**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 Respondent][the disputed domain name owner](**Respondent**) | [<the disputed domain name(s)>] |

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#### RESPONSE

(Rules, Paragraph 5)

##### I. Introduction

[1.] On [indicate date on which the Notification of Complaint and Commencement of Administrative Proceeding was received], the Respondent received a Notification of Complaint and Commencement of Administrative Proceeding from the WIPO Arbitration and Mediation Center (the **Center**) by email [and/or the Written Notice by courier/facsimile on (date)] informing the Respondent that an administrative proceeding had been commenced by the Complainant in accordance with the Uniform Domain Name Dispute Resolution Policy (the **Policy**), approved by the Internet Corporation for Assigned Names and Numbers (**ICANN**), the Rules for Uniform Domain Name Dispute Resolution Policy (the **Rules**), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the **Supplemental Rules**). Pursuant to the Rules, the last day for the submission of a Response by the Respondent is [insert date]. By submitting this Response, the Respondent agrees to be bound to the WIPO Data Privacy Notice (<https://www.wipo.int/web/privacy-policy>).

**II. Respondent’s Contact Details**

 (Rules, Paragraphs 5(c)(ii) and (iii))

[2.] The Respondent in this administrative proceeding is [provide the full name and, if relevant, corporate or legal status.]

[The disputed domain name owner; for cases involving a privacy/proxy service or underlying beneficial registrant, please consult the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“WIPO Overview 3.0”), section 4.4, on how respondent identity is assessed, available at: [www.wipo.int/amc/en/domains/search/overview3.0/#item44](http://www.wipo.int/amc/en/domains/search/overview3.0/#item44).]

The Respondent’s contact details are:

Name: [Specify full name]

Address: [Specify mailing address]

Telephone: [Specify telephone number]

Email: [Specify email address]

[If there is more than one Respondent, provide the above information for each. If the Respondents are not related, the Respondent should consult section 4.11.2 of the WIPO Overview 3.0 concerning panel consideration of consolidation of multiple respondents in a single complaint, available at: [www.wipo.int/amc/en/domains/search/overview3.0/#item411](http://www.wipo.int/amc/en/domains/search/overview3.0/#item411).]

[3.] The Respondent’s authorized representative in this administrative proceeding is:

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

[4.] The Respondent’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]

**III. Language of Proceedings**

**(Rules, Paragraph 11)**

[If Complainant has submitted its Complaint in a language different than the language of the Registration Agreement, the Respondent is invited to submit its request regarding the language of the proceeding.]

[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).]

**IV. Response to Statements and Allegations Made in Complaint**

(Policy, Paragraphs 4(a), (b), (c); Rules, Paragraph 5(c)(i))

[While the Respondent may provide arguments for each Section below, the Respondent need only rebut the Complainant’s arguments in one of the below Sections (IV.A, IV.B, and IV.C) for the Complaint to fail.

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](http://www.wipo.int/amc/en/domains/search/overview3.0/#item42).

In completing this Section IV., do not exceed the 5,000 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 (see Section XI below).

Case precedents or commentaries, such as 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.]

[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.

**A. Whether 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))

[Describe why the Complainant should not be considered as having trademark rights for purposes of the Policy or why the domain name is not confusingly similar or identical to the Complainant’s trademark. Consideration should be paid to:

* Any challenges to the trademark or service mark rights asserted by the Complainant. See WIPO Overview 3.0, sections 1.1 through 1.6.
* Arguments why the domain name(s) (is/are) not allegedly identical or confusingly similar to a trademark or service mark in which the Complainant claims it has rights. See WIPO Overview 3.0, sections 1.7 through 1.14.]

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

(Policy, Paragraph 4(a)(ii))

[See WIPO Overview 3.0, sections 2.1 through 2.15, available here: [www.wipo.int/amc/en/domains/search/overview3.0/#item2a](http://www.wipo.int/amc/en/domains/search/overview3.0/#item2a)]

* [Describe why the Respondent should be considered as having rights or legitimate interests in respect of the domain name(s). Evidence should be submitted in support of any claims made by the Respondent concerning its alleged rights or legitimate interests in the domain name(s).]
* [Depending on your case circumstances, you may wish to address the following (non-exclusive) examples set out at Policy, Paragraph 4(c), demonstrating the Respondent’s rights or legitimate interests in the domain name(s), including:

- before the Respondent received any notice of the dispute, there is 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;

- the Respondent (as an individual, business, or other organization) has been or is commonly known by the domain name(s) in issue, even if the Respondent has acquired no trademark or service mark rights;

- the Respondent is making a legitimate non-commercial or fair use of the domain name(s), without intent for commercial gain misleadingly to divert consumers or to tarnish the trademark(s) or service mark(s) at issue.]

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

(Policy, Paragraph 4(a)(iii))

[See WIPO Overview 3.0, sections 3.1 through 3.12, available here: [www.wipo.int/amc/en/domains/search/overview3.0/#item3](http://www.wipo.int/amc/en/domains/search/overview3.0/%22%20%5Cl%20%22item3)]

* [Describe why the domain name(s) should not be considered as registered **and** used in bad faith.]
* [Depending on your case circumstances, you may wish to address the following (non-exclusive) examples set out at Policy, Paragraph 4(b), including:

- the domain name(s) (was/were) not registered or acquired primarily for the purpose of selling, renting, or otherwise transferring the domain name registration(s) to the Complainant, as the alleged owner of the trademark or service mark, or to a competitor of the Complainant, for valuable consideration in excess of the Respondent’s out-of-pocket costs directly related to the domain name(s);

- the domain name(s) (was/were) not registered in order to prevent the Complainant from reflecting the mark in a corresponding domain name and, in connection therewith, the Respondent has not engaged in a pattern of such conduct;

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

- the domain name(s) (was/were) not registered by the Respondent in an intentional attempt 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.]

 [If appropriate and the allegation can be substantiated with evidence, the Rules provide that a Respondent may ask the Panel to make a finding of reverse domain name hijacking. See WIPO Overview 3.0, section 4.16. (Rules, Paragraph 15(e))].

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

[The Respondent 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, the Registrar(s), and the Administrative Panel (if appointed) that the Respondent consents to the remedy requested by the Complainant. Please consult section 4.10 of the WIPO Overview 3.0.

Please note that any agreement between the Parties to transfer or cancel the disputed domain name prior to appointment of an Administrative Panel would require the Parties to complete and submit a Standard Settlement Form (this Form can be downloaded from the WIPO Center’s website at <https://www.wipo.int/export/sites/www/amc/en/docs/settlement-lock-eudrp.doc>. Please consult section 4.9 of the WIPO Overview 3.0.]

[6.] [The Respondent 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).]

**VI. Administrative Panel**

(Rules, Paragraphs 5(c)(iv) and (c)(v) and Paragraph 6; Supplemental Rules, Paragraph 7)

[7.] The Respondent elects to have the dispute decided by a [single-member Administrative Panel -or- three-member Administrative Panel].

[If the Complainant has asked for a single-member Administrative Panel and the Respondent agrees with that election, the Respondent is not required to pay any fee. If the Respondent does not agree and wants a three-member Administrative Panel instead, then the Respondent must pay half of the Center’s fee for a three-member Administrative Panel, as set out in Supplemental Rules, Annex D. If the Complainant has indicated it wants a three-member Administrative Panel, then the Respondent does not have the option of choosing a single-member Administrative Panel].

 [If the Respondent designates a three-member Administrative Panel, or if the Complainant has designated a three-member Panel, please provide the names of three individuals **in order of preference**; the Center will invite those individuals to serve as 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 www.wipo.int/amc/en/domains/panel/panelists.jsp]

**VII. Other Legal Proceedings**

(Rules, Paragraph 5(c)(vi))

[8. ] [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**.]

#### VIII. Communications

#### (Rules, paras. 2(b), 5(c)(vii); 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.

#### IX. Payment

(Rules, Paragraph 5(d); Supplemental Rules, Annex D)

[11.] [If relevant, state: “In view of the Complainant’s designation of a single-member Panel and the Respondent’s designation of a three-member Panel, the Respondent hereby submits payment in the amount of USD [amount] by [method]”.]

*(*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/>)

(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.)

#### X. Certification

#### (Rules, Paragraph 5(c)(viii), Supplemental Rules, Paragraph 15)

[12.] The Respondent 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 ICANN for any act or omission in connection with the administrative proceeding.

[13.] The Respondent certifies that the information contained in this Response is to the best of the Respondent’s knowledge complete and accurate, that this Response is not being presented for any improper purpose, such as to harass, and that the assertions in this Response 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: \_\_\_\_\_\_\_\_\_\_\_\_\_\_

#### XI. List of Annexes

[(Rules, Paragraph 5(c), Supplemental Rules, Paragraph 12, Annex E)

[14.] 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 no more than 50MB (fifty megabytes).

[15.] In particular, Paragraph 12 and Annex E of the Supplemental Rules provides 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 UDRP 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 UDRP 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: [e.g., Respondent’s trademark or business registration]

Annex 2: [e.g., Respondent’ use or demonstrable preparations to use the domain name (e.g. website screenshots)]

Annex 3: [e.g., Parties’ prior correspondence]

Annex 4: [e.g., Evidence of domain name(s) use]

Annex 5: [e.g., Screenshot of domain name(s) website]

**[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].**