

**HONG KONG INTERNATIONAL ARBITRATION CENTER**

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

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

[state HKIAC case number]

Disputed Internet keyword: \_\_\_\_\_

[full name of Internet 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 *CNNIC Internet Keyword Dispute Resolution Policy* ("the Policy") and the *HKIAC Rules for CNNIC Internet Keyword Dispute Resolution Policy* ("the Rules") issued by the Hong Kong Arbitration Centre("HKIAC") and became effective on 11 April 2005, 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 18 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 Internet keyword. The Respondent shall make representation in respect of the following and provide evidence to support the same:

- whether the disputed Internet keyword is within the scope of jurisdiction under 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 complainant enjoys the right or legitimate interest protected by Chinese laws; (2) the disputed Internet keyword is identical with or confusingly similar to the Complainant's name or mark in which the Complainant has civil rights and interests; (3) holder of the disputed keyword has no legitimate right or interest over the keyword or the major part of the Internet keyword; (4) holder of the disputed Internet keyword registers or uses the disputed 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 has civil rights and interests;
  - response and challenge the claim of the Complainant that the Internet keyword 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 Internet keyword or the major part of the

- Internet keyword. The Respondent should provide evidence to prove that it has legitimate rights and interest over the disputed Internet keyword;
- response and challenge the claim of the Complainant that the Respondent registers or uses the disputed Internet keyword in bad faith;
- Article 5 of the Policy set out situations under which the registration and use of an Internet 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 and acquisition of the keyword by the Respondent is not for the purpose of selling, renting or otherwise transferring the keyword 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 Internet keyword 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 keywords;
  - registration and acquisition of the Internet keyword 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 Internet 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 Internet 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 Internet keyword dispute resolution service provider and the panelist of the panel, nor shall it affect in any way the Internet keyword registry and registrar, the registration officer and the Internet keyword registration agency.

Respondent:  
[state name of Respondent]

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[sign/seal]

Date: