***Before the:***

**WORLD INTELLECTUAL PROPERTY ORGANIZATION**

**ARBITRATION AND MEDIATION CENTER**

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

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#### REQUEST

(Rules of Procedure, paragraph 12)

**I. Introduction**

[1.] This Request is hereby submitted in accordance with the Rules of procedure for dispute resolution procedure for .ch and .li domain names (the **Rules of Procedure**) in effect as of January 1, 2020.

**II. The Parties**

**A. The Claimant**

(Rules of Procedure, paragraphs 12(b)(ii) and (iii))

[2.] The Claimant in this Dispute resolution procedure is *[provide full name and, if relevant, legal status, place of incorporation and principal place of business]*.

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

Address: *[Specify mailing address]*

Telephone: *[Specify telephone number]*

Fax: *[Specify fax number]*

E-mail: *[Specify e-mail address]*

[If there is more than one Claimant, provide the above information for each, describe the relationship between the Claimants and why each Claimant has a sufficient common interest in the Domain Name(s) in issue for a joinder to be permissible.]

[4.] The Claimant’s authorized representative in this Dispute resolution procedure is:

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

[5.] The Claimant’s preferred method of communications directed to the Claimant in this Dispute resolution procedure is:

Electronic-only material

Method: e-mail

Address: *[Specify one e-mail address]*

Contact: *[Identify name of one contact person]*

**B. The Respondent**

(Rules of Procedure, paragraph 12(b)(iv))

[6.] According to *[indicate why the person/entity identified in the Request has been identified as the Respondent. Information about the Holder of the disputed Domain Name(s) can be found in the Whois database of SWITCH at*

<https://www.nic.ch/en/whois/>*]*, the Respondent in this Dispute resolution procedure is *[identify Respondent (the Domain Name Holder), including full name, and if relevant, 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 Claimant 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-Request 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 Request.]

## III. Basis for the Dispute Resolution Procedure

[8.] The Registration agreement, pursuant to which the Domain Name*[s]* that *[is/are]* the subject of this Request *[is/are]* registered, incorporates the Rules of Procedure. *[If relevant, indicate when the Domain Name(s) (was/were) registered and specify the provision of the Registration agreement that makes the Rules of Procedure* *applicable to the Domain Name(s).]*

**IV. Factual and Legal Grounds**

(Rules of Procedure, paragraph 12(b)(vi)

*[In completing this section IV, do not exceed the 5000 word limit. Relevant documentation in support of the Request should be submitted as Annexes, with a schedule indexing such Annexes. Copies of case precedents or commentaries that are referred to for support should be referred to with complete citations and, if not voluminous, submitted as Annexes.]*

[9.] This Request is based on the following grounds:

*[In this section, you should provide factual and legal arguments in support of your Request. Your arguments will be considered in a conciliation procedure conducted in accordance with paragraphs 16 to 18 of the Rules of Procedure. If, in Section IX. of this Request, you make an application that an Expert be appointed if no conciliation takes place, or if any conciliation that does take place does not lead to a settlement, please note that, pursuant to paragraph 24 of the Rules of Procedure, such Expert may grant your Request provided that the allocation or use of the disputed domain name constitutes a clear infringement of a right in a distinctive sign which you own under the law of Switzerland or Liechtenstein.]*

**A. Claimant has a Right in a distinctive sign under the law of Switzerland or Liechtenstein**

*[Specify the Right in a distinctive sign on which this Request is based. Pursuant to the definition in Rules of Procedure, paragraph 1,“Right in a distinctive sign is any right recognised by the legal system devolving from the registration or use of a sign, which protects the holder of the right from infringement of his interests as the result of registration or use of an identical or similar sign by third parties, including, but not limited to, the right in a registered business name, a personal name, a trade mark, a geographical indication and the defensive rights devolving from the law on unfair competition.”*

*Please also attach copies of any certificates or documents proving that you are the owner of the Right in a distinctive sign.]*

**B. The allocation and/or use of the Domain Name[s] at issue infringes Claimant’s Right in a distinctive sign under the law of Switzerland or Liechtenstein**

[Provide a factual and legal argument as to how, under the law of Switzerland or Liechtenstein, the allocation and/or use of the Domain Name(s) at issue infringes your Right in a distinctive sign, and why such infringement justifies the transfer or revoke (depending on which remedy you have requested in section V below) of the disputed Domain Name.]

#### V. Remedies Requested

#### (Rules of Procedure, paragraph 12(b)(v))

[10.] The Claimant requests that *[choose* ***one*** *remedy per Domain Name: <the contested Domain Name(s)> be transferred to the Claimant” / “be revoked”.]*

**VI. Other Legal Proceedings**

(Rules of Procedure, paragraph 12(b)(vii)

[11*.*] *[Identify any court* *or other legal proceedings which were or continue to be pending with regard to the disputed Domain Name(s) that (is/are) the subject of the Request and summarize the issues that are the subject of (that/those) proceeding(s).]*

#### VII. Communications

#### (Rules of Procedure, paragraphs 6 and 12(b))

[12.] This Request is submitted to the Center in electronic form.

#### VIII. Payment

(Rules of Procedure, paragraph 11, WIPO Schedule of Fees for .ch and .li)

[13.] As required by the Rules of Procedure and the WIPO Schedule of Fees for .ch and .li, payment in the amount of CHF *[amount]* has been made by *[method]*.

**IX. Application for Appointment of Expert**

(Rules of Procedure, paragraph 12(c)

[ ] This section IX of the Request is only to be completed if the Claimant wishes to apply for the appointment of an Expert if no Conciliation takes place, or if any Conciliation that does take place does not lead to a settlement. If the Claimant does not wish to make such an application, this section can be deleted and the next section renumbered. Please note that the application to appoint an Expert cannot be made at a later stage in the proceedings, see paragraph 19 of the Rules of Procedure.

The Claimant hereby requests the Center to appoint an Expert if no Conciliation takes place, or if any Conciliation that does take place does not lead to a settlement.

The Claimant declares that, with regard to any court proceedings initiated by the Respondent against a future decision of this Expert ordering the transfer or revocation of the domain name, the Claimant submits to the jurisdiction of the courts of Zurich.

#### X. Certification

#### (Rules of Procedure, paragraph 12(b)(ix))

[ ] The Claimant states that his claims and rights pertaining to allocate or use of the Domain Name, the Dispute resolution procedure or their completion are directed solely against the Holder and waives all such claims against the Registry and the Registrar or the Dispute resolution service provider, as well as its institutions, board members, employees and representatives, as well as against Conciliators and Experts appointed by the Dispute resolution service provider, in so far as these claims are not based on intentional or grossly negligent misconduct.

[ ] The Claimant states that to its knowledge the information contained in this Request is complete and accurate, and that this Request is not being submitted abusively.

Respectfully submitted,

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

*[Name/Signature]*

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