

- [Account](#)
- [Exit](#)



MFSD

- [Home](#)
- [New gTLDs URS](#)
- [News and Events](#)
- [Contact Us](#)
- [Back](#)
- [Home](#)
- [New gTLDs URS](#)
- [URS Forms](#)
- [Response to Complaint](#)

URS | RESPONSE TO COMPLAINT

(URS Procedure 5; URS Rules 5)

LOAD

Dispute Details

SHOW DETAILS

Before completing and submitting this form, please familiarize with the Uniform Rapid Suspension System Procedure (the URS Procedure), approved by the Internet Corporation for Assigned Names and Numbers (ICANN) on March 1, 2013, with the Uniform Rapid Suspension System Rules (the URS Rules), approved by ICANN on June 28, 2013 and with MFSD's Supplemental Rules for URS

I. Introduction

The Respondent has been notified by MFSD that an administrative proceeding had been commenced by the Complainant in accordance with the Uniform Rapid Suspension System Procedure (the URS Procedure), approved by the Internet Corporation for Assigned Names and Numbers (ICANN) on March 1, 2013, the Uniform Rapid Suspension System Rules (the URS Rules), approved by ICANN on June 28, 2013, and MFSD's Supplemental Rules for Uniform Rapid Suspension System (the Supplemental Rules)

II. Respondent's Contact Details

(URS Procedure 5.4.1; URS Rules 5(a)(i))

The **Respondent's** contact details are:

Specify full name, mailing address, telephone number, fax number and e-mail address of the Respondent

Profile

Name

Surname

Address

Telephone

Fax

E-mail

ADD RESPONDENT

The **Respondent's Authorized Representative's** contact details are the following:

Specify full name, mailing address, telephone number, fax number and e-mail address of the Respondent's Authorized Representative

Profile

Name

Surname

Address

Telephone

Fax

E-mail

ADD AUTHORIZED REPRESENTATIVE

III. Response to Statements and Allegations Made in the Complaint

(URS Procedure 5.4.2-5.4.3; URS Rules 5(a)(ii))

The URS Procedure 5.4.2 and 5.4.3 instruct the Respondent in its Response to provide "Specific admission or denial of each of the grounds upon which the Complaint is based" and "Any defense which contradicts the Complainant's claims". The URS Rules 5(a)(ii) instructs the Respondent in its Response to "Respond specifically to each of grounds upon which the Complaint is based and include any defense which contradicts the Complainant's claims". For a complainant to succeed, it must establish that each of the three conditions under the URS Procedure 1.2.6 are satisfied. With reference to that para. 1.2.6, in this section the Respondent may wish to discuss some or all of the following, to the extent relevant and supported by evidence. Annex any documentary or other evidence upon which you rely

The Respondent hereby responds to each of the grounds upon which the Complaint is based:

A. Whether the domain name(s) is(are) identical or confusingly similar to a word mark?

(URS Procedure 1.2.6.1; URS Rules 3(b)(v)-(vi))

In this connection, consideration may, for example, be given to the following:

- Any challenges to the trademark(s) or service mark(s) rights asserted by the Complainant
- A refutation of the arguments made by the Complainant concerning the manner in which the domain name(s) is(are) allegedly identical or confusingly similar to a word mark to which the Complainant asserts its rights

You can send up to 2500 total words on the entire Response to Complaint module of 2500 used / 2499 words left

B. Whether the Respondent has no legitimate right or interest to the domain name(s)?

(URS Procedure 1.2.6.2)

In this connection, consideration may, for example, be given to the following:

- A refutation of the arguments made by the Complainant as to why the Respondent should be considered as having no rights or legitimate interests in respect of the domain name(s) that (is/are) the subject of the Complaint. Evidence should be submitted in support of any claims made by the Respondent concerning its alleged rights or legitimate interests in the domain name(s).

You can send up to 2500 total words on the entire Response to Complaint module 1 of 2500 used / 2499 words left

C. Whether the domain name(s) was/were registered and is/are being used in bad faith?

(URS Procedure 1.2.6.3)

In this connection, consideration may, for example, be given to the following:

- A refutation of the arguments made by the Complainant as to why the domain name(s) should be considered as registered in bad faith. Evidence should be submitted in support of any claims made by the Respondent concerning its bona fide in registering and using the domain name(s).

URS Procedure 1.2.6.3 identifies several examples of circumstances that Examiner could consider as constituting bad faith. With reference to that para. 1.2.6.3, to the extent argued by the Complainant, the Respondent should discuss and show that:

- The domain name(s) was(were) not registered or acquired primarily for the purpose of selling, renting, or otherwise transferring the domain name registration(s) 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 the Respondent's out-of-pocket costs directly related to the domain name(s).
- The domain name(s) was(were) not registered in order to prevent the trademark holder or service mark from reflecting the mark in a corresponding domain name, and, in connection therewith, the Respondent has not engaged in a pattern of such conduct.
- The Complainant and the Respondent are not competitors and/or the domain name(s) was(were) not registered primarily for the purpose of disrupting the Complainant's business.
- The domain name(s) is(are) not used by the Respondent in an intentional attempt to attract for commercial gain, Internet users to the Respondent'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 the Respondent's web site or location or of a product or service on the Respondent's web site or location.

URS Procedure 5.7 sets out examples of circumstances demonstrating bona fide registration of the domain name(s):

- Before any notice to the Respondent of the dispute, there is evidence of Respondent's use of, or demonstrable preparations to use, the domain name(s) or a name corresponding to the domain name(s) in connection with a bona fide offering of goods or services.
- The Respondent (as an individual, business, or other organization) has been commonly known by the domain name(s), even if the Respondent has acquired no trademark or service mark rights.
- The Respondent is making a legitimate or fair use of the domain name(s), without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark(s) or service mark(s) at issue.

URS Procedure 5.8 sets out examples of defenses to the Complaint to demonstrate that the Respondent's use of the domain name is not in bad faith:

- The domain name is generic and descriptive and the Registrant is making fair use of it.
- The domain name(s) sites are operated solely in tribute to or in criticism of a person or business.
- Respondent's holding of the domain name(s) is consistent with an express term of a written agreement entered into by the disputing Parties and that is still in effect.
- The domain name(s) is(are) not part of a wider pattern or series of abusive registrations because the domain name(s) is(are) of a significantly different type or character to other domain names registered by the Respondent.

URS Procedure 5.9 sets out other factors that the Examiner shall consider:

- Trading in domain name for profit, and holding a large portfolio of domain names, are themselves not indicia of a bad faith under the URS. Such conduct, however, may be abusive in a given case depending on the circumstances of the dispute.
- Sale of traffic (i.e. connecting domain names to parking pages and earning click-per-view revenue) does not in and of itself constitute bad faith under the URS. Such conduct, however, may be abusive in a given case depending on the circumstances of the dispute. In this connection the Examiner shall take into account the nature of the domain name(s), the nature of the advertising links on any parking page associated with the domain name and that the use of

the domain name(s) is ultimately the Respondent's responsibility.

You can send up to 2500 total words on the entire Response to Complaint module 1 of 2500 used / 2499 words left

Attachment(s)

PDF / TXT / WRD / XLS

 SELECT FILE(S)

IV. Remedies Requested

(URS Procedure 10; URS Procedure 5.5; URS Procedure 11.2-11.3; URS Rules 5(a)(iii); URS Rules 5(f))

For the reasons described in Section III above, the Respondent respectfully requests the Examiner to deny the remedies requested by the Complainant and to rule in favor of the Respondent.

No affirmative claims for relief by the Respondent is permitted except for an allegation that the Complainant has filed and abusive Complaint. If appropriate and the allegation can be substantiated with evidence, the URS Procedure and the URS Rules provide that a Respondent may ask the Examiner to make a finding that the Complaint is abusive. A Complaint may be deemed ABUSIVE if the Examiner determines that:

- it was presented solely for improper purpose such as to harass, cause unnecessary delay, or needlessly increase cost of doing business; or
- the claims or other assertions were not warranted by any existing law or the URS standards; or
- the factual contentions lacked any evidentiary support.

An Examiner may find that the Complaint contained a DELIBERATE MATERIAL FALSEHOOD if it contained an assertion of fact, which at the time it was made, was made with the knowledge that it was false and which, if true, would have an impact on the outcome on the URS proceeding.

ABUSE OF THE PROCEEDINGS

V. Other Legal Proceedings

(URS Rules 5(a)(iv))

If any, identify other legal proceedings that have been commenced or terminated in connection with or relating to any of the domain name(s) that is/are the subject of the Complaint

You can send up to 2500 total words on the entire Response to Complaint module 1 of 2500 used / 2499 words left

Attachment(s)

PDF / TXT / WRD / XLS

 SELECT FILE(S)

VI. Payment

(URS Procedure 2.2; URS Procedure 5.2; URS Rules 5(h); Supplemental Rules, 3)

Complaints listing fifteen (15) or more disputed domain names registered by the same Respondent will be subject to a Response Fee which will be refundable to the prevailing party. For Responses filed more than thirty (30) Calendar Days after Default Determination, regardless of the number of domain names in the Complaint, Respondent shall pay a Re-examination Fee.

In accordance with URS Procedure, URS Rules and Supplemental Rules payment of Response Fee/Re-examination Fee is made by credit card via secured online payment facility GestPay by Banca Sella

VII. Certification

(URS Rules 5(a)(v); Supplemental Rules, 3)



The Respondent agrees that its claims and remedies concerning the dispute and remedies concerning the dispute, or the dispute resolution, shall be solely against the Complainant and waives all such claims and remedies against (a) MFSD 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 Respondent certifies that the information contained in this Response is to the best of the Respondent's knowledge complete and accurate, that this Response is not being presented for any improper purpose, such as to harass, and that the assertions in this Response 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

VIII. List of Annexes

(URS Rules 5(a)(vi); Supplemental Rules, 3)

You have already annexed the following attachments

Signature

Name

Surname

E-mail

No domain name has been indicated as subject of this proceeding

The information filled in the form is not sufficient to submit the form

CONFIRM AND CONTINUE

- [Dispute Details](#)
- [I. Introduction](#)
- [II. Respondent's Contact Details](#)
- [III. Response to Statements and Allegations Made in the Complaint](#)
- [A. Whether the domain name\(s\) is\(are\) identical or confusingly similar to a word mark?](#)
- [B. Whether the Respondent has no legitimate right or interest to the domain name\(s\)?](#)
- [C. Whether the domain name\(s\) was/were registered and is/are being used in bad faith?](#)
- [IV. Remedies Requested](#)
- [V. Other Legal Proceedings](#)
- [VI. Payment](#)
- [VII. Certification](#)
- [VIII. List of Annexes](#)
- [Signature](#)

SAVE 


MFSD srl

Via Giorgio Washington 50

20146 Milano, Italy

IT VAT: 04810100968

CONTACTS

 +39 02 45506624

+39 02 91471087

@urs@mfsd.it (URS)

https://urs.mfsd.it

LEGAL NOTES

[Corporate information](#)

[Fees](#)

[Privacy Policy](#)

[Cookies Policy](#)



© 2001-2018 - MFSD SRL - All Rights Reserved. Developed by: