**Before the:**

**WORLD INTELLECTUAL PROPERTY ORGANIZATION**

**ARBITRATION AND MEDIATION CENTER**

|  |  |
| --- | --- |
| [Name and Country of Complainant as stated in Complaint]  (**Complainant**) | **Case No:** [Indicate assigned case number] |
| -v- | **Disputed Domain Name[s]:** |
| [Name and Country of Respondent]  [the disputed domain name owner]  (**Respondent**) | [<the disputed domain name(s)>] |

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

#### RESPONSE

(Rules, Paragraph 5)

##### I. Introduction

[1.] On [indicate date on which the Notification of Complaint and Commencement of Administrative Proceeding was received], the Respondent received a Notification of Complaint and Commencement of Administrative Proceeding from the WIPO Arbitration and Mediation Center (the **Center**) by email informing the Respondent that an administrative proceeding had been commenced by the Complainant 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**). Pursuant to the Rules, the last day for the submission of a Response by the Respondent is [insert date]. By submitting this Response, the Respondent agrees to be bound to the WIPO Data Privacy Notice.

**II. Respondent’s Contact Details**

(Rules, Paragraphs 5.3.2. and 5.3.3.)

[2.] The Respondent in this administrative proceeding is [provide the full name and, if relevant, corporate or legal status.]  
  
The Respondent’s contact details are:

Name: [Specify full name]

Address: [Specify mailing address]

Telephone: [Specify telephone number]

Email: [Specify email address]

[If there is more than one Respondent, provide the above information for each.]

[3.] The Respondent’s authorized representative in this administrative proceeding is:

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

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

Electronic-only material

Method: email

Address: [email address]

Contact: [contact person]

**III. Response to Statements and Allegations Made in Complaint**

(Policy, Paragraphs 4.1.1, 4.1.2., 4.1.3.; Rules, Paragraph 5.3.1.)

[While the Respondent may provide arguments for each Section below, the Respondent need only rebut the Complainant’s arguments in one of the below Sections (VI.A, VI.B, and VI.C) for the Complaint to fail.

The burden of proof always remains on the Complainant. .  
  
In completing this Section III., do not exceed the 5,000 word limit: Supplemental Rules, Paragraph 11(b).

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

[5.] The Respondent hereby responds to the statements and allegations in the Complaint and respectfully requests the Expert to deny the remedies requested by the Complainant.

**A. Whether 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))

[Describe why the Complainant should not be considered as having relevant rights for purposes of the Policy or why the domain name is not confusingly similar or identical to the rights of the Complainant.

**B. Whether the Respondent has rights or legitimate interests in respect of the domain name[s];**

(Policy, Paragraph 4.1.1(ii))

* [Describe why the Respondent should be considered as having rights or legitimate interests in respect of the domain name(s). Evidence should be submitted in support of any claims made by the Respondent concerning its alleged rights or legitimate interests in the domain name(s).]
* [Depending on your case circumstances, you may wish to address the following (non-exclusive) examples set out at Policy, Paragraph 4.1.3., demonstrating the Respondent’s rights or legitimate interests in the domain name(s), including:

- there is evidence of the Respondent’s use of, or demonstrable intention 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, performed before receipt of any notice of the dispute;

- the Respondent (as an individual, business, or other organization) has been or is commonly known by the domain name(s) in issue, even if the Respondent has acquired no trademark or service mark rights;

- 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. Whether the domain name[s] [has/have] been registered or [is/are] being used in bad faith.**

(Policy, Paragraph 4.1.1(iii))

* [Describe why the domain name(s) should not be considered as registered **or** used in bad faith.]
* [Depending on your case circumstances, you may wish to address the following (non-exclusive) examples set out at Policy, Paragraph 4.1.2., including:

- the domain name(s) (was/were) not 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 the Complainant, for a consideration that substantially exceeds the Respondent’s costs directly related to the domain name(s);

- the domain name(s) (was/were) not registered in order to prevent the Complainant from using it, in connection therewith, the Respondent has not engaged in a pattern of such conduct; and the conduct has not affected the Complainant,

- the Complainant and the Respondent are not competitors and/or the domain name(s) (was/were) not registered by the Respondent primarily to disrupt the Complainant’s business;

- the domain name(s) (was/were) not registered by the Respondent in an attempt 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.]

[If appropriate and the allegation can be substantiated with evidence, the Rules provide that a Respondent may ask the Expert to make a finding of reverse domain name hijacking. Rules, Paragraph 15.4].

#### IV. Consent to Remedy (Optional)

[The Respondent may – in connection with an agreement between the Parties, or in its own discretion – include the below paragraph (No. 6).

If included, this informs the Complainant, the WIPO Center, the Registry, and the Expert (if appointed) that the Respondent consents to the remedy requested by the Complainant.

Please note that any agreement between the Parties to transfer or cancel the disputed domain name prior to appointment of an Expert would require the Parties to complete and submit a Standard Settlement Form (this Form can be downloaded from the WIPO Center’s website at <https://www.wipo.int/amc/en/docs/settlement-lv.docx>.

[6.] [The Respondent consents to the remedy requested by the Complainant and agrees to [transfer the disputed domain name(s) to the Complainant] / [cancel the disputed domain name(s).]

**V. Other Legal Proceedings**

(Rules, Paragraph 5(c)(vi))

[7.] [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**.]

#### VI. Communications

#### (Rules, paragraphs 2.2, 5.3.5.; Supplemental Rules, Paragraphs 3, 7, 12)

[8.] A copy of this Response has been transmitted to the Complainant on [date] in electronic form.

[9.] This Response is submitted to the Center in electronic form, including any annexes, in the appropriate format.

#### VII. Certification

#### (Rules, Paragraph 5.3.6., Supplemental Rules, Paragraph 15)

[10.] The Respondent agrees that, except in respect of deliberate wrongdoing, an Expert, the World Intellectual Property Organization and the Center shall not be liable to a party, a concerned registrar or .LV Registry for any act or omission in connection with the administrative proceeding.

[11.] The Respondent certifies that the information contained in this Response is to the best of the Respondent’s knowledge complete and accurate, that this Response is not being presented for any improper purpose, such as to harass, and that the assertions in this Response 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.

Respectfully submitted,

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

[Name/Signature]

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

#### VIII. List of Annexes

[(Rules, Paragraph 5.3, Supplemental Rules, Paragraph 12, Annex B)

[12.] 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).

[13.] 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., Respondent’s trademark or business registration]

Annex 2: [e.g., Respondent’ use or demonstrable preparations to use the domain name (e.g. website screenshots)]

Annex 3: [e.g., Parties’ prior correspondence]

Annex 4: [e.g., Evidence of domain name(s) use]

Annex 5: [e.g., Screenshot of domain name(s) website]

**[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].**