

**HONG KONG INTERNATIONAL ARBITRATION CENTER**

**Statement of Response In accordance with the  
WIRELESS KEYWORD Dispute Resolution Policy**

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Case number: \_\_\_\_\_

[state HKIAC case number]

Disputed Wireless Keyword: \_\_\_\_\_

[full name of Wireless Keyword under dispute]

## Statement of Response

1. The Respondent has received on \_\_\_\_\_ [specify the date on which the Respondent receives the complaint notice issued by HKIAC] by means of \_\_\_\_\_ [email, fax, post, courier] a proceedings commencement notice issued by HKIAC, whereby notice is formally given to the Respondent that the Complainant has made a complaint at HKIAC in accordance with the provisions under the *Wireless Keyword Dispute Resolution Policy* ("the Policy") and the *HKIAC Rules for Wireless Keyword Dispute Resolution Policy* ("the Rules") issued by the Hong Kong Arbitration Centre("HKIAC") and became effective on 22 July 2015, and HKIAC has accepted the complaint and commenced with the proceedings of the case.

HKIAC provides that \_\_\_\_\_ [specify date by which Respondent has to submit statement of response as set out in the proceedings commencement notice] is the final date by which the Respondent should file its statement of response.

2. The Respondent hereby states its response against the complaint and claims of the Complainant in its statement of complaint and the panel is requested to reject the relevant claims of the Complainant.

### I. Contact details of the Respondent

3. Contact details of the Respondent are as follows:

[If the Respondent consists of more than one party, relevant information of each party should be provided.]

Name: \_\_\_\_\_ [state full name]

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

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

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

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

4. Contact details of the authorized representative of the Respondent in the proceedings:

[If Respondent has appointed any authorized representative, please specify name of authorized representative, and 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 representatives.]

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

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

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

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

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

5. Preferred method of communication with the Respondent 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. Response against claims of the complainant

[According to article 16 of the Rules, the Respondent shall file a statement of response in respect of the complaints and claims of the Complainant, and state the basis and concrete reasons on which the Respondent should continue to own and use the disputed Wireless Keyword. The Respondent shall make representation in respect of the following and provide evidence to support the same:

- whether the disputed Wireless Keyword is within the scope of jurisdiction under the Policy;
- in accordance with article 5 of the Policy, complaints filed by the Complainant shall be admitted on the condition that the following requirements are satisfied: (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. The Complainant is obliged to provide evidence to prove the above, and the Respondent may state its response in relation to matters for which the Complainant has provided evidences. Respondent may specifically state its response in relation to the following:
  - objection to the name or mark in which the Complainant holds legal rights or interests protected by Chinese laws;
  - response and challenge the claim of the Complainant that the Wireless Keyword of the Respondent is identical with or similar to a name that the complainant holds the legal rights or interests;
  - response and challenge the claim of the Complainant that the Respondent has no legal rights or interests over the Wireless Keyword or the major part of the Wireless Keyword. The Respondent should provide evidence to prove that it has legitimate rights and interest over the disputed Wireless Keyword;

- response and challenge the claim of the Complainant that the Respondent registers or uses the disputed Wireless Keyword in bad faith;
- Article 6 of the Policy set out situations under which the registration and use of an Wireless Keyword is in bad faith. The Respondent may state its response and explanation against claims of the Complainant made in relation to such situations:
  - registration or acquisition of the keyword by the Respondent is not 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;
  - registration of the Wireless Keyword by the Respondent is not 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;
  - registration or acquisition of the Wireless Keyword by the Respondent is not 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.
  - registration or acquisition of the Wireless Keyword by the Respondent is not other kinds of act in bad faith;
- Number of words in this section of the statement of response should not exceed the 3,000-word limit set out in article 3 of the Rules;
- Evidences 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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### **III. Expert panel**

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

[If the Respondent has not filed any statement of response or, if a statement of response is filed, but has not specified how it will select the panelist, HKIAC shall select the panel according to the following method: if the Complainant select a single person panel, HKIAC shall appoint one panelist from its list of panelists; if a three-member panel is chosen by the Complainant, HKIAC shall where

possible appoint one panelist from the list of three selected by the Complainant and appoint the second and presiding panelists from its list of panelists.]

[If the Respondent decides to have a three-member panel, the Respondent shall select three panelists from the list of panelists, and list out the names of the selected panelists. HKIAC shall choose from one of the three panelists selected by the Respondent to be one of the members of the expert panel in accordance with the provisions of the Rules.]

**IV. Other judicial proceedings**

9. The Respondent shall give details on other judicial proceedings, if any, that have been commenced or concluded in respect of the disputed Wireless Keyword(s) and give a summary of the major issues of the case.

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**V. Service of documents**

10. Copies of this statement of response are sent or transmitted to the Complainant on \_\_\_\_\_ by means of \_\_\_\_\_ [specify the method of service]. The following correspondence address has been used by the Respondent in sending the statement of response \_\_\_\_\_ [specify contact details given by Complainant in the statement of complaint].

Other information:

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**VI. Final confirmation**

11. The Respondent confirms that: the relevant response 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 statement of response is complete and accurate; the response and claims are made against the complainant, and they shall not in any way affect the Wireless Keyword dispute resolution service provider and the panelist of the panel, nor shall it affect in any way the Wireless Keyword registry and registrar, the registration officer and the Wireless Keyword registration agency.

Respondent:  
[state name of Respondent]

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[sign/seal]

Date: