

EXAMPLE COMPLAINT

CASE NUMBER: _____

FILED ON BEHALF OF CLAIMANT

DATED _____

Before the:

CHANNEL ISLAND DOMAIN DISPUTE RESOLUTION PANEL C.I.D.D.

*[insert NAME AND ADDRESS OF COMPLAINANT
AS STATED IN COMPLAINT]*

(Complainant)

-v-

[insert NAME AND ADDRESS OF RESPONDENT]

(Respondent)

IN RELATION TO THE DISPUTED DOMAIN NAME[S]:

[insert <the disputed domain name(s)>]

COMPLAINT

COMPLAINT

I. Introduction

[1.] This Complaint is hereby submitted for decision in accordance with the Channel Island Domain Dispute Policy (the **Policy**), “CIDD”, approved by the Registrar for the Channel Island Domains .gg and .je, the CIDD Rules for Domain Disputes (the **Rules**), and the CIDD Supplemental Rules (the **Supplemental Rules**) as exhibited on disputes.gg and disputes.je.

II. The Parties

A. The Complainant

[2.] The Complainant in this administrative proceeding is *[provide full name and, if relevant, corporate or legal status.]*

[3.] The Complainant's contact details are:

Address: *[Specify mailing address]*

Telephone: *[Specify telephone number]*

Fax: *[Specify fax number]*

Email: *[Specify email address]*

Note: [If there is more than one Complainant, provide the above information for each and arguments and evidence to support the consolidation of multiple Complainants in a single complaint in such cases, for example, where the multiple Complainants truly have a common grievance against the Respondent. Multiple Complainants may demonstrate a common grievance against the Respondent, for example, (1) where Complainants have a common legal interest in a relevant right or rights that are allegedly affected by the Respondent's conduct, or (2) where the multiple Complainants are the target of common conduct by the Respondent which has clearly affected their individual legal interests.]

[4.] The Complainant's authorized representative in this administrative proceeding is:

[If relevant, identify authorized representative and provide all contact details, including postal address, telephone number, fax number, email address; if there is more than one authorized representative, provide contact details for each.]

[5.] The Complainant's preferred method of communications directed to the Complainant in this administrative proceeding is by email:

Electronic-only material

Method: email

Address: *[Specify one email address]*

Contact: *[Identify name of one contact person]*

B. The Respondent

[6.] According to *[indicate why the person/entity identified in the Complaint has been identified as the Respondent, e.g., the concerned registrar's WhoIs database. (Information about the concerned registrar can be found on the Internic database at <http://www.internic.net/whois.html>)]*, the Respondent in this administrative proceeding is *[identify Respondent (the domain name holder), (including full name, and if relevant, corporate or legal status, place of incorporation and principal place of business, or residence)]* Copies of the printout of the database search(es) conducted on *[date]* are provided as Annex *[Annex number]*.

[7.] All information known to the Complainant regarding how to contact the Respondent is as follows:

[Provide all contact details (postal address, telephone number, fax number, email addresses) for the Respondent, including those that may have been used successfully in the course of pre-complaint dealings and those available from any WhoIs look-up service.]

[If there is more than one Respondent, provide the contact details for each Respondent and describe the relationship between them, which justifies them being named in a common complaint.]

III. The Domain Name(s) and Registrar(s)

[8.] This dispute concerns the domain name(s) identified below:

[Identify precisely the disputed domain name(s). You are also invited to indicate the date(s) of domain name registration.]

[9.] The registrar(s) with which the domain name(s) is/are registered is/are:

[Provide the name and full contact details of the registrar(s) with which the domain name(s) is/are registered.]

IV. Language of Proceedings

[10.] The Complaint has been submitted in [English]/[Mandarin. *[delete as appropriate]*]

V. Jurisdictional Basis for the Administrative Proceeding (Rules, Paragraphs 3(a), 3(b)(xiv))

[11.] The domain names are within the .gg and/or .je domain areas. This dispute is properly within the scope of the Policy and the Administrative Panel has jurisdiction to decide the dispute. The registration agreement, pursuant to which the domain name(s) that is/are the subject of this Complaint is/are registered, incorporates the Policy.

VI. Factual and Legal Grounds

Note: [In completing this Section VI., do not exceed the word limit. Relevant documentation in support of the Complaint should be submitted as Annexes, with a schedule indexing such Annexes. Please remember that the Annexes are limited in size and that there may be additional charges for Annexes that are in excess of the standard allowance. No Domain Dispute Policy decided case will act as a precedents or persuasive authority. Court caselaw in the English High Court and above and in the US Circuit Courts of Appeals (or their international equivalent) may be referred to with complete citations and a relevant URL to the full case report. [Cases Reports or certified translations must be provided in the language of the Proceedings.]

Note: A Litigant In Person (LIP) is defined as an unrepresented party (either an individual, company or organisation) or a self-represented party not using the services of an advocate, barrister, solicitor, person legally trained, in-house counsel, or McKenzie Friend (a person with legal knowledge who is assisting them). (Where a Company is being represented by in-house counsel they will be deemed represented as CIDD treats in-house counsel as having the same qualifications as a barrister or solicitor or person legally trained. Where a Complainant is legally represented and has been in to contact with a Respondent who is unrepresented and has given no indication of intention to be represented (i.e. where a Respondent has referred to legal advice or their lawyer or to the fact that they have received legal advice or is citing caselaw, then it can be assumed that they are represented (either directly or indirectly). LIPs are largely ignorant of the law and legal procedure and this may compromise the duties lawyers have to their own clients and the question now is how far should a lawyer go to assist a litigant in person? It's not a solicitor's job to do their opponent's homework but lawyers have extra duties to the Court/Tribunal (which includes any arbitration tribunal such as CIDD) and the interests of justice as well as having duties to their own clients and legal representatives have a responsibility to manage a litigant in person fairly and do not to take unfair advantage of the situation. We refer representatives to the Bar Code for LIPs https://www.barcouncilethics.co.uk/wp-content/uploads/2017/10/litigants_in_person_guidelines_for_lawyers_-_1_june_2015.pdf There is no obligation to assist a litigant in person but if caselaw is being cited then there is a duty to provide caselaw that goes against the complainant's interests as well as in favour of the complainant's interest. This is usually expected to be done as pre-emptive citation provided as an "LIP caselaw supplemental" to the Complaint. Any supplemental does not count within word limits, but should be kept short and concise". (An example is shown below). While tribunals are not unsympathetic to the difficulties faced by litigants in person, recent case law supports that LIP are not entitled to special privileges and that if a person chooses to be a LIP, then they should ensure that they are capable of meeting the needs of their case.

[12.] This Complaint is based on the following grounds:

A. The domain name(s) is(are) identical or confusingly similar to a trademark or service mark in which the Complainant has rights;

- *[In accordance with Rules,], 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, in connection with which the mark is used. A separate description may also be given of the goods or services with which the Complainant intends, at the time the Complaint is submitted, to use the mark in the future. If applicable, attach copies of the registration certificates for the relevant marks.]*

- *[In accordance with Rules, , describe 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.]*

B. The Respondent has no rights or legitimate interests in respect of the domain name(s);

- *[In accordance with Rules, describe why the Respondent 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. Attention should be paid to any relevant aspects of the Policy and Rules including:*
 - *Whether before any notice to the Respondent of the dispute, there is any evidence of the Respondent's use of, or demonstrable preparations to use, the domain name(s) or a name corresponding to the domain name(s) in connection with a bona fide offering of goods or services;*
 - *Whether the Respondent (as an individual, business, or other organization) has been commonly known by the domain name, even if the Respondent has acquired no trademark or service mark rights;*
 - *Whether the Respondent is making a legitimate non-commercial or fair use of the domain name(s), without intent for commercial gain misleadingly to divert consumers or to tarnish the trademark or service mark at issue.]*

C. The domain name(s) was/were registered and is/are being used in bad faith.

- *[In accordance with Rules, describe why the domain name(s) should be considered as having been registered and used in bad faith by the Respondent. Attention should be paid to any relevant aspects of the Policy, including:*
 - *Circumstances indicating that the domain name(s) was/were registered or acquired primarily for the purpose of selling, renting, or otherwise transferring the domain name registration(s) to the owner of the trademark or service mark (normally the Complainant) or to a competitor of that Complainant, for valuable consideration in excess of the Respondent's out-of-pocket costs directly related to the domain name(s); or*
 - *Whether the domain name(s) was/were registered in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the Respondent has engaged in a pattern of such conduct; or*
 - *Whether the domain name(s) was/were registered primarily for the purpose of disrupting the business of a competitor; or*

- *Whether by using the domain name(s), the Respondent intentionally attempted to attract for commercial gain, Internet users to the 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 the Respondent's web site or location or of a product or service on the Respondent's web site or location.]*

VII. Remedies Requested

- [13.] In accordance with Rules and Policy, for the reasons described in Section VI. above, the Complainant requests the Administrative Panel appointed in this administrative proceeding that [*"<the disputed domain name(s)> be transferred to the Complainant" / "<the disputed domain name(s)> be cancelled".*]

VIII. Administrative Panel

- [14.] The Complainant elects to have the dispute decided by a [*choose one: "single-member Administrative Panel" / or "three-member Administrative Panel"*].
- [] [*If a three-member Administrative Panel is designated, the names of three persons must be provided, one of whom the Center shall attempt to appoint to the Administrative Panel in accordance with Paragraph 6 of the Rules and Paragraph 8 of the Supplemental Rules. The names of the nominees may be taken from the Center's published list of panelists at <https://www.CIDD.int/amc/en/domains/panel/panelists.jsp>].*

IX. Mutual Jurisdiction

- [15.] In accordance with the Rules, the Complainant will submit, with respect to any challenges that may be made by the Respondent to a decision by the Administrative Panel to transfer or cancel the domain name(s) that is/are the subject of this Complaint, to the jurisdiction of the courts at [*choose one of the following:*]
- (a) *"the location of the principal office of the concerned registrar." or*
 - (b) *"the location of the domain name holder's address, as shown for the registration of the domain name(s) in the concerned registrar's Who-Is database at the time of the submission of the Complaint to the Center." or*

- (c) *“the location of the principal office of the concerned registrar AND the domain name holder’s address, as shown for the registration of the domain name(s) in the concerned registrar’s Who-Is database at the time of the submission of the Complaint to the Center.”*

[A mutual Jurisdiction election must be made for each domain name that is the subject of the Complaint.]

X. Other Legal Proceedings

- [16.] *[If any, identify other legal proceedings that have been commenced or terminated in connection with or relating to the domain name(s) that is/are the subject of the Complaint and summarize the issues that are the subject of that/those proceeding(s).]*

XI. Communications

- [17.] This Complaint has been submitted to the Center in electronic form, including annexes, in the appropriate format.
- [18.] A copy of this Complaint has been transmitted to the concerned registrar(s) on *[date]* in electronic form in accordance with paragraph 4(c) of the Supplemental Rules.

XII. Payment

- [19.] As required by the Rules and Supplemental Rules, payment in the amount of GBO has been made to the registry.

XIII. Certification

- [20.] The Complainant agrees that its claims and remedies concerning the registration of the domain name(s), the dispute, or the dispute’s resolution shall be solely against the domain name holder and waives all such claims and remedies against the Registry, the Channel Island Domain bodies, CIDD and its Panelists, as well as their directors, officers, employees, and agents, except in the case of deliberate wrongdoing,
- [21.] The Complainant certifies that the information contained in this Complaint is to the best of the Complainant’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 the Rules and under applicable law, as it now

exists or as it may be extended by a good-faith and reasonable argument. By signing this document, the signing party warrants and acknowledges that he/she/they are duly authorised by the Complainant to sign this statement on behalf of the Applicant /Defendant, and the Complainant and the undersigned and Complainant believe that the facts stated above are true and understand that proceedings for contempt may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed.,

[Name/Signature

Position

Date

XIV. List of Annexes

(Rules, Paragraph 3(b)(xiv); Supplemental Rules, Paragraphs 4(a), 12(a), Annex E)

[22.] The Rules provide that a Complaint or Response, including any annexes, shall be submitted electronically. Under the Supplemental Rules, there is a file size limit of 10MB (ten megabytes) for any one attachment, with an overall limit for all submitted materials of no more than 50MB (fifty megabytes).

[23] In particular, paragraph 12 and Annex E of the Supplemental Rules provides that, other than by prior arrangement with the Center, the size of any individual file (such as a document in Word, PDF or Excel format) transmitted to the Center in connection with any UDRP proceeding shall itself be no larger than 10MB. When larger amounts of data need to be transmitted, larger files can be “split” into a number of separate files or documents each no larger than 10MB. The total size of a Complaint or response (including any annexes) filed in relation to a UDRP dispute shall not exceed 50MB, other than in exceptional circumstances (including in the case of pleadings concerning a large number of disputed domain names) where previously arranged with the Center.

Annex 1:

Annex 2:

Annex 3:

Annex 4:

Annex 5:

[Additionally, to avoid any uncertainty, it is requested that any Annexes (and their corresponding filenames) be clearly labeled and sequentially numbered (i.e. Annex 1, 2, 3 etc), and a complete list of Annexes supplied].