

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 *CNNIC Domain Name Dispute Resolution Policy* ("CNDRP") issued by the China Internet Network Information Center ("CNNIC") and become effective on 17 March 2006, the *Rules for CNNIC Domain Name Dispute Resolution Policy* ("Rules of CNDRP") issued by the CNNIC and become effective on 8 October 2007, and the *Hong Kong International Arbitration Centre Supplemental Rules for CNDRP and Rules of CNDRP* ("Supplemental Rules") issued by HKIAC and become effective on 8 October 2007 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 18 of the Rules of CNDRP, 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 CNDRP;
- in accordance with article 8 of the CNDRP, 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 has no legitimate right or interest over the domain name or the major part of the domain name; (3) holder of the disputed domain name registers or uses the disputed domain name 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 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 9 of the CNDRP 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:
- registration and acquisition of the domain name by the Respondent is not for the purpose of selling, renting or otherwise transferring the domain name 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 Respondent has not for a number of times registered the names or marks in which other persons have legitimate rights and interest as his own domain names with a purpose to prevent the owners of the names or marks from using such names and marks in which they have legitimate rights and interest on the Internet as their domain names;
 - registration and acquisition of the domain name by the Respondent is not for the purpose of damaging the Complainant's reputation, disrupting the Complainant's normal business operation or creating confusion between him and the Complainant to mislead the public;
 - registration and use of the domain name 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 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 of CNDRP.]

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. Final confirmation

10. The Respondent confirms that: the relevant response is made in compliance with the *CNDRP, Rules of CNDRP 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: