

## HONG KONG INTERNATIONAL ARBITRATION CENTRE

### Statement of Complaint Transmission Cover

This Complaint is made against you (the company) as respondent at the Hong Kong International Arbitration Centre ("HKIAC"), an Internet Keyword dispute resolution service provider authorized by 北龙中网（北京）科技有限责任公司（KNET）, in accordance with the Internet Keyword Dispute Resolution Policy (the "Policy") issued by KNET on 29 August 2010.

The Policy has been automatically incorporated as part of the Internet Keyword registration agreement between you (the company) and the Internet Keyword registrar. Pursuant to the Policy, should any third party ("Complainant") files with HKIAC any complaint in respect of a Internet Keyword 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 Internet Keyword 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 Policy and HKIAC Rules for Internet Keyword Dispute Resolution Policy (the "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 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 Policy and the Rules and other information concerning Internet Keyword 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 Policy and the Rules.

**HONG KONG INTERNATIONAL ARBITRATION CENTRE**

**COMPLAINT IN ACCORDANCE WITH THE  
INTERNET KEYWORD DISPUTE RESOLUTION POLICY**

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Disputed Internet Keyword: \_\_\_\_\_

(full name of Internet Keyword under dispute)

**I. Introduction**

1. This complaint shall be decided in accordance with the provisions under the *Internet Keyword Dispute Resolution Policy* ("the Policy") and the *HKLAC Rules for Internet Keyword Dispute Resolution Policy* ("the Rules") issued by the Hong Kong International Arbitration Centre ("HKIAC") dated on 22 July 2015.

**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 Internet Keyword 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 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 Internet Keyword 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 Internet Keyword is the subject of dispute in this case:

\_\_\_\_\_ [specify disputed Internet Keyword]

9. The Registrar/Agency for the above-listed Internet Keyword:

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

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

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

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

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

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

### **IV. Jurisdiction**

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

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

- (1) the complainant holds legal rights or interests protected by Chinese laws;
- (2) the disputed keyword is identical with or similar to a name that the complainant holds the legal rights or interests;
- (3) holder of the disputed keyword has no legal rights or interests in respect of the keyword or major part thereof;
- (4) holder of the disputed keyword has registered or used the keyword in bad faith.

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

12. This complaint is made on the following grounds:

[According to article 12 of the Rules, facts and reasons by which a complaint is filed should in particular include the following: (1) the complainant holds legal rights or interests protected by Chinese laws; (2) the disputed keyword is identical with or similar to a name that the complainant holds the legal rights or interests; (3) holder of the disputed keyword has no legal rights or interests in respect of the keyword or major part thereof; (4) holder of the disputed keyword has registered or used the keyword in bad faith.]

[In giving details in connection with item (4) above, special attention should be paid to conditions described in article 6 of the Policy, namely:

- the person concerned registers or acquires the keyword is to sell, rent or otherwise transfer the keyword registration 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 registers the keyword in order to prevent a third party from reflecting a name that the third party holds legal rights or interests in a corresponding keyword, provided that the registrant has engaged in a pattern of such conduct;
- the person concerned registers or acquires the keyword primarily for the purpose of damaging the reputation of the complainant, disrupting the normal business of the complainant, or creating confusion with the complainant so as to mislead the public.
- other circumstances which may prove the 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 3 of the 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 Policy and on the basis of the reasons stated above, the expert panel on this case is requested to decide: the disputed Internet Keyword which is the subject matter of this case shall \_\_\_\_\_ [choose one of the following for each Internet Keyword: 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.]

**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 Internet Keyword.

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**IX. Service of documents**

16. Copies of this statement of complaint together with the complaint transmission cover is sent or transmitted to the Respondent on \_\_\_\_\_ by means of \_\_\_\_\_ [specify the method of service and contact details used in accordance with the provisions under the Rules].

17. Copies of this statement of complaint are sent or transmitted to HKIAC (keyword@hkiac.org) or corresponding Internet Keyword registrar and/or agency by means of \_\_\_\_\_ [specify the method of service and contact details used].

**X. Payment of fees**

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

**XI. Final confirmation**

19. The Complainant confirms that: the relevant complaint is made in compliance with the Policy, the 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 Internet Keyword, and they shall not in any way affect the Internet Keyword dispute resolution service provider and the panelist of the panel, nor shall it affect in any way the Internet Keyword registry and registrar, the registration officer and the Internet Keyword agency.

Complainant:  
[state name of Complainant]

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[sign/seal]

Date: