



CHECKLIST FOR ADMINISTRATIVE REVIEW OF THE URS COMPLAINT

Timeframe: within 2 Business Days of Submission of Complaint

1. Does the Complaint contend for a New gTLD or a domain name to which URS proceeding applies?

YES NO NOTES: _____

New gTLD: generic top-level domains introduced in the root after January 1, 2013

Check at: <http://newgtlds.icann.org/en/program-status/delegated-strings>

Other domain names to which URS proceeding applies: .pw, .cat, .jobs, .mobi, .pro, .travel, and .xxx.

URS does not apply to ccTLDs (such as .us, .de, .uk, etc.), nor to any of the following gTLDs: .aero, .arpa, .asia, .biz, .com, .coop, .edu, .gov, .info, .int, .mil, .museum, .name, .net, .org, .post, .tel, except for those mentioned above.

2. Is the Complaint in English?

YES NO NOTES: _____

The whole Complaint should be in English.

URS Rules para. 9(a):

The Complaint shall be submitted in English.

3. Does the Complaint include all information, indication and declaration required by the paragraph 1.2 of URS Procedure and paragraph 3(b) of URS Rules?

YES NO NOTES: _____

URS Procedure para. 1.2:

1.2 The Complaint will be submitted using a form made available by the Provider. The Form Complaint shall include space for the following:

1.2.1 Name, email address and other contact information for the Complaining Party (Parties).

1.2.2 Name, email address and contact information for any person authorized to act on behalf of Complaining Parties.

1.2.3 Name of Registrant (i.e. relevant information available from Whois) and Whois listed available contact information for the relevant domain name(s).

1.2.4 The specific domain name(s) that are the subject of the Complaint. For each domain name, the Complainant shall include a copy of the currently available Whois information and a



description and copy, if available, of the offending portion of the website content associated with each domain name that is the subject of the Complaint.

1.2.5 The specific trademark/service marks upon which the Complaint is based and pursuant to which the Complaining Parties are asserting their rights to them, for which goods and in connection with what services.

1.2.6 An indication of the grounds upon which the Complaint is based setting forth facts showing that the Complaining Party is entitled to relief, namely:

1.2.6.1. 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 (iii) that is specifically protected by a statute or treaty in effect at the time the URS complaint is filed.

a. Use can be shown by demonstrating that evidence of use – which can be a declaration and one specimen of current use in commerce – was submitted to, and validated by, the Trademark Clearinghouse)

b. Proof of use may also be submitted directly with the URS Complaint. and

1.2.6.2. that the Registrant has no legitimate right or interest to the domain name; and

1.2.6.3. that the domain was registered and is being used in bad faith.

1.2.7 A box in which the Complainant may submit up to 500 words of explanatory free form text.

1.2.8. An attestation that the Complaint is not being filed for any improper basis and that there is a sufficient good faith basis for filing the Complaint.

URS Rules para. 3(b):

The Complaint, including any annexes, shall be submitted using an electronic form made available by the Provider and shall:

(i) Request that the Complaint be submitted for determination in accordance with the URS Procedure, these Rules and the Provider's Supplemental Rules;

(ii) Provide the name, contact person, postal and email addresses, and the telephone and telefax numbers of the Complainant and of any representative authorized to act for the Complainant in the URS proceeding;

(iii) Provide the name of the Respondent and all other relevant contact information from the Whois record as well as all information known to Complainant regarding how to contact Respondent or any representative of Respondent, including contact information based on pre-complaint dealings, in sufficient detail to allow the Provider to notify the Respondent of the complaint as described in Rule 2(a);

(iv) Specify the domain name(s) that is/are the subject of the Complaint. The Complainant shall include a copy of the currently available Whois information and a copy, if available, of the offending portion of the website content associated with each domain name that is the subject of the complaint;

(v) Specify the trademark(s) or service mark(s) on which the complaint is based and the goods or services with which the mark is used including evidence of use – which can be a declaration and a specimen of current use in commerce - submitted directly or by including a relevant SMD (Signed Mark Data) from the Trademark Clearinghouse;

(vi) Identify which URS Procedure elements (URS 1.2.6) the Complainant contends are being violated by Respondent's use of the domain name. This will be done by selecting the elements from URS Procedure section 1.2.6 that apply from the list provided on the Provider's Complaint form;



(vii) An optional explanatory statement of no more than 500 words in a separate free form text box;

(viii) Identify any other 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;

(ix) State that Complainant will submit, with respect to any challenges to a determination in the URS proceeding, to the jurisdiction of the courts in at least one specified Mutual Jurisdiction;

(x) Conclude with agreement to the following statement:

"The Complainant agrees that its claims and remedies concerning the registration of the domain name(s), the dispute, or the dispute's resolution shall be solely against the domain name holder and waives all such claims and remedies against (a) the Provider and Examiner, except in the case of deliberate wrongdoing, (b) the concerned registrar(s), (c) the registry operator(s) and (d) the Internet Corporation for Assigned Names and Numbers, as well as their directors, officers, employees, and agents.

The Complainant certifies that the information contained in this Complaint is to the best of the Complainant's knowledge complete and accurate, that this Complaint is not being presented for any improper purpose, such as to harass, and that the assertions in this Complaint are warranted under the URS Rules and under applicable law, as it now exists or as it may be extended by a good-faith and reasonable argument."

STARTING FROM 25TH MAY 2018 TEMPORARY SPECIFICATION FOR GTLD REGISTRATION DATA - APPENDIX D PARAGRAPH 2

"Complainant's complaint will not be deemed defective for failure to provide the name of the Respondent (Registered Name Holder) and all other relevant contact information required by Section 3 of the URS Rules if such contact information of the Respondent is not available in registration data publicly available in RDDS or not otherwise known to Complainant. In such an event, Complainant may file a "Doe" complaint and the Examiner shall provide the relevant contact details of the Registered Name Holder after being presented with a "Doe" complaint."

4. Does the Complaint relate to more than one domain name and are those domain names registered by the same holder?

YES NO **NOTES:** _____

URS Rules para. 3(c):

The Complaint may relate to more than one domain name, provided that the domain names are registered by the same domain-name holder.

MFSD Internal Rules para. 4:

If the domain name is registered with a privacy or proxy service, the Complainant shall name the Respondent as listed in the Whois record at the time of filing of the Complaint.

If Registry Operator with the Notice of Lock to MFSD provides additional contact information for the Registrant, that information will be included in MFSD's Notice of Complaint referenced in paragraph 4.2 of URS Procedure and paragraph 2(a)(i) URS Rules.

The first entity to Submit a Response or other communications to MFSD through MFSD's online dispute management platform shall be the Respondent of the URS proceeding..

5. Has the filing fee been paid properly together with the Submission of the Complaint?



YES NO **NOTES:** _____

MFSD's filing fees:

Fees for Examination and Re-examination

Applicant	Number of Domain Names included in the Compliant	Fees (Euro) for the Compliant	Fees (Euro) for the Respondent	
		Filing Fees	Response Fees (Refundable to the Prevailing Party)	Re-examination Fees (If applicable, non-refundable)
natural person/sole proprietorship/public body/non-profit entity	1-15	350	-	175
	16-50	400	400	200
	more than 50	to be decided with MFSD	to be decided with MFSD	to be decided with MFSD
partnership/corporation/public company/private limited/limited liability company	1-15	375	-	190
	16-50	450	450	225
	more than 50	to be decided with MFSD	to be decided with MFSD	to be decided with MFSD

Fees for Appeal

Applicant	Number of Domain Names included in the Appeal	Single-member Panel		Three-member Panel	
		Fees (Euro) for Appeal	Additional Fees (Euro) for new admissible evidence	Fees for Appeal (Euro)	Additional Fees (Euro) for new admissible evidence
natural person/sole proprietorship/public body/non-profit entity	1-15	350	175	1050	350
	16-50	400	200	1200	400
	more than 50	to be decided with MFSD	to be decided with MFSD	to be decided with MFSD	to be decided with MFSD
partnership/corporation/public company/private limited/limited liability company	1-15	375	190	1125	380
	16-50	450	225	1350	450
	more than 50	to be decided with MFSD	to be decided with MFSD	to be decided with MFSD	to be decided with MFSD

All fees shall be paid online by credit card via secure online payment facility GestPay of Banca Sella on MFSD's online dispute management platform (<https://urs.mfsd.it>).



6. Has the Complainant exceeded its quota of Abusive Complaints?

YES NO NOTES: _____

URS Procedure para. 11.4 and 11.5:

11.4 In the event a party is deemed to have filed two (2) abusive Complaints or one (1) "deliberate material falsehood", that party shall be barred from utilizing the URS for one-year following the issuance of a Determination finding a Complaint to have: (i) filed its second abusive Complaint; or (ii) filed a deliberate material falsehood.

11.5 Two findings of "deliberate material falsehood" shall permanently bar the Complainant from utilizing the URS.

Check at:

MFSD decisions - finding of abuse

<http://www.adrforum.com/SearchDecisions>

http://www.adndrc.org/mten/URS_Decisions.php?st=4

7. Is/are the disputed domain name(s) part of an open and active URS or UDRP Case?

YES NO NOTES: _____

Verify declaration of Complainant according URS Rules 3(b)(viii) whether aware of any other 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.

Check:

URS cases at:

<http://www.adrforum.com/SearchDecisions>

http://www.adndrc.org/mten/URS_Decisions.php?st=4

UDRP cases at:

<http://www.adrforum.com/SearchDecisions>

http://www.adndrc.org/mten/UDRP_Decisions.php

<http://www.wipo.int/amc/en/domains/search/>

<http://udrp.adr.eu/adr/decisions/index.php>

Cases of dismissal

If administrative deficiencies are found in the Complaint, such as:

- if the Complaint contends for a domain name to which URS proceeding does not apply;
- if the Complaint or part of it is not in English;



- if the Complaint does not include all information, indication and declaration required by the paragraph 1.2 of URS Procedure and paragraph 3(b) of URS Rules (except for paragraph 2 of the Temporary Specification for gTLD Registration Data);
 - if the Complaint relates to more than one domain name and those are not registered by the same holder;
 - if the filing fee has not been paid together with the Submission;
 - if the Complainant has exceeded its quota of Abusive Complaints;
 - if the disputed domain name is part of an open and active URS or UDRP case,
- MFSD dismisses the Complaint, without prejudice to the Complainant's right to file a new Complaint. The initial filing fee shall not be refunded.