

Response Guidance Questions

You don't have to disprove rights, or show that you have equal or superior rights to the Complainant, but if you do have rights in a name or mark which is identical or similar to the domain name, this is where you should say so.

You can choose whether or not to respond to each of the questions below. You should bear in mind, however, that the Response is the one opportunity you have to submit evidence to the expert which he or she is obliged to look at in coming to a decision. If you fail to mention anything at this stage which is relevant to the dispute, it may have an effect on the outcome of the dispute.

When answering the questions below that you choose to respond to, you should try to provide as much detail as possible, and provide evidence to back up your case – an expert will give much more weight to a claim which has a screenshot or scanned document (for example) to back it up.

Tell us about yourself

- Provide some information about yourself and/or your business. What do you do? What products or services do you sell (if any)?
- How long have you been trading? Have you always been using your current business name? How do you trade (do you sell products online or in a shop or by wholesale)?
- Are you incorporated? When and where did you incorporate? Please provide details about your incorporation. Dates are likely to be particularly relevant to the dispute.
- How well known or successful has your business been? What do you regard as your market/public? What are your sales figures (for the relevant period)?

Tell us about how you use the domain name

- Why did you register the domain name?
- Do you have a (relevant) trade mark or any contractual right to the domain name? If so, please provide full details.
- How do you use the domain name now, and/or how have you been planning to use it in future? Are you recognised by the domain name? Have you used it in any publications or in any advertising?
- Has your use of the domain name changed over time? Has the complainant made any comments on any changes of use? Please explain if you disagree with anything they have said about your use of the domain name.

Tell us about your relationship with the Complainant

- Is the complainant known to you? Tell us how and when you became aware of the complainant.
- If the complaint included any details about contact between yourself and the Complainant, do you disagree with the

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	Complainant's version of events? Tell us what you think happened.
Tell us whether you disagree with any of the Abusive Registration factors claimed by the Complainant	
	<p>Please comment on the Complainant's claims regarding Abusive Registration. For example, they may have claimed that:</p> <ul style="list-style-type: none">• Your use of the domain name has caused damage to their business;• The registration is part of a pattern of registration of well known domain names by you;• The domain name was registered in order to prevent them from registering it, or in order to sell it to you for an inflated value;• That you are gaining an unfair advantage from your use of their name or mark;• The domain name is registered to a fake name or false address; or• The registration is abusive for some other reason or made any other comments not covered above.
Tell us whether any of the factors listed in section 4 of the DRS Policy are relevant to the dispute?	
	<p>N.B. You do not need to repeat anything you have already stated above.</p> <ul style="list-style-type: none">• Are you or one of your products or services known by a name which is identical or similar to the domain name? Please provide evidence of this (e.g. advertisements, brochures, screenshots of websites etc)• Do you believe that your use of the domain name is legitimate and non-commercial or fair? Please provide details and evidence (fair use may include sites operated solely for tribute or criticism)• Is the domain name generic and/or descriptive (in its entirety)?• Do you have a contract or business agreement (e.g. a distribution or franchising agreement) with the Complainant authorising/explaining your registration or use of the domain name? What does it say?• Have you made genuine plans for future use of the domain name? When did you start making these plans? Please provide evidence of these plans (e.g. by providing business plans or correspondence with banks or business partners)?• Is there anything else in section 4 of the DRS Policy which may explain your registration or use of the domain name?
Do you want to raise any other issues in order to demonstrate that your registration or use of the domain name is not abusive?	
	<ul style="list-style-type: none">• Please provide details