HONG KONG INTERNATIONAL ARBITRATION CENTRE

Statement of Complaint Transmission Cover

This Complaint is made against you (the company) as defendant at the Hong Kong International Arbitration Centre ("HKIAC"), a domain name dispute resolution service provider authorized by dotPH ("REGISTRY"), in accordance with the dotPH Uniform Domain Name Dispute Resolution Policy ("the Policy") issued by dotPH on 1 October 2004.

The dotPH Uniform Domain Name Dispute Resolution Policy has been automatically incorporated as part of the domain name registration agreement between you (the company) and the domain name registrar. Pursuant to the Policy, should any third party ("Complainant") files with HKIAC any complaint in respect of a domain name registered under you (the company), you (the company) shall be obliged to take part in the administrative proceedings. The letter of complaint attached to this complaint transmission cover sheet contains the name of the Complainant, contact details and the domain name in dispute.

You (the company) are not required to make any response at this stage. After HKIAC has completed its preliminary examination of the statement of complaint filed by the Complainant and is satisfied it has complied with the formal requirements on statement of complaints under the dotPH Uniform Domain Name Dispute Resolution Policy ("the Policy") and dotPH Uniform Domain Name Dispute Resolution Implementation Rules ("the Rules") and after payments the Complainant is required to make has been received, HKIAC will send/transmit to you (the company) a proceedings commencement notice and a copy of the confirmed statement of complaint. According to the requirements of the Rules, you (the company) shall submit a response to the complaint of the Complainant within 20 days from the formal commencement of the proceedings. If required, you (the company) may appoint a lawyer to represent you in the proceedings.

You may view the dotPH Uniform Domain Name Dispute Resolution Policy, dotPH Uniform Domain Name Dispute Resolution Implementation Rules and the Hong Kong International Arbitration Centre Supplemental Rules to the dotPH Uniform Domain Name Dispute Resolution Policy and the dotPH Uniform Domain Name Dispute Resolution Implementation Rules ("the Supplemental Rules") and other information concerning domain name dispute resolution on HKIAC’s website at www.hkiac.org. Should any question arise, you may also directly contact HKIAC for copies of the said materials.

By filing a complaint with HKIAC using this form of complaint, the Complainant confirms that it shall comply with and be bound by the relevant provisions under the Policy, the Rules and the HKIAC Supplemental Rules.
**HONG KONG INTERNATIONAL ARBITRATION CENTRE**

**COMPLAINT IN ACCORDANCE WITH THE**

dotPH Uniform Domain Name Dispute Resolution Policy

Name of Complainant: ___________________________________

Address of Complainant:
___________________________________
___________________________________
___________________________________
___________________________________

Name of Respondent: ___________________________________

Address of Respondent:
___________________________________
___________________________________
___________________________________
___________________________________

Disputed domain name: ________________________________

(full name of domain name under dispute)
I. Introduction

1. This complaint shall be decided in accordance with the provisions under the *dotPH Uniform Domain Name Dispute Resolution Policy* ("the Policy") and the *dotPH Uniform Domain Name Dispute Resolution Implementation Rules* ("the Rules") issued by the dotPH, and *HKIAC Supplemental Rules to the dotPH Uniform Domain Name Dispute Resolution Policy and the dotPH Uniform Domain Name Dispute Resolution Implementation Rules* ("the Supplemental Rules"), issued by the Hong Kong International Arbitration Centre and became effective on 1 October 2004.

II. Parties

(I) Complainant

2. Complainant in these proceedings: ___________________________________
   (full name of the Company)

   Place of registration: ___________________________________
   (specify place of registration)

   Principal place of business: ___________________________________
   (specify principal place of business)

3. Contact details of the Complainant:

   [Note: If the Complainant consists of more than one party, relevant information of each party should be provided in the space below, and the relationship between the parties and the reasons by which each party is jointly interested in the disputed domain name should also be specified.]

   Address: ___________________________________
   [specify mailing address]

   Telephone: ___________________________________

   Fax: ___________________________________

   Email address: ___________________________________

4. Authorized representative of the Complainant in the proceedings:

   [Please specify the name of the authorized representative, if any, and the 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 representative.]

   Name: ___________________________________

   Address: ___________________________________
   [specify mailing address]

   Telephone: ___________________________________

   Fax: ___________________________________
5. Preferred method of communication with the Complainant 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) Respondent

6. According to __________________________________ [state why the person or company referred to in the statement of complaint should be named the respondent in this case; for example: according to the record of the Whois database of the relevant domain name registration services organization, or its internal record], __________________________________ [specify the respondent, including its full name, legal status, place of registration, principal place of business or domicile] is named Respondent in these proceedings. Copy of the information of the domain name in dispute from the whois database inspected on _______ [date] is appended in Attachment ____ [attachment number].

7. As far as the Complainant is aware, the contact details of the Respondent are as follows:

[Provide all contact details of the Respondent (correspondence address, fax number, email address), including addresses for communication purpose between the parties in dispute during the course of discussion before this complaint is filed, as well as addresses obtained from the whois database which provide enquiry services.]

[If there is more than one Respondent, contact details of each of the Respondent should be specified, and the reasons by which they are joined in this complaint should also be provided.]
Fax:
_________________________________

Email address:
_________________________________

III. Registrar

8. The following domain name is the subject of dispute in this case:

___________________________________ [specify disputed domain name]

9. The Registrar/Agency for the above-listed domain name:

[state name and contact details of the Registrar for the disputed domain name.]

Name:
_________________________________

Address:
_________________________________

Telephone:
_________________________________

Fax:
_________________________________

Email address:
_________________________________

IV. Jurisdiction

10. The dispute in this case is within the scope of jurisdiction of the dotPH Uniform Domain Name Dispute Resolution Policy, and the panel has competent jurisdiction to decide on the disputed matter. The Policy have been incorporated into and become a part of the domain name registration agreement whereby the disputed domain name is registered. [Where possible, specify the time of registration of the domain name and state the original text by which the dotPH Uniform Domain Name Dispute Resolution Policy are incorporated into the domain name registration agreement and made applicable for the domain name concerned.] A copy of the dotPH Uniform Domain Name Dispute Resolution Policy which is applicable for the disputed domain name is appended in Attachment ____ hereto [attachment number].

11. Pursuant to the dotPH Uniform Domain Name Dispute Resolution Policy, the Respondent is obliged to take part in these proceedings, because: the Policy art.4 (a)

   (i) your domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and

   (ii) you have no rights or legitimate interests in respect of the domain name; and

   (iii) your domain name has been registered and is being used in bad faith.

V. Facts and Reasons
12. This complaint is made on the following grounds:

[According to article 4(a) of the Policy, facts and reasons by which a complaint is filed should in particular include the following: (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and (ii) the holder have no rights or legitimate interests in respect of the domain name; and (iii) the disputed domain name has been registered and is being used in bad faith.]

[In giving details in connection with item 4a(ii) above, special attention should be paid to conditions described in article 4(b) of the Policy, namely:

- the person concerned registers or acquires the domain name for the purpose of selling, renting or otherwise transferring the domain name to the complaint who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of documented out-of-pocket costs directly related to the domain name;
- the person 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;
- the person concerned registered the domain name for the purpose of disrupting the business of a competitor;
- the person using the domain name in bad faith, have intentionally attempted to attract, for commercial gain, Interest users to his website or other on-line location, by creating a likelihood of confusion with the complaint’s mark as to the source, sponsorship, affiliation, or endorsement of his website or location or of a product or service on his website or location.]

[Number of words in the "Facts and Reasons" section of the statement of complaint should not exceed the 3,000-word limit set out in article 13 of the Supplemental Rules.]

[Annexes 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.]

VI. Remedies

13. In accordance with the dotPH Uniform Domain Name Dispute Resolution Policy and on the basis of the reasons stated above, the expert panel on this case is requested to decide: the disputed domain name which is the subject matter of this case shall __________________________. [choose one of the following for each domain name: be transferred to the Complainant / be cancelled.]
VII. Expert panel

14. The Complainant chooses to have the case considered and decided by a ____________ [single-member panel / three-member panel].

[If a three-member panel is chosen to decide the dispute, the Complainant shall select three panelists in the order of the Complainant's preference from the list of panelist, and list out the names of the selected panelist. HKIAC shall choose from one of the three panelists selected by the Complainant to be one of the members of the panel in accordance with the provisions of the dotPH Uniform Domain Name Dispute Resolution Implementation Rules as well as HKIAC Supplemental Rules to the dotPH Uniform Domain Name Dispute Resolution Policy and the dotPH Uniform Domain Name Dispute Resolution Implementation Rules.]

VIII. Other judicial proceedings

15. The Complainant shall give details on other judicial proceedings, if any, that have been commenced or concluded in respect of the disputed domain name.

______________________________________________________________________
______________________________________________________________________
______________________________________________________________________

IX. Service of documents

16. Copies of this statement of complaint together with the complaint transmission cover is sent or transmitted to the Respondent on __________ by means of _______________________
[specify the method of service and contact details used in accordance with the provisions under the Rules and HKIAC Supplemental Rules].

17. Copies of this statement of complaint are sent or transmitted to HKIAC (phdomain@hkiac.org) or corresponding domain name registrar and/or agency by means of ________________________ [specify the method of service and contact details used].

X. Payment of fees

18. Fees required for these proceedings are USD _________ [specify amount] and shall be paid by way of ____________________ [specify method of payment].

XI. Final confirmation
19. The Complainant confirms that: the relevant complaint is made in compliance with the dotPH Uniform Domain Name Dispute Resolution Policy, dotPH Uniform Domain Name Dispute Resolution Implementation Rules and the HKIAC Supplemental Rules to the dotPH Uniform Domain Name Dispute Resolution Policy and the dotPH Uniform Domain Name Dispute Resolution Implementation Rules and other relevant laws and regulations; to the best of my knowledge, information provided in the complaint is complete and accurate; the complaint as well as remedies claimed for are made against the holder of the registered domain name, 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 agency.

Complainant:
[state name of Complainant]

______________________
[sign/seal]

Date: