

Example Complaint Form

Notes

This is an example to show you the format of the online page and to give you an idea of what you need to include in your complaint.

You should also read the Information for Complainants section on our web site at <http://www.nominet.org.uk/disputes/drs/complainant/>

DO NOT use this form to submit a complaint to us. You need to use the online system to do this.

DO NOT copy the wording of this complaint.

PLEASE NOTE – not all suggestions are relevant to each case.

Here is the format the online page will be in, included here is advice on what you need to include in your complaint:

Nominet DRS - creating complaint D0000XXXX

Describe your complaint

Please enter the details of your complaint below. You may use a maximum of 5,000 words between the two sections. After completing this step, you will be given the opportunity to add evidence to your complaint. Evidence can be submitted in the form of electronic attachments, web pages (URLs) and/or paper annexes.

In order to be successful you must prove both of the following on the balance of probabilities:

- That you have Rights in respect of a name or mark which is identical or similar to the domain name(s); AND
- The domain name(s), in the hands of the Respondent, is an Abusive Registration

In the box provided, you should describe what [Rights](#) you are asserting. (5,000 words combined) *

The Complainant has rights in the Domain Name because:

- a. It is the personal name of the Complainant, and has been since birth (*e.g. copy of your passport, birth certificate or driving licence*).
- b. They have used the name or mark in question for a not insignificant period and to a not insignificant degree (*e.g. by way of sales figures, company accounts etc*).
- c. The name or mark in question is recognised by the purchasing trade/public as indicating the goods or services of the Complainant (*e.g. by way of advertisements and advertising and promotional expenditure, correspondence/orders/invoices from third parties and third party editorial matter such as press cuttings and search engine results*).

- d. It is registered at Companies House under the name [name] and has been since [date] (*attach evidence e.g. Companies House printouts, company books, letterhead and records*).
- e. It provides [goods/services] under the name [name] as evidenced by the brochures and invoices etc at Exhibit [number].
- f. It has the following registered [UK/Community] trade mark(s) (*detail marks, date of grant and provide copy certificates or printouts from the Patent Office/OHIM - www.patent.gov.uk, www.ohim.eu.int/en/*).
- g. It was assigned rights [specify] by [name] predecessor, e.g. the partnership that the directors of the current company were in before they founded the company. (*Provide any evidence that is available of a formal assignment of rights*).
- h. If the right is a contractual right, the Expert will need to see evidence of the contract.

In the box provided, you should describe why the domain name is an [Abusive Registration](#) (5,000 words combined) *

The Domain Name in the hands of the Respondent is abusive because it was:


- a. primarily registered for the purposes of selling, renting or otherwise transferring it to me or my competitor at a price greater than his costs (*explain and provide evidence that this was the registrant's intent at time of registration of the domain name*).
- b. primarily registered to stop me registering it despite my rights in the name (*explain name, and explain and prove how they would have been aware of you and why you know that it was a blocking registration*).
- c. primarily registered to unfairly disrupt my business, or threatening to unfairly disrupt my business because... (*explain how the registration disrupted your business, how the Respondent is to blame, and provide evidence to show this*).
- d. used by the Respondent in a way which already has confused people into thinking that it was controlled by me. Will an Internet user seeing the domain name or the site to which it is connected believe or be likely to believe that "the domain name is registered to, operated or authorised by, or otherwise connected with the Complainant"? (*explain the confusion, how it has been done (web site/email?), who has been confused and provide evidence to show this*).
- e. one of a series of registrations that the Respondent has made, which because of their number, type and pattern prove that the Respondent is in the habit of making registrations of domain names which correspond to trademarks or other well known names in which the Respondent has no apparent interest. (*explain how you know this, which registrations you are talking about, what the pattern is, how this name fits into that pattern and provide evidence of it*).

- f. registered with incorrect name and address details, which is independently proved by(explain what is wrong with the name/address, and how it has been independently verified i.e. this could be a letter returned to you by Royal Mail, provide a copy of it as your evidence).
- g. registered because of the prior relationship between us i.e. web designer/ hosting company/friend... (detail who and what sort of relationship it was, and provide evidence)...but I am now using the site and paying the registration/renewal fees (provide evidence – screenshots of the web site/emails and invoices/ emails from them regarding the domain name).
- h. the registration is automatically abusive because the registrant has been found to have made an Abusive Registration in three or more DRS cases in the last 2 years (this can be checked on the web site at <http://www.nominet.org.uk/disputes/drs/decisions/3cases/> quote the case numbers and dates you are talking about).

Deal with the general background history and relationship between the parties, if any.

You will also need to state any other relevant facts or situations that might help your case since the list of possible grounds in the DRS is not exhaustive.

How would you like this complaint to be resolved?

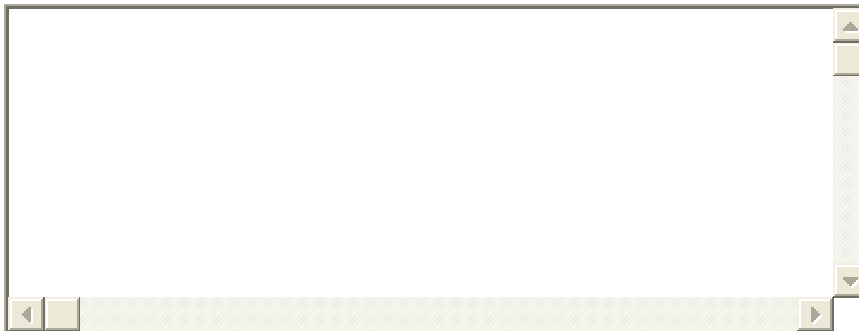
Transfer 

As far as you are aware have any legal proceedings been issued or terminated in connection with the domain name?

Outstanding legal action may invalidate your complaint. See here for more details.

There are outstanding legal actions

If there are outstanding legal actions, please describe them (1,000 words)



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