***Before the:***

**WORLD INTELLECTUAL PROPERTY ORGANIZATION**

**ARBITRATION AND MEDIATION CENTER**

|  |  |
| --- | --- |
| [NAME AND ADDRESS OF CLAIMANT AS STATED IN REQUEST](**Claimant**) | **Case No:** *[Indicate assigned case number]* |
| -v- | **Disputed Domain Name*[s]*:** |
| [NAME AND ADDRESS OF RESPONDENT](**Respondent**) | *[<the disputed domain name(s)>]* |

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#### RESPONSE

(Rules of Procedure, paragraph 15)

##### I. Introduction

[1.] On *[indicate date on which the Notification of Request and commencement of the dispute resolution procedure**was received]*, the Respondent received a Notification of Request and commencement of the Dispute resolution procedure from the WIPO Arbitration and Mediation Center (the **Center**) by email informing the Respondent that a Dispute resolution procedure had been commenced by the Claimant 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. The Center set *[insert date]* as the last day for the submission of a Response by the Respondent.

**II. Respondent’s Contact Details**

(Rules of Procedure, paragraphs 15(b)(ii) and (iii))

[2.] The Respondent’s contact details are:

Name: *[Specify full name]*

Address: *[Specify mailing address]*

Telephone: *[Specify telephone number]*

Fax: *[Specify fax number]*

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

*[If there is more than one Respondent, provide the above information for each.]*

[3.] The Respondent’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.]*

[4.] The Respondent’s preferred method of communications directed to the Respondent 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]*

**III. Response to statements and allegations made in the request**

(Rules of Procedure, paragraph 15(b)(i))

*[In completing this Section III, do not exceed 5000 words. Relevant documentation in support of the Response should be submitted as Annexes with a schedule indexing such documents. Case precedents or commentaries that are referred to for support should be referred to with complete citations and, if not voluminous, submitted as Annexes.]*

[5.] The Respondent hereby responds to the statements and allegations in the Request and respectfully requests that the remedies requested by the Claimant be denied.

*[Rules of Procedure, paragraph 15(b)(i) instruct the Respondent to respond to the statements and allegations contained in the Request and to provide a defence as to why the disputed Domain Name should remain with the Respondent.*

*It is recalled that, in order to succeed, the Claimant must prove in accordance with the Rules of Procedure, paragraph 12(b)(vi) that the allocation or use of the Domain Name by the Respondent constitutes an infringement of a Right in a distinctive sign which the Claimant owns under the law of Switzerland or Liechtenstein.*

*With reference to that paragraph 12(b)(vi), the Respondent may wish to discuss some or all of the following, to the extent relevant and supported by evidence:]*

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

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

*“Right in a distinctive sign” is defined in Paragraph 1 of the Rules of Procedure as “any right recognized 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.”*

*The Respondent may in this context wish to provide evidence of any challenges to the existence of the right asserted by the Claimant.]*

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

[Specify why the allocation and/or use of the Domain Name(s) at issue does not, under the law of Switzerland or Liechtenstein, infringe any Right in a distinctive sign asserted by the Claimant.

In this context, the Respondent may, for example, wish to provide evidence of any right which the Respondent owns in the disputed Domain Name, to establish that the scope of any Right in a distinctive sign asserted by the Claimant does not cover the Respondent’s allocation or use of the disputed Domain Name, or to prove that the Respondent’s allocation or use of the disputed Domain Name is otherwise legitimate under the law of Switzerland or Liechtenstein.]

**IV. Other Legal Proceedings**

(Rules of Procedure, paragraph 15(b)(iv)

[ ] *[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).]*

#### V. Communications

#### (Rules of Procedure, paragraph 15(a) and (b))

[6.] This Response is submitted to the Center in electronic form.

#### VI. Certification

#### (Rules of Procedure, paragraph 15(b)(v))

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

Respectfully submitted,

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

*[Name/Signature]*

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