**COMPLAINT TRANSMITTAL COVERSHEET**

Attached is a Complaint that has been filed against you with the World Intellectual Property Organization (**WIPO**) Arbitration and Mediation Center (the **Center**) pursuant to the .LV Domain Name Dispute Resolution Policy (the **Policy**) adopted by Network Solutions Department of the Institute of Mathematics and Computer Science of the University of Latvia on September 1, 2023.

The Policy is incorporated by reference into your Agreement on the Right to Use the Domain Name with the .LV Registry, in accordance with which you are required to submit to a mandatory administrative proceeding in the event that a third party (a **Complainant**) submits a complaint to the Center, 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(s) that is/are the subject of the Complaint in the Complaint that accompanies this Coversheet.

Once the Center has checked the Complaint to determine that it satisfies the formal requirements of the Policy, the Rules for .LV Domain Name Dispute Resolution Policy (the **Rules**), and the WIPO lvDRP Supplemental Rules for .LV Domain Name Dispute Resolution Policy (the **Supplemental Rules**), it will forward a copy of the Complaint, including annexes, to you by email. You will then have 20 calendar days from the date of Commencement within which to submit your Response. You may request an automatic extension of 4 calendar days. You may represent yourself or seek the assistance of legal counsel to represent you in the administrative proceeding.

* The **Policy** can be found at:
<https://www.nic.lv/en/lv-domain-name-dispute-resolution-policy>
* The **Rules** can be found at:
<https://www.nic.lv/en/rules-for-lv-domain-name-dispute-resolution-policy>
* The **Supplemental Rules**, as well as other information concerning the resolution of domain name disputes can be found at:

<https://www.wipo.int/amc/en/domains/rules/supplemental/lv.html>

* A **model Response** can be found at:

<https://www.wipo.int/amc/en/docs/response-lv.docx>

* WIPO’s **Data Privacy Notice** can be found at: <https://www.wipo.int/web/privacy-policy>

Alternatively, you may contact the Center to obtain any of the above documents. The Center can be contacted in Geneva, Switzerland by email at domain.disputes@wipo.int.

You are kindly requested to contact the Center to provide any alternate email address to which you would like (a) the Complaint, including Annexes and (b) other communications in the administrative proceeding to be sent.

By submitting this Complaint to the Center the Complainant hereby agrees to abide and be bound by the provisions of the Policy, Rules, Supplemental Rules, and the WIPO Data Privacy Notice.***Before the:***

**WORLD INTELLECTUAL PROPERTY ORGANIZATION**

**ARBITRATION AND MEDIATION CENTER**

|  |  |
| --- | --- |
| [Name and Country of Complainant](**Complainant**)  |  |
| -v- | **Disputed Domain Name(s):** |
| [Name and Country of Respondent](**Respondent**) | [<the disputed domain name(s)>] |

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

#### COMPLAINT

(Rules, Paragraph 3.2.)

**I. Introduction**

[1.] This Complaint is hereby submitted for decision in accordance with the .LV Domain Name Dispute Resolution Policy (the **Policy**), the Rules for .LV Domain Name Dispute Resolution Policy (the **Rules**), and the WIPO Supplemental Rules for .LV Domain Name Dispute Resolution Policy (the **Supplemental Rules**), currently in effect.

**II. The Parties**

**A. The Complainant**

(Rules, Paragraphs 3.2.2. and 3.2.3.)

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

[The owner of the trademark, geographical indication, or merchant’s name (firm name).]

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

|  |  |
| --- | --- |
| Country: | [Country where the Complainant is located] |
| Telephone: | [telephone number] |
| Email: | [email address] |

[If there is more than one Complainant, provide the above information for each, and provide arguments and evidence to support the consolidation of multiple Complainants in a single complaint, for example, where the multiple Complainants truly have a common grievance against the Respondent.]

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

[Identify any authorized representative and provide all contact details, including, telephone number, country and email address.]

[5.] The Complainant’s preferred method of communications in this administrative proceeding is:

|  |
| --- |
| Electronic-only material  |
| Method: | email |
| Address: | [email address] |
| Contact: | [contact person] |

**B. The Respondent**

(Rules, Paragraph 3.2.4.)

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

[Provide all contact details (telephone number and email addresses) for the Respondent, including those that may have been used successfully in the course of pre-complaint dealings or those on any website to which the disputed domain name resolves.]

[If there is more than one Respondent, provide the contact details for each Respondent and describe the relationship between them, which would justify the consolidation of the complaint against them.]

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

## (Rules, Paragraphs 3.2.5., 3.2.6.)

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

 [List the disputed domain name(s) and the date(s) of domain name creation.]

[ATTENTION: In multiple domain name cases, provide as an Annex an Excel sheet indicating in separate columns the domain names, registrar(s), domain names’ statuses, registration and expiry dates, registrant(s), and domain name use(s).]

[8.] Identify the concerned Registrar with whom the domain name(s) is/are registered is/are:

## IV. Language of Proceedings

## (Rules, Paragraph 11)

[Paragraph 11.1 of the Rules provides that the language of the alternative dispute resolution proceeding shall be Latvian unless the Parties agree on English being the language of the alternative dispute resolution. A Complainant may file a Complaint in English only if both parties (i.e. the Complainant and the Respondent) are located outside Latvia.

## V. Jurisdictional Basis for the Administrative Proceeding

## (Rules, Paragraphs 3.1., 3.2.13.)

[9.] This dispute is properly within the scope of the Policy and the Expert 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. A true and correct copy of the domain name dispute policy that applies to the domain name(s) in question is provided as Annex [Annex number] to this Complaint and can be found at [insert URL].

**VI. Factual and Legal Grounds**

(Policy, Paragraph 4.; Rules, Paragraph 3.)

[Sections VI.A, VI.B, and VI.C must all be addressed. In completing this Section VI., do not exceed the 5,000 word limit: Supplemental Rules, Paragraph 11(a).

The burden of proof always remains on the Complainant.

Relevant documentation in support of the Complaint should be submitted as Annexes, with a schedule indexing such Annexes (see Section XIII below).

[10.] 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 protected in Latvia or a geographical indication protected in Latvia or by European Union law, or a merchant’s name (firm name) as registered in Commercial Register of Latvia, in which the Complainant has rights;**

(Policy, Paragraph 4.1.1(i); Rules, Paragraphs 3.2.7., 3.2.8.1.)

* [Specify the trademark(s) or service mark(s) or geographical indication(s) protected in Latvia or by European Union law, or merchant’s name(s) as registered in Commercial Register of Latvia. For each, describe exactly the type of right(s) claimed, and annex any documentary or other evidence, including any documents certifying the right to trademark or service mark or geographical indication or merchant's name upon which the complaint relies, together with a schedule indexing such evidence.

[In accordance with Rules, Paragraph 3.2.8.1., describe the manner in which the domain name(s) is/are identical or confusingly similar to a trademark or service mark protected in Latvia or geographical indication protected in Latvia or by European Union Law or merchant's name in which the Complainant has rights.

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

(Policy, Paragraph 4.1.1(ii); Rules, Paragraph 3.2.8.2.)

* + [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. Depending on your case circumstances, you may wish to address the following (non‑exclusive) respondent defenses set out at Policy, Paragraph 4.1.3.:

- 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 legitimately using the domain name for a bona fide purpose without intent to obtain a commercial gain, to mislead visitors or to tarnish reputation of the trademark or service mark, or geographical indication concerned.]

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

(Policy, paragraphs 4.1.1(iii), 4(b); Rules, paragraph 3.2.8.3))

* [Describe why the domain name(s) should be considered as having been registered **or** used in bad faith by the Respondent. Depending on your case circumstances, you may wish to address the following (non‑exclusive) examples set out at Policy, Paragraph 4.1.2., 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 Complainant or to a competitor of that Complainant, for a consideration that substantially exceeds the Respondent’s costs directly related to the domain name(s); or

- Whether the domain name(s) was/were registered in order to prevent the Complainant from using it, provided that the Respondent has engaged in a pattern of such conduct, and the conduct has affected the Complainant or other persons; 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 has attempted to attract Internet users to the Respondent’s web site or other online venue for commercial gain by creating a likelihood of confusion with the Complainant’s rights.]

#### VII. Remedies Requested

#### (Rules, Paragraph 3.2.9.)

[11.] In accordance with Paragraph 4.1.9. of the Policy, for the reasons described in Section VI. above, the Complainant requests the Expert appointed in this administrative proceeding that [<the disputed domain name(s)> be transferred to the Complainant -or- <the disputed domain name(s)> be cancelled.]

**[A “cancellation” remedy would merely result in the Registry canceling the domain name registration, in which case it may be re-registered by any third party.]**

#### VIII. Mutual Jurisdiction

#### (Rules, Paragraph 3.2.11.)

[12.] In accordance with Paragraph 3.2.11. of the Rules, the Complainant will submit, with respect to any challenges that may be made by the Respondent to a decision by the Expert to transfer or cancel the domain name(s) that is/are the subject of this Complaint, to the jurisdiction of the courts in Latvia.

**IX. Other Legal Proceedings**

(Rules, Paragraph 3.2.10.)

[13*.*] [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). **Failure to mention such proceedings may be taken into account by the appointed expert.**]

#### X. Communications

#### (Rules Paragraph 3.2., Supplemental Rules, Paragraphs 3, 4, 12)

[14.] This Complaint has been submitted to the Center in electronic form, including annexes, in the appropriate format.

#### XI. Payment

(Rules, Paragraph 19; Supplemental Rules Paragraph 10, Annex A)

[15.] [The Center shall proceed with registration of the Complaint upon receipt of the relevant filing fees. Payment must be made via the following link: <https://www3.wipo.int/amc-payment/>. You may find the Center’s “Schedule of Fees” at: <https://www.wipo.int/amc/en/domains/fees/cctlds/lv.html>]

 As required by the Rules and Supplemental Rules, payment in the amount of EUR [amount] has been made by [method].

(For any payment-related queries or difficulties, please contact the Center at arbiter.mail@wipo.int).

#### XII. Certification

#### (Rules, Paragraph 3.2.12.; Supplemental Rules, Paragraph 15)

[16.] 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 (a) the WIPO Arbitration and Mediation Center and Experts, except in the case of deliberate wrongdoing, (b) the concerned registrar(s), (c) .LV Registry, as well as their directors, officers, employees, and agents.

[17.] 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, and that the assertions in this Complaint are warranted under the Rules and under applicable law.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[Name/Signature]

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_

#### XIII. List of Annexes

#### (Rules, Paragraph 3.2.13.; Supplemental Rules, Paragraphs 4(a), 12(a), Annex B)

[18.] 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 50MB (fifty megabytes).

[19.] Other than by prior arrangement with the Center, 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.

Annex 1:  [e.g., Registry’s Registration Data]

Annex 2:  [e.g., Documents certifying the right to trademark or service mark or geographical indication or merchant's name upon which the complaint relies]

Annex 3:  [e.g., Evidence of domain name(s) use]

Annex 4:  [e.g., Screenshot of domain name(s) website]

Annex 5: [e.g., Parties’ prior correspondence (e.g., cease & desist letter(s))

Annex 6:  [e.g., Excel sheet of multiple domain names and relevant information]

**[To avoid any uncertainty, Annexes (and their corresponding filenames) should be clearly labeled and sequentially numbered (i.e., Annex 1, 2, 3 etc), and a complete list of Annexes supplied].**