**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 Dispute Resolution Regulations for .nl Domain Names (the **Regulations**), effective as of February 28, 2008, as amended per December 31, 2013.

The Regulations form part of your Registration Contract with SIDN and part of the General Terms and Conditions for .nl Registrants, in accordance with which you are required to submit to a dispute resolution procedure in the event of a third party (a **complainant**) submitting a complaint to the Center, concerning a domain name that you have registered.

Under the Regulations, a complainant may seek to have the registrant of a domain name changed, so that the complainant becomes the registrant instead of you.

The name and contact details of the complainant are given below. We have also specified the domain name that the complaint relates to and set out the basis of the complaint. Consideration of the complaint may lead to a decision as to whether SIDN should change the registrant of the domain name.

During the course of the proceedings, you will have the opportunity to respond formally to the complaint, justifying your registration of the domain name. Once your response has been received, SIDN will start a mediation process. This may lead to settlement of the dispute, making the remainder of the dispute resolution process unnecessary.

The Regulations allow you twenty (20) calendar days to respond to the complaint. Your response must be submitted to the Center and must follow the structure of the model-response; when you submit your response, you must also send a copy to the complainant. In the proceedings, you may represent yourself or seek the assistance of legal counsel or others to represent you in these proceedings.

**The Regulations**, the **standard response form** and furtherinformation about **the mediation process** are available from [www.sidn.nl](http://www.sidn.nl) (under ‘Disputes and complaints’).

If you choose not to submit a formal response, you will lose the opportunity to make use of SIDN’s mediation service. If the twenty-day period referred to above elapses without you submitting a response, and if the complainant promptly pays the fixed fee charged for processing a complaint, the Center will appoint a panelist to examine the facts of the case and to make a decision.

SIDN will then act upon the panelist’s decision, as required by the Regulations. It is not possible to appeal the panelist’s decision. However, if the panelist orders the transfer of the domain name, you can prevent the domain name being transferred to the complainant by starting legal proceedings within the set period (see article 20.1 of the Regulations).

Alternatively, you may contact the Center to obtain any of the above documents. The Center can be contacted in Geneva, Switzerland by telephone on +41 22 338 8247, or by e-mail at domain.disputes@wipo.int. If you have any questions about the mediation process, you can contact SIDN by phone on +31 26 352 5555 or by e-mail at legal@sidn.nl.

A copy of the complaint has been sent by the Center to SIDN and to the registrar that manages the registration of the domain name. By submitting this complaint to the Center, the complainant hereby confirms that he submits himself to the provisions of the Regulations.

**WORLD INTELLECTUAL PROPERTY ORGANIZATION**

**ARBITRATION AND MEDIATION CENTER**

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

#### COMPLAINT

(Regulations, article 4.1)

**I. Introduction**

[1.] This Complaint is hereby submitted for decision at the World Intellectual Property Organization (**WIPO**) Arbitration and Mediation Center (the **Center**) under the Dispute Resolution Regulations for .nl Domain Names (the **Regulations**) effective as of February 28, 2008, as amended per December 31, 2013.

**II. The Parties**

1. **The Complainant**

(Regulations, articles 4.1 and 16)

[2.] The Complainant in these proceedings is *[provide full name and, if relevant, legal status, place of incorporation and principal place of business]*.

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

E-mail: *[Specify e-mail address]*

Address: *[Specify postal address]*

Telephone: *[Specify telephone number]*

Fax: *[Specify fax number]*

[4.] The Complainant’s authorized representative in these proceedings is:

*[If relevant, identify authorized representative and provide all contact details, including e-mail address, postal address, telephone number, fax number]*

[5.] The Complainant’s preferred method of communications directed to the Complainant in these proceedings is:

 Electronic-only material

 Method: e-mail

 Address: *[Specify one e-mail address]*

 Contact: *[Identify name of one contact]*

In the exceptional event, as mentioned in article 16.1 of the Regulations, that communication by e-mail is impossible:

 Material including hardcopy

 Method: *[Specify one: fax, post/courier]*

 Address: *[Specify one address]*

 Fax: *[Specify one fax number]*

 Contact: *[Identify name of one contact]*

1. **The Respondent**

(Regulations, articles 4.1 and 16.5)

[6.] According to the SIDN register([www.sidn.nl](http://www.sidn.nl)), the following party is the formal registrant of the domain name and as such the Respondent in these proceedings:

*[Identify the* formal registrant *as confirmed by SIDN, including full name and, if relevant and known, the legal status, place of incorporation and principal place of business, or residence.]*

A copy of the printout of the SIDN register search conducted on *[date]* is provided as Annex *[Annex number]*.

[7.] All information known to the Complainant regarding how to contact the formal registrant (and if applicable the effective domain name user and party in interest in these proceedings) is as follows:

*[Provide all available contact details (e-mail addresses, postal address, telephone number, fax number) for the formal registrant (and if applicable the effective domain name user and party in interest in these proceedings), including those that may have been used successfully in the course of pre-complaint dealings and those available from the SIDN register.]*

## III. The Domain Name, Registration Date and Registrar

## (Regulations, article 4.1)

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

 *[Identify the disputed domain name]*

[9.] The registrarwith which the domain name is registered:

*[Provide the name and full contact details of the registrar with which the domain name is registered. Information about the registrar can be found in the SIDN register through* [*www.sidn.nl*](http://www.sidn.nl)*]*

[10.] The domain name at issue was registered on: *[date].*

**IV. Factual and Legal Grounds**

(Regulations, article 2.1)

*[Relevant documentation in support of the Complaint should be submitted as annexes, with a schedule indexing such annexes]*

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

1. **The Complainant has rights in a trademark or trading name protected under Dutch law, a personal name registered in the General Municipal Register (‘gemeentelijke basisadministratie’) of a municipality in the Netherlands, or the name of a Dutch public legal entity or the name of an association or foundation registered in the Netherlands, under which the Complainant undertakes public activities on a permanent basis, and the domain name is identical or confusingly similar to the trademark or name in question**

(Regulations, article 2.1 sub a)

*[In accordance with Regulations, article 2.1 sub a, specify the trademark rights, trade name rights, or rights in the personal name, or name of the Dutch public legal entity, association or foundation on which the Complaint is based and indicate the identical or confusingly similar character of the domain name]*

1. **The domain name registrant has no rights to or legitimate interests in the domain name**

(Regulations, article 2.1 sub b]

*[Describe why the domain name registrant has no rights or legitimate interests in the domain name and provide evidence thereof]*

1. **The domain name has been registered or is being used in bad faith.**

(Regulations, article 2.1 sub c)

*[Describe why the domain name has been registered or is being used in bad faith by the domain name registrant]*

**Note: a limit of 5,000 words is applicable for A., B. and C.**

#### V. Remedies Requested

#### (Regulations, article 1)

[12.] In accordance with article 1 of the Regulations, for the reasons described in section IV above, the Complainant hereby requests the panelist to be appointed in these proceedings to decide that the Complainant shall become the registrant of the domain name *[list the disputed domain name].*

**VI. Other Proceedings**

(Regulations, article 21)

[13*.*] *[If any, identify other proceedings, including court proceedings, that have been instituted or terminated in connection with or relating to the domain name that is the subject of the Complaint and summarize the issues that are the subject of those proceedings]*

**VII. Submission of Complaint**

(Regulations, article 4.1)

[14.] This Complaint has been signed and submitted to the Center in electronic form.

**VIII. Certification**

(Regulations, articles 4.1 and 24)

[15.] The Complainant agrees that the remedies requested concerning the registration and/or use of the domain name*,* the dispute, or the dispute’s resolution shall be solely against the domain name registrant (and if applicable the effective domain name user and party in interest in these proceedings) and waives all such claims and remedies against the WIPO Arbitration and Mediation Center, the panelist, the relevant registrar, SIDN, and the management and employees of all these entities.

[16.] The Complainant agrees that it shall indemnify the WIPO Arbitration and Mediation Center, the panelist, the relevant registrar, SIDN, and the management and employees of all these entities, against any claims for damages resulting from the submission of this Complaint.

[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 Regulations.

[18.] The Complainant confirms to be bound by the Regulations (as amended per December 31, 2013).

**IX. Documents and/or Evidence**

(Regulations, article 4.1)

[19.] The Complainant invokes the following list of documents and/or evidence to support its Complaint:

 Annex 1. *[identify document]*

 Annex 2. *[identify document]*

 Annex 3. *[identify document]*

 etc.

Respectfully submitted,

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

*[Name/Signature]*

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