

HONG KONG INTERNATIONAL ARBITRATION CENTER

Statement of Response

Name of Complainant: _____

Address of Complainant: _____

Name of Respondent: _____

Address of Respondent: _____

Case number: _____

[state HKIAC case number]

Disputed domain name: _____

[full name of domain name 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 **pwTLD Dispute Resolution Policy (the “Policy”)** and the **Rules for the pwTLD Dispute Resolution Policy (the “Rules”)** issued by the PW Registry Corporation (“REGISTRY”) and became effective on 1 August 2004, and the Hong Kong International Arbitration Centre Supplemental Rules to the PW TLD Dispute Resolution Policy, issued by HKIAC and became effective on 1 August 2004, 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 complaint

[According to article 5 of the Rules for the pwTLD Dispute Resolution Policy (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 domain name. The Respondent shall make representation in respect of the following and provide evidence to support the same:

- whether the disputed domain name is within the scope of jurisdiction under the pwTLD Dispute Resolution Policy (the “Policy”).
- in accordance with article 4 of the Policy, complaints filed by the Complainant shall be admitted on the condition that the following requirements are satisfied: (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 registers or uses the disputed domain name in bad faith; (3) holder of the disputed domain name has no legitimate right or interest over the domain name or the major part of the domain name. 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 has civil rights and interests;
 - response and challenge the claim of the Complainant that the domain name of the Respondent is identical with or confusingly similar to the name or mark in which the Complainant has civil rights and interests;
 - response and challenge the claim of the Complainant that the Respondent has no legitimate right or interest over the domain name or the major part of the domain

- name. The Respondent should provide evidence to prove that it has legitimate rights and interest over the disputed domain name;
- response and challenge the claim of the Complainant that the Respondent registers or uses the disputed domain name in bad faith;
- Article 4. (b) of Policy set out situations under which the registration and use of a domain name is in bad faith. The Complainant may state its response and explanation against claims of the Complainant made in relation to such situations:
 - i. Circumstances indicating that you have registered the domain name in bad faith:
 - 1. You have registered or you have acquired the domain name for the purpose of selling, renting, or otherwise transferring the domain name registration to the Complainant who is the owner of a coined trademark, service mark, tradename or business name or to a competitor of that Complainant, for valuable consideration in substantial excess of your documented out-of-pocket costs directly related to the domain name; or
 - 2. You have registered the domain name primarily for the purpose of disrupting the business of a competitor or public or professional activities of another person.
 - ii. Circumstances indicating that you have used the domain name in bad faith:
 - 1. By using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other on- line location, by creating a likelihood of confusion with the Complainant’s name as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site or location.
 - iii. The following circumstances are not in themselves evidence that the domain name has been registered or is being used in bad faith:
 - 1. Failure on your part to activate a domain name; and
 - 2. Failure to respond on your part does not relieve the Complainant of the burden of proving all the required elements of the complaint.
- Number of words in this section of the statement of response should not exceed the 3,000-word limit set out in article 13 of the Supplemental 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.

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 chief 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 domain name and give a summary of the major issues of the case.

V. Service of documents

10. Copies of this statement of response are sent or transmitted to the Respondent 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:

VI. Final confirmation

11. The Respondent confirms that: the relevant response is made in compliance with the Policy, the Rules and the Supplemental 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 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 registration agency.

Respondent:
[state name of Respondent]

[sign/seal]

Date: