***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 DEFENDANT](**Defendant**) | *[<the disputed domain name(s)>]* |

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#### RESPONSE

(Appendix to the Dispute Resolution Regulation, Clause 5)

##### I. Introduction

[1.] On *[indicate date on which the Notification of Complaint and Commencement of Administrative Proceeding was received]*, the Defendant received a Notification of Complaint and Commencement of Administrative Proceeding from the WIPO Arbitration and Mediation Center (the **Center**) by email informing the Defendant that an administrative proceeding had been commenced by the Complainant in accordance with Kingdom of Bahrain Regulation for Settling Disputes Related to the Registration of (.BH and البحرين.) Domain Names, Trademarks and Trade Names (the **Dispute Resolution Regulation**), the Appendix Concerning Standard Proceedings for Settlement of Disputes Related to Domain Name Registration (the **Appendix to the Dispute Resolution Regulation**), and the WIPO Supplemental Rules for Kingdom of Bahrain Domain Name Dispute Resolution Rules (the **Supplemental Rules**). The Center set *[insert date]* as the last day for the submission of a Response by the Defendant.

**II. Defendant’s Contact Details**

 (Appendix to the Dispute Resolution Regulation, Clause 5.b.2))

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

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

(Dispute Resolution Regulation, Article 10; Appendix to the Dispute Resolution Regulation, Clause 5)

*[In completing this Section III., do not exceed the 5000 word limit: 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 Appendix to the Dispute Resolution Regulation, Clause 5.b.1, instructs the Defendant in its Response to submit a specific response to the statements and claims of the complaint and the grounds for the Defendant’s right to maintain and use the registration of the domain name, subject of the complaint. For a complainant to succeed, it must establish that each of the three conditions under Dispute Resolution Regulation, Articles 7.A, 7.B, 7.C are satisfied. With reference to that Article 7.A, in this section the Defendant 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;**

(Dispute Resolution Regulation, Article 7.A)

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

* *[Any challenges to the trademark 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 in which the Complainant claims it has rights.]*

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

(Dispute Resolution Regulation, Article 7.B and 11)

 *[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 Defendant 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 Defendant concerning its alleged rights or legitimate interests in the domain name(s).*

*The Dispute Resolution Regulation, Article 11 sets out examples of circumstances demonstrating the Respondent’s rights to or legitimate interests in the domain name(s) for the purposes of the Dispute Resolution Regulation. With reference to that Article 11, to the extent argued by the Complainant, the Respondent should discuss and show:*

*A- That the Defendant has been using or making preparations to use the Domain Name or a name similar to it in providing goods or services before receiving any Written Notice;*

*B- That the Defendant has been known (in the individual or commercial capacity or as an organization) by the name used in the Domain Name, subject of the complaint, even if the Defendant has not had trademark or service mark rights.*

*C- That the Defendant is using the Domain Name in a legal, non-commercial, or fair manner, without intending to achieve commercial gains by misleading consumers or distorting the trademark or service mark, subject of the complaint.]*

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

(Dispute Resolution Regulation, Article 7.C)

 *[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.]*
* *[Dispute Resolution Regulation, Article 7.C identifies several examples of circumstances that an Administrative Panel could consider as constituting bad faith. With reference to that Article 7.C, to the extent argued by the Complainant, the Defendant should discuss and show that:*

*- the domain name(s) (was/were) not registered or acquired primarily for the purpose of selling, leasing, or transferring it to the Complainant, who is considered the owner of the trademark or service mark, or to the competitors of the Complainant, in return for a financial compensation that greatly exceeds the costs of obtaining the domain name(s);*

*- the domain name(s) (was/were) not registered in order to prevent the owner of the trademark or service mark from using the domain name that reflects the trademark thereof, provided this act is done repeatedly;*

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

*- the domain name(s) (was/were) not registered by the Defendant with the intention of achieving commercial gains by causing potential confusion between the domain name and the trademark of the Complainant regarding the source, sponsorship, affiliation, or certification of the domain name owner's website or in relation to a product or service that is offered on the domain name owner's website.*

 If appropriate and the allegation can be substantiated with evidence, the Appendix to the Dispute Resolution Regulation provide that a Defendant 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 Defendant). (Appendix to the Dispute Resolution Regulation, Clause 15.g]

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

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

[6.] [The Defendant 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**

(Appendix to the Dispute Resolution Regulation, Clauses 5.b.4, 5.b.5, and 5.b.10; Supplemental Rules, Paragraphs 8(a) and 8(b))

[7.] The Defendant 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 Defendant agrees with that election. If the Defendant does not agree and wants a three-member Administrative Panel instead, state “three-member Administrative Panel”. Note that in the latter case the Defendant must pay half of the Center’s fee for a three-member Administrative Panel, as set out in Appendix to the Dispute Resolution Regulation, Clause 5.b.10. If the Complainant has indicated it wants a
three-member Administrative Panel, then the Defendant does not have the option of choosing a single-member Administrative Panel]*.

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

**VI. Other Legal Proceedings**

(Appendix to the Dispute Resolution Regulation, Clause 5.b.6)

[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

#### (Appendix to the Dispute Resolution Regulation, Clause 5.b; 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

(Appendix to the Dispute Resolution Regulation, Clause 19; Supplemental Rules, Paragraph 10, Annex B)

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

#### (Appendix to the Dispute Resolution Regulation, Clause 5.b.8, Supplemental Rules, Paragraph 15)

[12.] The defendant 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 Telecommunications Regulatory Authority for any act or omission in connection with the administrative proceeding.

[13.] The Defendant certifies that the information contained in this Response is to the best of the Defendant’s knowledge accurate and complete, that this Response is not being presented in bad faith and that it is justifiable pursuant to applicable regulations and procedures.

Respectfully submitted,

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

*[Name/Signature]*

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

#### X. List of Annexes

(Supplemental Rules, Paragraphs 7, 12(b), Annex D)

[13.] The Dispute Resolution Regulation provides 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 no more than 50MB (fifty megabytes).

[14.] In particular, Paragraph 12(b) and Annex D of the 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 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].*