

*[Name & Address of* )

*Complainant]*  )

)

**(Complainant)** )

)

v. ) **Domain Names In Dispute:**

)  *[list names]*

*[Name and Address of* )

*Respondent]*  )

)

**(Respondent)** )

)

# COMPLAINT IN ACCORDANCE WITH

**THE .us TLD DISPUTE RESOLUTION POLICY**

[1.] This Complaint is hereby submitted for decision in accordance with the Dispute Resolution Policy (“ Policy”), approved by the U.S. Department of Commerce (“DOC”) having an effective date of May 1, 2014, the Rules for the Dispute Resolution Policy (“ Rules”) as adopted by the DOC, and the Forum’s Supplemental Rules (“Supplemental Rules”). Rule 3(c)(i).

[2.] **COMPLAINANT INFORMATION**

[a.] Name: *[enter full name of Complainant]*

[b.] Address: *[enter mailing address]*

[c.] Telephone: *[enter telephone number]*

[d.] Fax: *[enter facsimile number]*

[e.] E-Mail: *[enter e-mail address]*

[Provide the same information for Complainant’s authorized representative in the administrative proceeding.] Rule 3(c)(ii).

The Complainant’s preferred method for communications directed to the Complainant in the administrative proceeding: Rule 3(c)(iii).

**Electronic-Only Material**

[a.] Address: *[enter one email address only]*

[b.] Contact: *[enter name of one contact person]*

**Material Including Hard Copy (if any)**

[a.] Method: *[i.e. fax, post]*

[b.] Address/Fax: *[enter one address or fax number only]*

[c.] Contact: *[enter name of one contact person]*

The Complainant chooses to have this dispute heard before a *[enter one: a] single-member administrative panel; b] three-member administrative panel].*  Rule 3(c)(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.] Rule 3(c)(iv).

[3.] **RESPONDENT INFORMATION**

[a.] Name:  *[enter full name of Respondent – should be same as “Registrant”]*

[b.] Address: *[enter mailing address]*

[c.] Telephone: *[enter telephone number]*

[d.] Fax: *[enter facsimile number]*

[e.] E-Mail: *[enter e-mail address]*

[Provide the same information for Respondent’s authorized representative in the administrative proceeding, if known.] Rule 3(c)(v).

[4.] **DISPUTED DOMAIN NAME(S)**

[a.] The following domain name(s) is/are the subject of this Complaint: Rule 3(c)(vi).

*[enter the disputed domain name(s) here without the “www.”]*

[b.] Registrar Information: Rule 3(c)(vii).

[i.] Registrar’s Name: *[enter the Registrar(s) with whom the domain name(s) is/are registered.]*

[ii.] Registrar Address: *[enter Registrar’s address]*

[iii.] Telephone Number: *[enter Registrar’s phone number]*

[iv.] E-Mail Address: *[enter Registrar’s e-mail address]*

[c.] Trademark/Service Mark Information: Rule 3(c)(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.)]

[5.] **FACTUAL AND LEGAL GROUNDS**

This Complaint is based on the following factual and legal grounds: Rule 3(c)(ix). *The analysis in this section may require more space than provided, but the entire Complaint shall not exceed fifteen (15) pages. Supplemental Rule 4(a).*

[a.] *[Specify in the space below the manner in which the domain name(s) is/are identical or confusingly similar to a trademark or service mark in which the Complainant has rights.]* Rule 3(c)(ix)(1); Policy ¶ 4(a)(i).

[b.] *[Specify in the space below why the Respondent (domain-name holder) should be considered as having no rights or legitimate interests in respect of the domain name(s) that is/are the subject of the complaint.]*  Rule 3(c)(ix)(2); Policy ¶ 4(a)(ii).

[The Panel may consider any relevant aspects included in, but not limited to Policy ¶ 4(c):

(i.) Whether, before any notice to the Respondent of the dispute, Respondent’s use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name is in connection with a bona fide offering of goods or services; or

(ii.) Whether Respondent (as an individual, business, or other organization) has been commonly known by the domain name, even if Respondent has not acquired trademark or service mark rights; or

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

[c.] *[Specify in the space below why the domain name(s) should be considered as having been registered or used in bad faith.]* Rule 3(c)(ix)(3); Policy ¶ 4(a)(iii).

[The Panel may consider any relevant aspects included in, but not limited to Policy ¶ 4(b):

1. Whether there are circumstances indicating that Respondent has registered or has acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of Respondent’s documented out-of-pocket costs directly related to the domain name; or

1. Whether Respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name; or
2. Whether Respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
3. Whether by using the domain name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to 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 Respondent’s web site or location or of a product or service on Respondent’s web site or location.]

[6.] **REMEDY SOUGHT**

The Complainant requests that the Panel issue a decision that the domain-name registration be [“transferred” or “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.] Rule 3(c)(x); Policy ¶ 4(i).

[7.] **OTHER LEGAL PROCEEDINGS**

[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.] Rule 3(c)(xi).

[8.] **MUTUAL JURISDICTION**

The Complainant designates [choose one jurisdiction: (a) the location of the principal office of the registrar where the domain name was registered, provided it is located in the United States; or (b) the location of the domain name holder’s address as shown for the registration of the domain name in the concerned registrar’s Whois database at the time the complaint was submitted to the Forum, provided it is located in the United States; or (c) the Commonwealth of Virginia if neither the registrar nor domain name holder are located within the United States]as the Mutual Jurisdiction, for the purposes of challenges to a decision in the administrative proceeding to cancel or transfer the domain name. Rules 1 & 3(c)(xiii).

[9.] **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 Forum and panelists, except in the case of deliberate wrongdoing, (b) the registrar, (c) the registry administrator, and (d) the Department of Commerce, as well as their directors, officers, employees, and agents.

Complainant certifies that the information contained in this Complaint is to the best of Complaint'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 these Rules and under applicable law, as it now exists or as it may be extended by a good-faith and reasonable argument. Rule 3(c)(xiv)

Respectfully Submitted,

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

[Signature]

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

[Name]

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

[Date]

[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.] Rule 3(c)(xv).