

SINGAPORE MEDIATION CENTRE COMPLAINT TRANSMITTAL COVERSHEET

The attached Complaint has been filed against you pursuant to the Singapore Domain Name Dispute Resolution Policy (the Policy) adopted by the Singapore Network Information Centre (SGNIC) Private Limited as the registration authority for the Singapore country code top level domain.

The Policy is incorporated by reference into your Registration Agreement with SGNIC, in accordance with which you are required to submit to and participate in a mandatory administrative proceeding in the event that a third party (a Complainant) submits a Complaint to the Secretariat for the Singapore Domain Name Dispute Resolution Service (the Secretariat) concerning a domain name that you have registered. You will find the name and contact details of the Complainant, as well as the domain name that is (or the domain names that are) the subject of the Complaint in the document that accompanies this Coversheet.

You have no duty to act at this time. Once the Secretariat has checked the Complaint to determine that it satisfies the formal requirements of the Policy, the Rules for the Singapore Domain Name Dispute Resolution Policy (the Rules) and the Secretariat's Supplemental Rules for the Singapore Domain Name Dispute Resolution Policy (the Supplemental Rules), and it has received the required payment from the Complainant, it will forward an official copy of the Complaint to you. You will then have 15 working days within which to submit a Response to the Complaint in accordance with the Rules and Supplemental Rules to the Secretariat and the Complainant. (A 'working day' means any day other than a Saturday, Sunday or public holiday.) Should you so desire, you may wish to seek the assistance of legal counsel to represent you in the administrative proceeding.

The Policy, the Rules and the Supplemental Rules can be found at:

- (1) SGNIC's website at www.nic.net.sg; and
- (2) the Secretariat's website at www.mediation.com.sg.

Other information concerning the resolution of domain name disputes can also be found at the Secretariat's website at www.mediation.com.sg.

Alternatively, you may contact the Secretariat to obtain any of the above documents. The Secretariat can be contacted by telephone at +65 6332 4366, by fax at +65 6333 5085 or by e-mail at sgdisputes@disputemanager.com.sg.

You are kindly requested to provide the Secretariat with the contact details to which you would like (a) the official version of the Complaint and (b) other communications in the administrative proceeding to be sent.

A copy of this Complaint has also been sent to SGNIC.

By submitting this Complaint to the Secretariat, the Complainant hereby agrees to abide and be bound by the provisions of the Policy, Rules and Supplemental Rules.

COMPLAINT

SINGAPORE DOMAIN NAME DISPUTE RESOLUTION SERVICE

(Complainant)

[FULL NAME AND ADDRESS OF COMPLAINANT]

-v-

(Respondent)

[FULL NAME AND ADDRESS OF RESPONDENT]

Disputed Domain Name(s):

[List name(s) in full]

COMPLAINT IN ACCORDANCE WITH THE SINGAPORE DOMAIN NAME DISPUTE RESOLUTION POLICY

I. Introduction

(Rules, para. 3(b)(i))

[1.] This Complaint is hereby submitted for decision in accordance with the Singapore Domain Name Dispute Resolution (the Policy) and the Rules for the Singapore Domain Name Dispute Resolution Policy (the Rules).

II. The Parties

A. The Complainant

(Rules, para. 3(b)(ii) and (iii))

[2.] The Complainant in this administrative proceeding is:

[Provide full name and, if an organisation, nature of organisation (eg company, partnership, society, etc.), place of incorporation/registration and principal place of business]

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

| | |
|---|--|
| Address: <i>[Specify postal address]</i> | |
| Telephone: <i>[Specify telephone number]</i> | |
| Fax: <i>[Specify fax number]</i> | |
| Email: <i>[Specify email address]</i> | |

[Note: If there is more than one Complainant, provide the above information for each Complainant below, describe the relationship between the Complainants and state why each Complainant has a sufficient common interest in the domain name(s) in issue for a joinder to be permissible.]

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

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|--|

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

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

Electronic-only material

| Method: | Email |
|--|-------|
| Email Address: <i>[Specify one email address]</i> | |
| Contact: <i>[Identify name of one contact person]</i> | |

Material including hard copy

| | |
|--|--|
| Method: | Post/courier or fax [documents exceeding 10 pages will not be sent by fax] |
| Address: <i>[Specify one address, if applicable]</i> | |
| Fax: <i>[Specify one fax number]</i> | |
| Contact: <i>[Identify name of one contact person]</i> | |

B. The Respondent

(Rules, para. 3(b)(v))

[6.] According to the Whois database maintained by the Singapore Network Information Centre (SGNIC) Private Limited, the Respondent in this administrative proceeding is

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[Identify the Respondent, providing the full name and, if an organisation, nature of organisation (eg company, partnership, society, etc.), place of incorporation/registration and principal place of business, or, if an individual, place of residence].

Copies of the printout of the database search(es) conducted on *[date]* are provided as Annex *[annex number]*.

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

| | |
|---|--|
| Address: <i>[Specify postal address]</i> | |
| Telephone: <i>[Specify telephone number]</i> | |
| Fax: <i>[Specify fax number]</i> | |
| Email: <i>[Specify email address]</i> | |

Any additional contact details:

| |
|--|
| |
|--|

[Provide all contact details (postal address, telephone number, fax number, email address) for the Respondent, including those that may have been used in the course of the 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 bases on which they are being joined in a common Complaint.]

III. The Domain Name(s) and Registrar(s)/Registration Agent(s)

(Rules, para. 3(b)(vi) and (vii))

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

[Identify precisely the domain name(s) in issue.]

[9.] The Registrar and Registration Agent(s), if any, with which the domain name(s) is/are registered is/are:

[Provide the name and full contact details of the Registrar and Registration Agent(s), if any, with which the domain name(s) is/are registered.]

IV. Jurisdictional Basis for the Administrative Proceeding

[10.] This dispute is properly within the scope of the Policy and the Administrative Panel has jurisdiction to decide the dispute.

[11.] In accordance with para. 4(a) of the Policy, the Respondent is required to submit to a mandatory administrative proceeding because:

- (1) The domain name(s) is/are identical or confusingly similar to a name, trademark or service mark in which the Complainant has rights;
- (2) The Respondent has no rights or legitimate interests in respect of the domain name(s); and
- (3) The domain name(s) has/have been registered or is/are being used in bad faith.

V. Factual and Legal Grounds

(Policy, paras. 4(a), (b), (c); Rules, paras. 3(b)(viii) and (ix))

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

- *In accordance with para. 3(b)(viii) of the Rules, specify the name(s), trademark(s) or service mark(s) on which the Complaint is based and, for each name or mark, describe the goods or services, if any, with which the mark is used. A separate description may also be given of the goods or services with which the Complainant intends to use the name or mark in the future. If applicable, attach copies of the registration certificates for the relevant marks as annexes.*
- *In accordance with para. 3(b)(ix) of the Rules, describe the factual and legal grounds on which the Complaint is made, including, in particular, (1) the manner in which the domain name(s) is/are identical or confusingly similar to a name, trademark or service mark in which the Complainant has rights; (2) 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; and (3) why the domain name(s) should be considered as having been registered or as being used in bad faith. In particular, highlight any relevant aspects of paras. 4(b) and (c) of the Policy that are applicable.*

- *The part of this section of the Complaint (ie Factual and Legal Grounds) dealing with the description required under para. 3(b)(ix) of the Rules should not exceed the 5000 word limit provided for under para. 9(a) of the Supplemental Rules.*
- *Relevant documentation in support of the allegations made should be submitted as annexes to the Complaint, with a schedule indexing such documents. Copies of case precedents or commentaries that are referred to for support should be submitted with complete citations.*

VI. Remedies Sought

(Rules, para. 3(b)(x))

[13.] For the reasons described in Section V above, the Complainant requests the Administrative Panel appointed in this administrative proceeding issue a decision that the contested domain name(s) be dealt with as follows:

[Choose either ‘transfer’ or ‘cancellation’ for each domain name.]

VII. Administrative Panel

(Rules, para. 3(b)(iv))

[14.] The Complainant elects to have the dispute decided by a [single member Administrative Panel/three member Administrative Panel].

[If a three member Administrative Panel is designated, the names of three persons must be provided below, one of whom the Secretariat shall attempt to appoint to the Administrative Panel in accordance with para. 6 of the Rules. The names of the nominees must be taken from the Secretariat’s SDRP Panellist.]

VIII. Submission to Jurisdiction

(Rules, para. 3(b)(xiii))

[15.] In accordance with para. 3(b)(xiii) of the Rules, the Complainant agrees to submit, with respect to any challenges that may be made to a decision in the Administrative Proceeding ordering the transfer or cancellation of the domain name(s) that is/are the subject of this Complaint, to the jurisdiction of the courts in Singapore.

IX. Other Legal Proceedings

(Rules, para. 3(b)(xi))

[16.] [No legal proceedings/The following legal proceedings] have been commenced or terminated in connection with or relating to the domain name(s) that are the subject of this Complaint.

[Identify any 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 summarise the issues that are the subject of that/those proceeding(s).]

X. Communications

(Rules, para. 3(b)(xii); Supplemental Rules, para. 4(b))

[17.] A copy of this Complaint, including the cover sheet as prescribed by the Supplemental Rules, will be sent or transmitted to the Respondent on *[date]* by *[method]*.

[Indicate method(s) of communication and contact details used, with reference to para. 2(b) of the Rules].

[18.] A copy of this Complaint will be sent or transmitted to SGNIC on *[date]* by *[method]*.

[Indicate method(s) of communication and contact details used].

XI. Mediation and Settlement

(Rules, paras. 3(b)(xiv), (xv), (xvi) and (xvii))

[19.] The Complainant *[agrees/does not agree]* to have the dispute mediated by the Administrative Panel before the Administrative Panel is called upon to decide the dispute.

[20.] The Complainant *[consents/does not consent]* to having the terms of any settlement that may be reached between the Parties, whether as a result of mediation by the Administrative Panel or otherwise, reflected in a decision of the Administrative Panel.

[21.] An Administrative Panel that mediates the dispute *[may/shall not]* proceed to decide the dispute if the Parties fail to reach an agreement after mediation.

[22.] The Complainant *[would still wish/does not wish]* to have the dispute mediated by the Administrative Panel in the event that the Respondent does not agree to the same Administrative Panel deciding the dispute should the Parties fail to reach an agreement after mediation.

XII. Payment

[23.] As required by the Rules and Supplemental Rules, payment in the amount of SGD *[amount]* is being made by *[bank transfer/cheque/bank draft/Singapore postal order]*.

Additional information, if any:

XIII. Certification

(Rules, para. 3(b)(xiv))

[24.] The Complainant agrees to abide and be bound by the provisions of the Singapore Domain Name Dispute Resolution Policy, the Rules for the Singapore Domain Name Dispute Resolution Policy and the Supplemental Rules for the Singapore Domain Name Dispute Resolution Policy.

[25.] The Complainant agrees that its claims and remedies concerning the registration of the domain name, the dispute, or the resolution of the dispute shall be solely against the domain name holder and waives all such claims and remedies against (a) the Singapore Mediation Centre, the Singapore International Arbitration Centre, and the administrative dispute resolution service secretariat and their staff, except in the case of deliberate wrongdoing by their staff, (b) a panellist, except in the case of deliberate wrongdoing by the

panellist, and (c) the Singapore Network Information Centre (SGNIC) Private Limited, as well as SGNIC's directors, officers, employees, and agents.

[26.] 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.

Submitted by:

| | |
|--|--|
| Name: | |
| Email: (provided for purposes of receiving electronic confirmation of this form's submission) | |
| Date: | |
| Signature: | |