

ADNDRC URS Implementation – Status Update

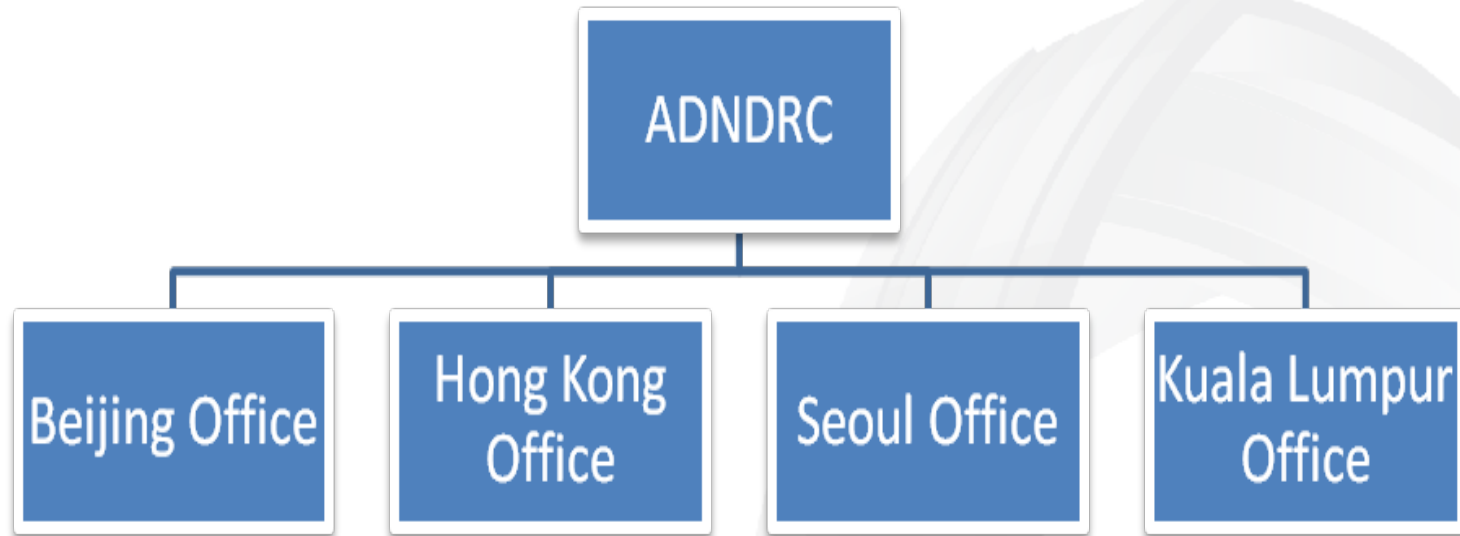
Dennis Cai
17 July 2013, Durban



Overview of ADNDRC

- Established in Hong Kong in 2001, Independent & non-profit organisation
- Managed by the ADNDRC Council
- 4 Offices - Hong Kong, Beijing, Seoul and Kuala Lumpur
 - Hong Kong International Arbitration Centre (HKIAC)
 - China International Economic and Trade Arbitration Commission (CIETAC)
 - Korean Internet Address Dispute Resolution Committee (KIDRC)
 - Kuala Lumpur Regional Centre for Arbitration (KLRC)

Organisation Chart



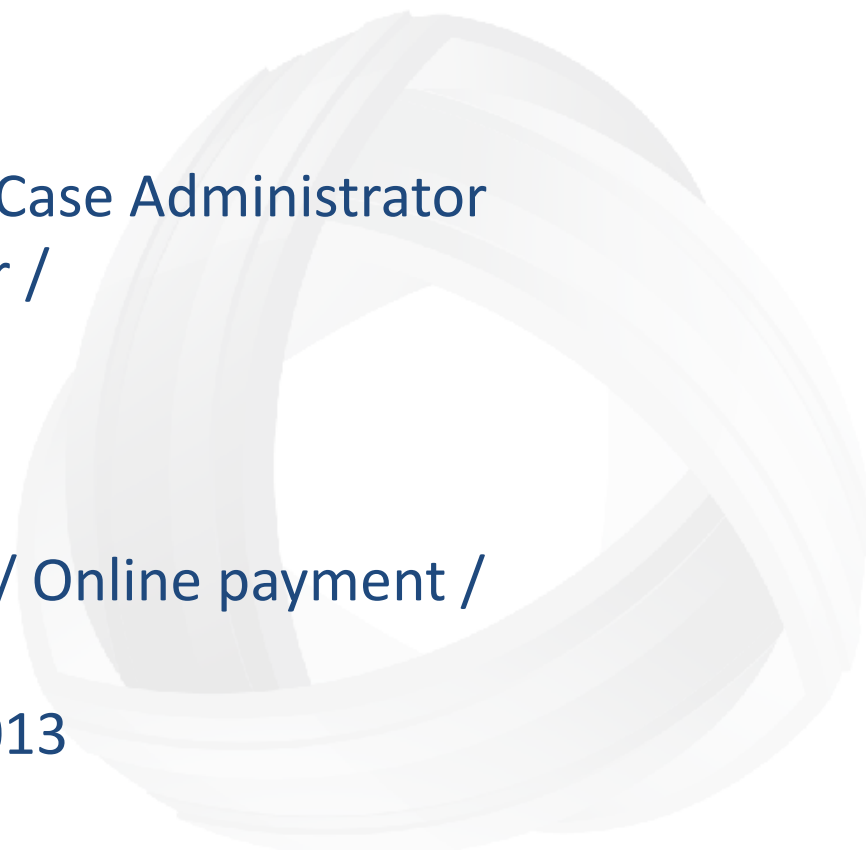
Domain Name Dispute Resolution Services by ADNDRC

- UDRP (Since 2002)
- TDRP (Since 2004)
- URS (Since 2013)




URS Online Dispute Resolution System


- **Users:**
Complainant / Respondent / Case Administrator
Registry Operator / Examiner /
Dispute Resolution Provider
- **Functions:**
Case filing and management / Online payment /
- To be launched in October 2013



URS Complaint Submission



Asian Domain Name Dispute Resolution Centre
- a charitable institution limited by guarantee registered in Hong Kong



Home 中文站

Welcome (Hong Kong Office)

On-Line Domain Name Dispute Resolution System

Uniform Domain-Name Dispute Resolution Policy (UDRP)

Download Forms

Decisions

Procedures for Inclusion onto the Panel

Terms of Reference

Registrar Transfer Dispute Resolution Policy (TDRP)

Announcement

Contact Us

ICANN

ISO 3166 Code Lists

Beijing Office

Seoul Office

Kuala Lumpur Office

URS

Complaint Form

Asian Domain Name Dispute Resolution Centre (Hong Kong Office)

Complaint in accordance with the Uniform Rapid Suspension System Rules and Procedures

1. Disputed Domain Name(s) and the Concerned Registry Operator(s): (Names to be listed in full) (If there is insufficient space, please provide details on a separate A4 sheet in the same format.)

Add Registry Operator

(e.g. 1Coox)

List of Registry Operator :

1. Academic and Research Network of Slovenia (ARNES)	
2. Afilias Limited	
3. <input type="text"/>	
4. <input type="text"/>	

Disputed Domain Name(s)

(e.g. hk9ac.org)

List of Disputed Domain Name(s)

Academic and Research Network of Slovenia (ARNES)

1. https://www.adndrc.org/hk_home.org	<input type="button" value="X Remove"/>
2. https://www.adndrc.org/hk_home.com	<input type="button" value="X Remove"/>
3. https://www.adndrc.org/hk_home.net	<input type="button" value="X Remove"/>

Afilias Limited

1. https://www.adndrc.org/hk_home.info	<input type="button" value="X Remove"/>
2. https://www.adndrc.org/hk_home.hk	<input type="button" value="X Remove"/>
3. https://www.adndrc.org/hk_home.com.hk	<input type="button" value="X Remove"/>

2. Details Of Parties: (If there is more than one Complainant, please use a separate A4 sheet to provide the contact details for each and briefly describe the basis on which they are being joined in a common Complaint. If there is more than one respondent, a separate Form C should be used.)

COMPLAINANT:	RESPONDENT:
Name: <input type="text"/>	Name: <input type="text"/>
Address: <input type="text"/>	Address: <input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
Tel No: <input type="text"/>	Tel No: <input type="text"/>
Fax No: <input type="text"/>	Fax No: <input type="text"/>
Email: <input type="text"/>	Email: <input type="text"/>
Legal Status: <input type="text"/>	Legal Status: <input type="text"/>
Place of Incorporation: <input type="text"/>	Place of Incorporation: <input type="text"/>
Principal Place of Business: <input type="text"/>	Principal Place of Business: <input type="text"/>

3. Indicate Reasons Why The Person / Entity Identified in The Complaint Has Been Identified As The Respondent: (Copy of database search(es) should be attached to this Complaint.)

4. Indicate Whether There Are Legal Proceedings That Have Been Commenced Or Terminated In Connection With Or Relating To Any Of The Domain Name(s) That Are The Subject Of The Complaint: (Please attach any supporting documentation.)

5. Complaint: (Please specify the trademark(s) or service mark(s) on which the Complaint is based and, for each mark, describe the goods or services, if any, in connection with which the mark is used. If applicable, please attach copies of all registration certificates.)

6. Selection Of The Factual And Legal Grounds On Which The Complaint Is Made:

that the registered domain name is identical or confusingly similar to a word mark:

- (i) for which the Complainant holds a valid national or regional registration and that is in current
- (ii) use, or
- (iii) that has been validated through court proceedings; or
- that is specifically protected by a statute or treaty in effect at the time the URS complaint is filed.

that the Registrar has no legitimate right or interest to the domain name;

that the domain was registered and is being used in bad faith. A non-exclusive list of circumstances that demonstrate bad faith registration and use by the Registrant include:

- (i) Registrant has registered or acquired the domain name primarily for the purpose of selling, renting or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of documented out-of-pocket costs directly related to the domain name,
- (ii) Registrant has registered the domain name in order to prevent the trademark holder or service mark from reflecting the mark in a corresponding domain name, provided that Registrant has engaged in a pattern of such conduct, or
- (iii) Registrant registered the domain name primarily for the purpose of disrupting the business of a competitor, or
- (iv) By using the domain name Registrant has intentionally attempted to attract for commercial gain, Internet users to Registrant's web site or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of Registrant's web site or location or of a product or service on that web site or location.
- (v) Others.

7. Statement (Optional) (Word limit shall be 500 words maximum.)

8. Remedies Sought:
Suspend the Disputed Domain Name(s)

9. Other Relevant Details:

URS Response Submission

URS

Response Form

Asian Domain Name Dispute Resolution Centre (Hong Kong Office)

Response in accordance with the
Uniform Rapid Suspension System Rules and Procedures

(Note: In case any section of the form is not applicable, please put in "N/A")

1. Disputed Domain Name(s) and the Concerned Registry Operator(s): (Names to be listed in full) (If there is insufficient space, please provide details on a separate A4 sheet in the same format.)

Add Registry Operator

(e.g. 1Coxx)

Add

List of Registry Operator :

- Academic and Research Network of Slovenia (ARNES)
- Alifias Limited
-
-

Disputed Domain Name(s)

(e.g. hkiac.org)

▼

Add

List of Disputed Domain Name(s)

Academic and Research Network of Slovenia (ARNES)

- https://www.adndrc.org/hk_home.org X Remove
- https://www.adndrc.org/hk_home.com X Remove
- https://www.adndrc.org/hk_home.net X Remove

Alifias Limited

- https://www.adndrc.org/hk_home.info X Remove
- https://www.adndrc.org/hk_home.hk X Remove
- https://www.adndrc.org/hk_home.com.hk X Remove

2. Details of PARTIES: *(If there is more than one Complainant/Respondent, please use a separate A4 sheet to provide the contact details for each and briefly describe the bases on which they are being joined in a common Complaint.)*

COMPLAINANT:

RESPONDENT:

Name:
Address:

Name:
Address:

Tel No:
Fax No:
Email:
Legal Status:
Place of
Incorporation:
Principal Place
of Business:

Tel No:
Fax No:
Email:
Legal Status:
Place of
Incorporation:
Principal Place
of Business:

Authorized Representative (if any):

Authorized Representative (if any):

Name:
Address:

Name:
Address:

Tel No:
Fax No:
Email:

Tel No:
Fax No:
Email:

3. Indicate Whether There Are Legal Proceedings That Have Been Commenced Or Terminated In Connection With Or Relating To Any Of The Domain Name(s) That Are The Subject Of The Complaint: (attach any supporting documentation)

4. Confirmation Or Denial Of All Or Part Of The Complaint(s):

5. Confirmation of the Registrant data as specified in the Complaint Form

Yes No (If no, please provide the Registrant Data)

6. Specific admission or denial of each of the grounds upon which the Complaint is bases:

Denial Admitted

7. defense which contradicts the Complanant's claims: (Word limit shall be 2,500 words maximum.)

8. Remedies Sought:

Reject the Complaint

- that the registered domain name is identical or confusingly similar to a word mark:
- (i) for which the Complainant holds a valid national or regional registration and that is in current use; or
 - (ii) that has been validated through court proceedings; or
 - that is specifically protected by a statute or treaty in effect at the time the URS complaint is filed.
- that the Registrant has no legitimate right or interest to the domain name;
- that the domain was registered and is being used in bad faith. A non-exclusive list of circumstances that demonstrate bad faith registration and use by the Registrant include:
- (i) Registrant has registered or acquired the domain name primarily for the purpose of selling, renting or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of documented out-of-pocket costs directly related to the domain name;
 - (ii) Registrant has registered the domain name in order to prevent the trademark holder or service mark from reflecting the mark in a corresponding domain name, provided that Registrant has engaged in a pattern of such conduct; or
 - (iii) Registrant registered the domain name primarily for the purpose of disrupting the business of a competitor; or
 - (iv) By using the domain name Registrant has intentionally attempted to attract for commercial gain, Internet users to Registrant's web site or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of Registrant's web site or location or of a product or service on that web site or location.
 - (v) Others

9. Other Relevant Details:

Submit

Cancel

Panel of Neutrals of ADNDRC

- 120+ Panelists from 26+ different jurisdictions
- Multi - Languages
- Expertise in IP disputes

<https://www.adndrc.org/hk/plist.php>



Tentative Fee Schedule

Fees for Examination and Re-examination:

Number of Domain Name involved in the Complaint	Fees for the Complainant	Fees for the Respondent	
	(i) Filing Fees	(ii) Response Fee (Refundable to the Prevailing Party)	(iii) Re-examination Fee (If applicable, non-refundable)
1 to 5 domain names	US\$360	Nil	US\$180
6 to 14 domain names	US\$400	Nil	US\$200
15 to 29 domain names	US\$450	US\$450	US\$225
30 domain names or more	(To be determined by the relevant office of ADNDRC)		

Tentative Fee Schedule

Fees for Appeal:

Number of Domain Name involved	Single-member Panel		Three-member Panel	
	Fees for Appeal Panel	Additional fees for introduction of new evidence	Fees for Appeal Panel	Additional fees for introduction of new evidence
1 to 5 domain names	US\$ 360	US\$ 150	US\$ 900	US\$ 250
6 to 14 domain names	US\$ 400	US\$ 200	US\$ 1,000	US\$ 350
15 to 29 domain names	US\$ 450	US\$ 250	US\$ 1,100	US\$ 500
30 domain names or more	(To be determined by the relevant office of ADNDRC)		(To be determined by the relevant office of ADNDRC)	



Asian Domain Name Dispute Resolution Centre
- a charitable institution limited by guarantee registered in Hong Kong

Thank You!

ADNDRC (Hong Kong Office)

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Fax: 852 2524 2171

Email: hkiac@adndrc.org

