

EXAMPLE RESPONSE GUIDANCE

This is an example to give you an idea of what you need to include in your response.

We also recommend reading the [Expert's Overview](#).

DO NOT copy the wording of this complaint.

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

WRITE YOUR RESPONSE TO COMPLAINT

You may use a maximum of 5,000 words when submitting your response. Evidence can be submitted in the form of electronic attachments, web pages (URLs) and/or paper annexes.

You should explain in detail why the complaint should not succeed.

I object to the complaint and ask that the Expert does not grant the Complainant the remedy that they have asked for because...

- a. Give general background of the relationship (if any) between the parties.
- b. It may be helpful to explain what parts of the Complaint are admitted or accepted.
- c. The rights claimed in the domain name by the Complainant were not/are not now valid rights and/or not rights at English law because (explain and prove e.g. trademark has not been granted, or does not apply in the UK, or the rights claimed belong to a parent company not the complainant).
- d. The Complaint is incorrect and /or untrue and/or misleading because:
 - i. The following statements made in the Complaint are untrue (list them, explain how they are untrue and prove it by attaching documentary evidence in an annex).
 - ii. The Complainant alleges that (explain what they have said) but omits to say that (explain what they have left out which changes the situation).
 - iii. The Complainant has misunderstood the DRS Policy because (explain and prove for example they may have alleged 'bad faith' and applied the UDRP not the DRS).
- di. The registration is not abusive because:
 - i) My actions were in accordance with the contract (explain the date and nature of the contract, whether it was written or verbal, and why doing what you have done amounted to complying with it – if it was a written contract annex it as an exhibit, and if it was a verbal contract explain what you thought the terms were).
 - ii) The domain name is being used for an unauthorised tribute or criticism site - set out the factors which show that the use is fair in the circumstances (e.g. the nature of surrounding events that justify the action).
 - iii) I am using the name in relation to a genuine offering of goods and services (explain what goods and services you provide in relation to the domain name and provide evidence).

Or

 - iv) I have made genuine preparations to use the name in relation to a genuine offering of goods and services (explain what they are and what you have done in relation to the domain name e.g. provide invoices, letterhead,

advertisements, bank accounts, business plans etc any evidence produced should sensibly include evidence predating your awareness of the Complainant's rights). The critical word here is 'genuine' Experts will generally view purported 'plans' which are totally unsupported by any evidence with scepticism.

- v) I have been commonly known by the name or been legitimately connected with a mark which is identical or similar to the domain name (explain what it is, how you are linked to it, how many people would know this and provide evidence of this connection).
- vi) I have made legitimate, non-commercial or fair use of the domain name (reasons why you feel this is true) specifically looking at how that use has not taken unfair advantage of or has not been unfairly detrimental to the Complainant's Rights.
- vii) The domain name is generic and/or descriptive because (detail how and why the domain name is generic (dictionary words?) and/or descriptive of the industry you are in, or generally, and back that up with evidence).
- viii) If the Complainant has suggested that you have a number of registrations for domain names in which you have no obvious interest, or cited previous DRS decisions against you, you must demonstrate that this registration is distinct from your other domain name registrations (state why it is different and why it does not fit into the pattern they have described and provide evidence to prove this).