as of July 31, 2015, and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the **Supplemental Rules**) in effect as of July 31, 2015.

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 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 Complaint 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 Supplemental Rules, it will forward a copy of the Complaint, including annexes, to you by email as well as sending you hardcopy Written Notice by post and/or facsimile. You will then have 20 calendar days from the date of Commencement within which to submit your Response. You may request an automatic extension of 4 calendar days. 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://www.icann.org/resources/pages/policy-2012-02-25-en>
* The **Rules** can be found at:   
  <https://www.icann.org/resources/pages/udrp-rules-2015-03-11-en>
* The **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/supplemental/eudrp/newrules.html>
* A **model Response** can be found at: <https://www.wipo.int/amc/en/domains/respondent/index.html>
* WIPO’s **Data Privacy Notice** can be found at: <https://www.wipo.int/web/privacy-policy>

Alternatively, you may contact the Center to obtain any of the above documents. The Center can be contacted in Geneva, Switzerland by email at domain.disputes@wipo.int.

You are kindly requested to contact the Center to provide any 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, Supplemental Rules, and the WIPO Data Privacy Notice.***Before the:***

**WORLD INTELLECTUAL PROPERTY ORGANIZATION**

**ARBITRATION AND MEDIATION CENTER**

|  |  |
| --- | --- |
| [Name and Address of Complainant]  [Trademark owner]  (**Complainant**) |  |
| -v- | **Disputed Domain Name(s):**  [ATTENTION: Complainant should confirm the domain name(s) status, and that the domain name(s) is/are not expired.  Once a Complaint has been registered, the Center’s administrative fees are not refundable. See Section III, paragraph [8.]]  [In cases of multiple domain names, please include as an annex an Excel sheet indicating in separate columns the domain names, registrar(s), domain name status, expiry date(s), registrant(s), and domain name use(s). See Section III, paragraph [8.]] |
| [Name and Address of Respondent]  [See Section II.B below]  (**Respondent**) | [<the disputed domain name(s)>] |

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

#### COMPLAINT

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

**I. Introduction**

[1.] This Complaint is hereby submitted for decision in accordance with the Uniform Domain Name Dispute Resolution Policy (the **Policy**), approved by the Internet Corporation for Assigned Names and Numbers (**ICANN**) on October 24, 1999, the Rules for Uniform Domain Name Dispute Resolution Policy (the **Rules**), approved by ICANN on September 28, 2013, and in effect as of July 31, 2015, and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the **Supplemental Rules**) in effect as of July 31, 2015.

**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.]

[The trademark owner.]

[For cases filed by an authorized licensee, please consult the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“WIPO Overview 3.0”), on requirements for standing, available at: www.wipo.int/amc/en/domains/search/overview3.0/#item1.]

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

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

[If there is more than one Complainant, provide the above information for each, and provide arguments and evidence to support the consolidation of multiple Complainants in a single complaint, for example, where the multiple Complainants truly have a common grievance against the Respondent. See WIPO Overview 3.0, section 4.11.]

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

[Identify any authorized representative and provide all contact details, including postal address, telephone number, email address.]

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

|  |  |
| --- | --- |
| Electronic-only material | |
| Method: | email |
| Address: | [email address] |
| Contact: | [contact person] |

|  |  |  |
| --- | --- | --- |
| Material including hardcopy (where applicable) | | |
|  |  | |
| Address: | [address] | |
| Contact: | [contact person] | |
|  |  | |

**B. The Respondent**

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

[6.] [The Rules define Respondent as “the holder of a domain-name registration against which a complaint is initiated” (Paragraph 1). A request for the registrant details can be submitted to the Registrar. To determine the Registrar, you can consult the ICANN LOOKUP at: www.lookup.icann.org/en.   
  
Depending on their application of data protection regulations, the Registrar may not provide you with any registrant contact information, or the information you receive may only show a “privacy service” as the registrant.

ICANN does however require Registrars to provide registration data to UDRP providers. Once provided to the Center, that information will be provided to the Complainant and can be used to amend the substantive arguments in your complaint or your “mutual jurisdiction” election.  
  
After learning the identity of the Respondent, the Complainant may wish to withdraw the complaint; if this occurs prior to the formal commencement of the proceeding, the Panel’s portion of the filing fee will be refunded. Following the formal commencement, the Respondent may be invited to comment on the Complainant’s request for termination.

If, prior to the appointment of the Panel, the Parties agree to settle the dispute (Rules, Paragraph 17(a)), the Panel’s portion of the filing fee will be refunded.]

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

[Provide all contact details (postal address, telephone number, email addresses) for the Respondent, including those that may have been used successfully in the course of pre-complaint dealings or those on any website to which the disputed domain name resolves.]

[If there is more than one Respondent, provide the contact details for each Respondent and describe the relationship between them, which would justify the consolidation of the complaint against them. See WIPO Overview 3.0, section 4.11.]

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

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

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

[List the disputed domain name(s) and the date(s) of domain name creation.]

[ATTENTION: Complainant should confirm the domain name(s) status and that the domain name(s) is/are not expired. Complainant should check the relevant Registrar’s Registration Data to determine the most up to date domain name status and expiration date.

**If the domain name(s) is/are expired, in redemptionPeriod status, in pendingDelete status, or in autoRenewPeriod status** (EPP Status Codes explained at: www.icann.org/resources/pages/epp-status-codes-2014-06-16-en), **it is Complainant’s responsibility to take any necessary actions required by the Registrar.**

If the Registrar agrees to the renewal (and locking) of the domain name(s) to allow the proceedings to commence, the Center will proceed with the case. Any steps required in relation to the renewal (involving any fees) are between the Complainant and the Registrar. Should the Registrar not allow the Complainant to renew the domain name(s), it will not be possible to proceed with the case, and the Complaint will be withdrawn. Please note that once a Complaint is registered, the Center’s administrative fees are **not refundable**.

You may wish to consult the ICANN Expired Domain Deletion Policy at: <https://www.icann.org/resources/pages/registars/accreditation/eddp-en>]

[ATTENTION: In multiple domain name cases, provide as an Annex an Excel sheet indicating in separate columns the domain names, registrar(s), domain names’ statuses, registration and expiry dates, registrant(s), and domain name use(s).]

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

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

## IV. Language of Proceedings

## (Rules, Paragraph 11)

[Paragraph 11(a) of the Rules provides that, subject to the authority of the Panel, the language of the proceedings shall be the same as the language of the Registration Agreement unless the Parties have otherwise agreed to proceed in a different language. In the absence of such agreement, a complainant may submit a complaint in a language different to the Registration Agreement where the complainant provides arguments and supporting evidence, including 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 (e.g., script of domain name and/or website content).]

[10.] To the best of the Complainant’s knowledge, the language of the Registration Agreement is [specify language of Registration Agreement], a copy of which is provided as Annex [Annex number] to this Complaint.

The Complaint has been submitted in [specify language of Complaint] / [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. See WIPO Overview 3.0, section 4.5]

## 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. 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)

[Sections VI.A, VI.B, and VI.C must all be addressed. In completing this Section VI., do not exceed the 5,000 word limit: Supplemental Rules, Paragraph 11(a).

The burden of proof always remains on the Complainant. See WIPO Overview 3.0, section 4.2, available here: www.wipo.int/amc/en/domains/search/overview3.0/#item42.

Relevant documentation in support of the Complaint should be submitted as Annexes, with a schedule indexing such Annexes (see Section XIV below).

Case precedents or commentaries, such as the WIPO Overview 3.0, 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))

* [Specify the trademark(s) or service mark(s) on which the Complaint is based (including registration number(s)) and, for each mark, describe the goods or services, with which the mark is used. Attach copies of the registration certificates for the relevant marks.]
* [If relying on common law or unregistered trademark rights, complainant must provide specific evidence to show that its mark has become a distinctive identifier that consumers associate with the complainant’s goods and/or services (annex any documentary or other relevant evidence). See WIPO Overview 3.0, sections 1.3 and 1.15]
* [In accordance with 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. See WIPO Overview 3.0, sections 1.7 through 1.14]

**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))

* + [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. Depending on your case circumstances, you may wish to address the following (non‑exclusive) respondent defenses set out at Policy, Paragraph 4(c):

- 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 and is/are being used in bad faith.**

(Policy, paragraphs 4(a)(iii), 4(b); Rules, paragraph 3(b)(ix)(3))

* [Describe why the domain name(s) should be considered as having been registered **and** used in bad faith by the Respondent. Depending on your case circumstances, you may wish to address the following (non‑exclusive) examples set out at 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 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 the Respondent’s web site or location or of a product or service on the Respondent’s web site or location.]

[N.B., registration in bad faith is generally considered to be possible only when the domain name registration occurs **after** your trademark rights accrue, please refer to section 3.8 of the WIPO Overview 3.0.]

#### 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 -or- <the disputed domain name(s)> be cancelled.]

**[A “cancellation” remedy would merely result in the registrar canceling the domain name registration, in which case it may be re-registered by any third party.]**

**VIII. Administrative Panel**

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

[14.] The Complainant elects to have the dispute decided by a [single‑member Administrative Panel -or- three-member Administrative Panel]*.*

[If a three-member Administrative Panel is designated, please provide the names of three individuals **in order of preference**; the Center will invite those individuals to serve as a co-panelist in accordance with Paragraph 6 of the Rules and Paragraph 8 of the Supplemental Rules. The individuals’ names may be drawn from the Center’s 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 at [choose one of the following:]

(a) “the location of the principal office of the concerned registrar.”

-or-

(b) “the location of the domain name holder’s address, as shown for the registration of the domain name(s) in the concerned registrar’s Registration Data at the time of the submission of the Complaint to the Center.”

-or-

(c) “the location of the principal office of the concerned registrar AND the domain name holder’s address, as shown for the registration of the domain name(s) in the concerned registrar’s Registration Data at the time of the submission of the Complaint to the Center.”

[A Mutual Jurisdiction election must be made for each domain name that is the subject of the Complaint.]

**X. Other Legal Proceedings**

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

[16*.*] [If any, identify other legal proceedings (including prior UDRP 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). **Failure to mention such proceedings may be taken into account by the appointed panel.**]

#### XI. Communications

#### (Rules Paragraph 3(b), 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 Supplemental Rules.

#### XII. Payment

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

[19.] [The Center shall proceed with registration of the Complaint upon receipt of the relevant filing fees. Payment must be made via the following link: https://www3.wipo.int/amc-payment/. You may find the Center’s “Schedule of Fees” at: <https://www.wipo.int/amc/en/domains/fees/>]

As required by the Rules and Supplemental Rules, payment in the amount of USD [amount] has been made by [method].

(For any payment-related queries or difficulties, please contact the Center at [arbiter.mail@wipo.int](mailto:arbiter.mail@wipo.int)).

#### XIII. Certification

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

[20.] The Complainant agrees that its claims and remedies concerning the registration of the domain name(s)*,* 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 Arbitration and Mediation Center and Panelists, except in the case of deliberate wrongdoing, (b) the concerned registrar(s), (c) the registry administrator, (d) the Internet Corporation for Assigned Names and Numbers, as well as their directors, officers, employees, and agents.

[21.] The Complainant certifies that the information contained in this Complaint is to the best of the 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 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: \_\_\_\_\_\_\_\_\_\_\_\_\_\_

#### List of Annexes

#### (Rules, Paragraph 3(b)(xiv); 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 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 50MB (fifty megabytes).

[23] Other than by prior arrangement with the Center, 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.

Annex 1:  [e.g., Registrar’s Registration Data]

Annex 2:  [e.g., Trademark certificate in the Complainant’s name / Evidence of Complainant’s unregistered trademark rights]

Annex 3:  [e.g., Evidence of domain name(s) use]

Annex 4:  [e.g., Screenshot of domain name(s) website]

Annex 5: [e.g., Parties’ prior correspondence (e.g., cease & desist letter(s))

Annex 6:  [e.g., Excel sheet of multiple domain names and relevant information]

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