

**Canadian International Internet Dispute Resolution Centre**

**COMPLAINT**

**IN THE MATTER OF A COMPLAINT PURSUANT TO**

**THE UNIFORM DOMAIN NAME DISPUTE RESOLUTION POLICY (the “Policy”)**

**THE RULES FOR UNIFORM DOMAIN NAME DISPUTE RESOLUTION POLICY**

**(the “UDRP Rules”)**

**TO:**

***Name of Respondent (domain name holder)***

*at its address for service*

*If the name of the Respondent is unknown, state – REDACTED FOR PRIVACY*

**AND TO:**

Canadian International Internet Dispute Resolution Centre (CIIDRC)

500 – 666 Burrard Street

Vancouver, BC, Canada V6C 3P6

Phone: 604-684-2821

Email: [resolution@ciidrc.org](mailto:resolution@ciidrc.org)

This Complaint is submitted for decision in accordance with the Uniform Domain Name Dispute Resolution Policy (the “Policy”), adopted by the Internet Corporation for Assigned Names and Numbers (ICANN) on August 26, 1999 and approved by ICANN on October 24, 1999, the Rules for Uniform Domain Name Dispute Resolution Policy (the “UDRP Rules”), approved by ICANN on September 28, 2013, and in effect as of July 31, 2015, and the Canadian International Internet Dispute Resolution Centre (the “Centre” or the “CIIDRC” or the “Provider”) Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”) in effect as of May 9, 2018.

**TAKE NOTICE that** *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_* (the “Complainant”) seeks resolution of a dispute which has arisen between the Complainant and the Respondent concerning the registration of domain name(s).

**DISPUTED DOMAIN NAME(S)**

The following domain name(s) is/are the subject of this Complaint:

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

UDRP Rule 3(b)(vi):Precisely identify the disputed domain name(s) and indicate the date(s) of domain name registration. The following domain name(s) is/are the subject of this Complaint:

**PARTIES TO THE DISPUTE**

**COMPLAINANT:**

UDRP Rule 3(b)(ii):

Name of Contact Person:

Address:

Telephone:

E-Mail(s):

If there is more than one Complainant, provide the above information for each. In additions, you are required to provide arguments and evidence to support the consolidation of multiple Complainants in a single complaint.

**COMPLAINANT AUTHORIZED REPRESENTATIVE, if any:**

Name:

Name of Contact Person:

Address:

Telephone:

E-Mail(s):

**RESPONDENT:**

According to the ICANN *Whois database*, the Respondent in this administrative proceeding is *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*, who is registered as the holder of the domain name in issue and who registered this domain name on \_\_\_\_\_\_\_\_\_\_\_\_\_.

*The Respondent, \_\_\_\_\_\_\_\_\_\_\_\_\_,* is recorded in this database as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ A copy of the database search conducted on *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_* are attached as Annex *1.*

UDRP Rule 3(b)(v). All information known to the Complainant regarding how to contact the Respondent is as follows:

Full Name of the Respondent:

Name of Contact Person:

Address:

Telephone:

E-Mail(s):

**RESPONDENT AUTHORIZED REPRESENTATIVE, if known:**

Name of Contact Person:

Address:

Telephone:

E-Mail(s):

**REGISTRAR Information:**

UDRP Rule 3(b)(vii): Provide the name and full contact details of the Registrar(s) with which the domain name(s) is/are registered.

Registrar’s Name:

Address:

Telephone Number:

E-Mail Address:

**ADMINISTRATVE PANEL:**

The Complainant elects to have the dispute decided by a

\_\_\_\_\_\_\_single‑member Administrative Panel, *or*

\_\_\_\_\_\_\_three-member Administrative Panel

Indicate the Complainant’s choice of the Administrative Panel by placing an “X” in the relevant box above.

UDRP Rule 3(b)(iv)*: If Complainant elects to have this dispute heard before a three-member Panel, provide the names and contact details of three candidates from any ICANN-approved Provider’s list of panelists to serve as one of the panelists.*

**LANGUAGE OF PROCEEDING:**

UDRP Rule 11:*Unless otherwise agreed by the Parties, or specified otherwise in the Registration Agreement, the language of the administrative proceeding shall be the Language of the Registration Agreement, subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding.*

A Complainant may submit a complaint in a language different to the Registration Agreement where this Complainant requests that the language of proceedings be the same as that of the complaint and provides brief supporting evidence, including such documentation as 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 the Respondent’s familiarity with the requested language.

The Complaint has been submitted in the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_language.

**JURISDICTIONAL BASIS FOR THE ADMINISTRATIVE PROCEEDING**

This dispute is properly within the scope of the Policy and the Administrative Panel has jurisdiction to decide the dispute. The registration agreement, pursuant to which the domain name(s) that is/are the subject of this Complaint is/are registered, incorporates the Policy.

*If relevant, indicate when the domain name(s) was/were registered and specify the provision of the registration agreement that makes the Policy applicable to the domain names(s).*

A true and correct copy of the domain name dispute policy that applies to the domain name(s) in question is provided as Annex *[Annex number]* to this Complaint and can be found at *[insert URL]*.

**FACTUAL AND LEGAL GROUNDS**

*In a few paragraphs, describe your business and its history. Elaborate on how the disputed domain name has impacted your business.*

In completing this Section, do not exceed the 5,000-word limit. Relevant documentation in support of the Complaint should be submitted as Annexes, with a schedule indexing such Annexes.

UDRP Rule 3(b)(ix): This Complaint is based on the following factual and legal grounds:

1. **the Domain Name(s) is/are identical or Confusingly Similar to a trademark or service mark in which the Complainant has rights**

Describe goods or services with which you intend, at the time the Complaint is submitted, to use the mark in the future. If applicable, attach copies of the registration certificates for the relevant marks.

* 1. Trademark/Service Mark Information:

UDRP Rule 3(b)(viii): *Specify the trademark(s) or service mark(s) on which the Complaint is based and, for each mark, describe the goods or services if any, with which the mark is used (Complainant may also separately describe other goods and services with which it intends, at the time the complaint is submitted, to use the mark in the future.) Please refer to the definition of Complainant in the UDRP Rules and Supplemental Rules if you intend to list more than one Complainant, regarding whose trademark information to include.*

1. **the Respondent has no rights or legitimate interests in respect of the domain name(s) that is/are the subject of the Complaint**

Elaborate on the following:

Whether before any notice to the Respondent of the dispute, there is any 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.

Whether the Respondent (as an individual, business, or other organization) has been commonly known by the domain name, even if the Respondent has acquired no trademark or service mark rights.

Whether 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 or service mark at issue.

1. **the domain name(s) has been registered and being used in bad faith**

Provide the following information:

*Circumstances indicating that the domain name(s) was/were registered or acquired primarily for the purpose of selling, renting, or otherwise transferring the domain name registration(s) to the owner of the trademark or service mark (normally the Complainant) or to a competitor of that Complainant, for valuable consideration in excess of the Respondent’s out-of-pocket costs directly related to the domain name(s); or*

*Whether the domain name(s) was/were registered in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the Respondent has engaged in a pattern of such conduct; or*

*Whether the domain name(s) was/were registered primarily for the purpose of disrupting the business of a competitor; or*

*Whether by using the domain name(s), the Respondent intentionally attempted 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.*

***Note:* All three elements of the Policy must be alleged and proved by the Complainant Paragraph 4(a) of the Policy.**

**REMEDY SOUGHT**

The Complainant respectfully submits that the registration and use of the Domain Names falls squarely within the scope of the Policy, and under the circumstances requests that the Panel issue a decision that the domain-name registration be:

**Transferred**

**Cancelled**

***Note****: if Complainant prevails, transferring gives Complainant control of the domain name. Cancellation simply takes it from Respondent. Anyone can re-register a cancelled domain name.*

**OTHER LEGAL PROCEEDINGS (if any)**

*UDRP Rule* 3(b)(xi):*Identify any other legal proceedings that have been commenced or terminated in connection with or relating to any of the domain name(s) that are the subject of the Complaint.*

**MUTUAL JURISDICTION**

*UDRP Rule* 3(b)(xii) of the UDRP Rules: *The Complainant will submit, with respect to any challenges to a decision in the administrative proceeding canceling or transferring the domain name, to the following jurisdiction:*

Choose **one** jurisdiction.

*\_\_\_\_\_a) the location of the principal office of the concerned Registrar,*

*\_\_\_\_\_b) where the Respondent is located, as shown by the address(es) given for the domain name holder in the Whois Database at the time of the submission of the Complaint, or*

*\_\_\_\_c) the location of the principal office of the concerned registrar AND the domain name holder’s address, as shown for the registration of the domain name(s) in the concerned registrar’s Whois database at the time of the submission of the Complaint to CIIDRC.*

**COMMENCEMENT FEE**

The commencement fee in the amount of $425.00 USD pursuant to Schedule B of the Supplemental Rules is attached with the copy of this Complaint and delivered to the Centre.

**List of Annexes:**

*UDRP Rule* 3(b)(xiv): *Annex any documentary or other evidence, including a copy of the Policy applicable to the domain name(s) in dispute and any trademark or service mark registration upon which the Complaint relies, together with a schedule indexing such evidence.*

***Note:*** A complete list of Annexes with all Annexes and their corresponding filenames clearly labeled and sequentially numbered must be provided by the Complainant*.*

**CERTIFICATION**

Complainant agrees that its claims and remedies concerning the registration of the domain name, the dispute, or the dispute’s resolution shall be solely against the domain-name holder and waives all such claims and remedies against (a) the Centre and Panelists, (b) the Registrar, (c) the Case Administrator, and (d) the ICANN, as well as their respective directors, officers, employees, and agents except in the case of deliberate wrongdoing.

Complainant certifies that the information contained in this Complaint is to the best of Complainant's knowledge complete and accurate, that this Complaint is not being presented for any improper purpose, such as to harass, and that the assertions in this Complaint are warranted under applicable law, as it now exists or as it may be extended by a good-faith and reasonable argument.

Respectfully Submitted,

*Signature\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

*Name\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

*Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

The Complaint and Annexes shall be submitted electronically, in accordance with the electronic submission requirements listed in the Supplemental Rules, to **resolution@ciidrc.org.**

***Please remove all text boxes before filing a Complaint***

***as they are only intended to assist you with your Complaint.***