

## HONG KONG INTERNATIONAL ARBITRATION CENTRE

### Statement of Complaint Transmission Cover

This Complaint is made against you (the company) as defendant at the Hong Kong International Arbitration Centre ("HKIAC"), a domain name dispute resolution service provider authorized by China Internet Network Information Center ("CNNIC"), in accordance with the CNNIC ccTLD Dispute Resolution Policy (the "CNDRP") issued by CNNIC on 21 November 2014.

The CNDRP has been automatically incorporated as part of the domain name registration agreement between you (the company) and the domain name registrar. Pursuant to the CNDRP, should any third party ("Complainant") files with HKIAC any complaint in respect of a domain name registered under you (the company), you (the company) shall be obliged to take part in the administrative proceedings. The letter of complaint attached to this complaint transmission cover sheet contains the name of the Complainant, contact details and the domain name in dispute.

You (the company) are not required to make any response at this stage. After HKIAC has completed its preliminary examination of the statement of complaint filed by the Complainant and is satisfied it has complied with the formal requirements on statement of complaints under the CNDRP and CNDRP Rules and after payments the Complainant is required to make has been received, HKIAC will send/transmit to you (the company) a proceedings commencement notice and a copy of the confirmed statement of complaint. According to the requirements of the CNDRP Rules, you (the company) shall submit a response to the complaint of the Complainant within 20 days from the formal commencement of the proceedings. If required, you (the company) may appoint a lawyer to represent you in the proceedings.

You may view the CNDRP, CNDRP Rules and the Supplemental Rules and other information concerning domain name dispute resolution on HKIAC's website at [www.hkiac.org](http://www.hkiac.org). Should any question arise, you may also directly contact HKIAC for copies of the said materials.

By filing a complaint with HKIAC using this form of complaint, the Complainant confirms that it shall comply with and be bound by the relevant provisions under the CNDRP, CNDRP Rules and the Supplemental Rules.

# HONG KONG INTERNATIONAL ARBITRATION CENTRE

## COMPLAINT IN ACCORDANCE WITH THE CNNIC CCTLD DISPUTE RESOLUTION POLICY

Name of Complainant: \_\_\_\_\_

Address of Complainant: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Name of Respondent: \_\_\_\_\_

Address of Respondent: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Disputed domain name: \_\_\_\_\_

(full name of domain name under dispute)

**I. Introduction**

1. This complaint shall be decided in accordance with the provisions under the *CNNIC ccTLD Dispute Resolution Policy* ("CNDRP") issued by the China Internet Network Information Center ("CNNIC") and become effective on 21 November 2014 and the *CNNIC ccTLD Dispute Resolution Policy Rules* ("Rules of CNDRP") issued by the CNNIC and become effective on 21 November 2014 and the *HKLAC Supplemental Rules for CNDRP and Rules of CNDRP* ("Supplemental Rules"), issued by the Hong Kong International Arbitration Centre and become effective on 21 November 2014.

**II. Parties**

(I) Complainant

2. Complainant in these proceedings: \_\_\_\_\_  
(full name of the Company)

Place of registration: \_\_\_\_\_  
(specify place of registration)

Principal place of business: \_\_\_\_\_  
(specify principal place of business)

3. Contact details of the Complainant:

[Note: If the Complainant consists of more than one party, relevant information of each party should be provided in the space below, and the relationship between the parties and the reasons by which each party is jointly interested in the disputed domain name should also be specified.]

Address: \_\_\_\_\_ [specify mailing address]

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email address: \_\_\_\_\_

4. Authorized representative of the Complainant in the proceedings:

[Please specify the name of the authorized representative, if any, and the contact details of such representative, including correspondence address, telephone number, fax number and email address; if there is more than one authorized representative, please provide details of each of the representative.]

Name: \_\_\_\_\_

Address: \_\_\_\_\_ [specify mailing address]

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email address: \_\_\_\_\_

5. Preferred method of communication with the Complainant in these proceedings:

For electronic documents

Method: email

Address: \_\_\_\_\_ [specify email address]

Attention: \_\_\_\_\_ [specify name of contact person]

For physical written documents

Method: \_\_\_\_\_ [specify a method of  
communication: fax, courier]

Address: \_\_\_\_\_ [specify correspondence address]

Fax: \_\_\_\_\_ [specify fax number]

Attention: \_\_\_\_\_ [specify name of contact person]

(II) Respondent

6. According to \_\_\_\_\_ [state why the person or company referred to in the statement of complaint should be named the respondent in this case; for example: according to the record of the Whois database of the relevant domain name registration services organization, or its internal record], \_\_\_\_\_ [specify the respondent, including its full name, legal status, place of registration, principal place of business or domicile] is named Respondent in these proceedings. Copy of the information of the domain name in dispute from the whois database inspected on \_\_\_\_\_ [date] is appended in Attachment \_\_\_\_ [attachment number].

7. As far as the Complainant is aware, the contact details of the Respondent are as follows:

[Provide all contact details of the Respondent (correspondence address, fax number, email address), including addresses for communication purpose between the parties in dispute during the course of discussion before this complaint is filed, as well as addresses obtained from the whois database which provide enquiry services.]

[If there is more than one Respondent, contact details of each of the Respondent should be specified, and the reasons by which they are joined in this complaint should also be provided.]

Name of Respondent: \_\_\_\_\_ [full name]

Address: \_\_\_\_\_ [mailing address]

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email address: \_\_\_\_\_

### **III. Registrar**

8. The following domain name is the subject of dispute in this case:

\_\_\_\_\_ [specify disputed domain name]

9. The Registrar/Agency for the above-listed domain name:

[state name and contact details of the Registrar for the disputed domain name.]

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email address: \_\_\_\_\_

### **IV. Jurisdiction**

10. The dispute in this case is within the scope of jurisdiction of the CNDRP, and the panel has competent jurisdiction to decide on the disputed matter. The CNDRP have been incorporated into and become a part of the domain name registration agreement whereby the disputed domain name is registered. [Where possible, specify the time of registration of the domain name and state the original text by which the CNDRP are incorporated into the domain name registration agreement and made applicable for the domain name concerned.] A copy of the CNDRP which is applicable for the disputed domain name is appended in Attachment \_\_\_\_ hereto [attachment number].

11. Pursuant to the CNDRP, the Respondent is obliged to take part in these proceedings, because:

- (1) the disputed domain name is identical with or confusingly similar to the Complainant's name or mark in which the Complainant has civil rights and interests;
- (2) holder of the disputed domain name has no legitimate right or interest over the domain name or the major part of the domain name;
- (3) holder of the disputed domain name registers or uses the disputed domain name in bad faith.

### **V. Facts and Reasons**

12. This complaint is made on the following grounds:

[According to article 12 of the Procedure Rules, facts and reasons by which a complaint is filed should in particular include the following: (1) the disputed domain name is identical with or confusingly similar to the Complainant's name or mark in which the Complainant has civil rights and interests; (2) holder of the disputed domain name has no legitimate right or interest over the domain name or the major part of the domain name; (3) holder of the disputed domain name registers or uses the disputed domain name in bad faith.]

[In giving details in connection with item (3) above, special attention should be paid to conditions described in article 9 of the CNDRP, namely:

- the person concerned registers or acquires the domain name for the purpose of selling, renting or otherwise transferring the domain name to the complainant who is the owner of the name or mark or to a competitor of that complainant, and to obtain unjustified benefits;
- the person concerned has for a number of times registered the names or marks in which other persons have legitimate rights and interest as his own domain names with a purpose to prevent the owners of the names or marks from using such names and marks in which they have legitimate rights and interest on the Internet as their domain names;
- the person concerned registers or acquires the domain name for the purpose of damaging the Complainant's reputation, disrupting the Complainant's normal business operation or creating confusion between him and the Complainant to mislead the public;
- other conditions of bad faith.]

[Number of words in the "Facts and Reasons" section of the statement of complaint should not exceed the 3,000-word limit set out in article 13 of the Supplemental Rules.]

[Annexes should be submitted as numbered attachments. When referring to precedents or relevant commentaries, attention should be given to the completeness of such precedents or commentaries.]

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## **VI. Remedies**

13. In accordance with the CNDRP and on the basis of the reasons stated above, the expert panel on this case is requested to decide: the disputed domain name which is the subject matter of this case shall \_\_\_\_\_ [choose one of the following for each domain name: be transferred to the Complainant / be cancelled.]

## **VII. Expert panel**

14. The Complainant chooses to have the case considered and decided by a \_\_\_\_\_ [single-member panel / three-member panel].

[If a three-member panel is chosen to decide the dispute, the Complainant shall select three panelists in the order of the Complainant's preference from the list of panelist, and list out the names of the selected panelist. HKIAC shall choose from one of the three panelists selected by the Complainant to be one of the members of the panel in accordance with the provisions of the Rules of CNDRP.]

**VIII. Other judicial proceedings**

15. The Complainant shall give details on other judicial proceedings, if any, that have been commenced or concluded in respect of the disputed domain name.

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**IX. Payment of fees**

17. Fees required for these proceedings are RMB \_\_\_\_\_ [specify amount] and shall be paid by way of \_\_\_\_\_ [specify method of payment].

**X. Final confirmation**

18. The Complainant confirms that: the relevant complaint is made in compliance with the CNDRP, Rules of CNDRP and the Supplemental Rules and other relevant laws and regulations; to the best of my knowledge, information provided in the complaint is complete and accurate; the complaint as well as remedies claimed for are made against the holder of the registered domain name, and they shall not in any way affect the domain name dispute resolution service provider and the panelist of the panel, nor shall it affect in any way the domain name registry and registrar, the registration officer and the domain name agency.

Complainant:  
[state name of Complainant]

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[sign/seal]

Date: