**COMPLAINT TRANSMITTAL COVERSHEET**

Attached is a Complaint that has been filed against you with the World Intellectual Property Organization (**WIPO**) Arbitration and Mediation Center (the **Center**) pursuant to the Saudi Domain Name Dispute Resolution Rules (the **Rules**), the Saudi Domain Name Dispute Resolution Procedure (the **Procedure**), and the WIPO Supplemental Procedures for Saudi Domain Name Dispute Resolution Procedure (the **Supplemental Procedures**).

The Rules are incorporated by reference into the Saudi Domain Name Registration Regulation that you accept with your Registration Agreement with the Registrar(s) of your domain name(s), in accordance with which you are required to submit to a mandatory administrative proceeding in the event that a third party (a **Complainant**) submits a complaint to a dispute resolution service provider, such as the Center, concerning a domain name that you have registered. You will find the name and contact details of the Complainant, as well as the domain name(s) that is/are the subject of the Complaint in the document that accompanies this Coversheet.

Once the Center has checked the Complaint to determine that it satisfies the formal requirements of the Rules, the Procedure and the Supplemental Procedures, it will forward an official copy of the Complaint, including annexes, to you by email. You will then have 20 calendar days from the date of Commencement within which to submit a Response to the Complaint in accordance with the Procedure and the Supplemental Procedures to the Center and the Complainant. You may represent yourself or seek the assistance of legal counsel to represent you in the administrative proceeding.

* The **Rules** can be found at
 (<https://help.nic.sa/en/dispute-resolution-rules>)
* The **Procedure** can be found at
 (<https://help.nic.sa/en/dispute-resolution-procedure>)
* The **Supplemental Procedures**, as well as other information concerning the resolution of domain name disputes can be found at (<https://www.wipo.int/amc/en/domains/cctld/sa/index.html>)
* A **model Response** can be found at (<https://www.wipo.int/amc/en/docs/response-sa.docx>)

Alternatively, you may contact the Center to obtain any of the above documents. The Center can be contacted in Geneva, Switzerland by telephone at +41 22 338 8247, by fax at +41 22 740 3700 or by email at domain.disputes@wipo.int.

You are kindly requested to contact the Center to provide an alternate email address to which you would like (a) the Complaint, including Annexes and (b) other communications in the administrative proceeding to be sent.

A copy of this Complaint has also been sent to the Registry with which the domain name(s) that is/are the subject of the Complaint is/are registered.

By submitting this Complaint to the Center the Complainant hereby agrees to abide and be bound by the provisions of the Rules, Procedure and Supplemental Procedures.***Before the:***

**WORLD INTELLECTUAL PROPERTY ORGANIZATION**

**ARBITRATION AND MEDIATION CENTER**

|  |  |
| --- | --- |
| [NAME AND ADDRESS OF COMPLAINANT](**Complainant**)  |  |
| -v- | **Disputed Domain Name(s):** |
| [NAME AND ADDRESS OF RESPONDENT](**Registrant**) | *[<the disputed domain name(s)>]* |

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**[[PLEASE SEE SECTION X OTHER LEGAL PROCEEDINGS IN RELATION WITH ARTICLE 6 OF THE RULES AND INDICATE IF SAUDINIC HAS BEEN CONTACTED BEFORE THE SUBMISSION OF THIS COMPLAINT TO THE CENTER]]**

#### COMPLAINT

(Procedure, Article 3.1; Supplemental Procedures, Paragraphs 4(a), 12(a), Annex D)

**I. Introduction**

[1.] This Complaint is hereby submitted for decision in accordance with the Saudi Domain Name Dispute Resolution Rules (the **Rules**), the Saudi Domain Name Dispute Resolution Procedure (the **Procedure**), and the WIPO Supplemental Procedures for Saudi Domain Name Dispute Resolution Procedure (the **Supplemental Procedures**).

 .

**II. The Parties**

**A. The Complainant**

(Procedure, Article 3.1.2)

[2.] The Complainant in this administrative proceeding is *[provide full name and, if relevant, corporate or legal status.]*

[3.] The Complainant’s contact details are:

|  |  |
| --- | --- |
| Address: | *[Specify mailing address]* |
| Telephone: | *[Specify telephone number]* |
| Fax: | *[Specify fax number]* |
| Email: | *[Specify email address]* |

[If there is more than one Complainant, provide the above information for each and arguments and evidence to support the consolidation of multiple Complainants in a single complaint in such cases, for example, where the multiple Complainants truly have a common grievance against the Registrant. Multiple Complainants may demonstrate a common grievance against the Registrant, for example, (1) where Complainants have a common legal interest in a relevant right or rights that are allegedly affected by the Registrant’s conduct, or (2) where the multiple Complainants are the target of common conduct by the Registrant which has clearly affected their individual legal interests. ]

[4.] The Complainant’s authorized representative in this administrative proceeding is:

*[If relevant, identify authorized representative and provide all contact details, including postal address, telephone number, fax number, email address; if there is more than one authorized representative, provide contact details for each.]*

[5.] The Complainant’s preferred method of communications directed to the Complainant in this administrative proceeding is:

|  |
| --- |
| Electronic-only material  |
| Method: | email |
| Address: | *[Specify one email address]* |
| Contact: | *[Identify name of one contact person]* |

|  |
| --- |
| Material including hardcopy (where applicable) |
| Method: | *[Specify one: fax, post/courier]* |
| Address: | *[Specify one address, if applicable]* |
| Fax: | *[Specify one fax number]* |
| Contact: | *[Identify name of one contact person]* |

**B. The Registrant**

(Procedure, Article 3.1.5)

[6.] According to *[indicate why the person/entity identified in the Complaint has been identified as the Registrant, e.g., the concerned WhoIs database.]*, the Registrant in this administrative proceeding is *[identify Registrant (the domain name holder), (including full name, and if relevant, corporate or legal status, place of incorporation and principal place of business, or residence)].* Copies of the printout of the database search(es) conducted on *[date]* are provided as Annex *[Annex number]*.

[7.] All information known to the Complainant regarding how to contact the Registrant is as follows:

*[Provide all contact details (postal address, telephone number, fax number, email addresses) for the Registrant, including those that may have been used successfully in the course of pre-complaint dealings and those available from any WhoIs look-up service.]*

[If there is more than one Registrant, provide the contact details for each Registrant and describe the relationship between them, which justifies them being named in a common complaint.]

## III. The Domain Name(s) and Registrar(s)

## (Procedure, Articles 3.1.6 and 3.1.7)

[8.] This dispute concerns the domain name(s) identified below:

 *[Identify precisely the disputed domain name(s). You are also invited to indicate the date(s) of domain name registration.]*

[9.] The registrar(s) with which the domain name(s) is/are registered is/are:

*[Provide the name and full contact details of the registrar(s) with which the domain name(s) is/are registered, if available. Information about the SaudiNIC’s
accredited-registrars can be found on the Registry’s website at https://nic.sa/en/registrars]*

## IV. Language of Proceedings

## (Procedure, Article 11)

[10.] *[[Article 11 of the Procedure provides that Arabic is the language of the dispute resolution unless the two parties agreed to use English or both languages together.*

*If there is an agreement between the Parties to use English as the language of the proceeding, please submit it as an annex. In the absence of an agreement, please indicate the reasons why the proceeding should be in English and Arabic.]]*

## V. Jurisdictional Basis for the Administrative Proceeding

## (Rules, Introduction, and Article 1)

[11.] This dispute is properly within the scope of the Rules and the Administrative Panel is competent to study and settle the dispute. The registration agreement, pursuant to which the domain name(s) that is/are the subject of this Complaint is/are registered, incorporates the Rules and Procedure. *[If relevant, indicate when the domain name(s) was/were registered]*

**VI. Factual and Legal Grounds**

(Rules, Articles 7.1, 7.2, 7.3; Procedure, Article 3)

*[In completing this Section VI., do not exceed the 5000 word limit: Supplemental Procedures, Paragraph 11(a). Relevant documentation in support of the Complaint should be submitted as Annexes, with a schedule indexing such Annexes. Such Annexes should be submitted in conformity with the Supplemental Procedures, Paragraph 12(a), Annex D]*

[12.] This Complaint is based on the following grounds:

**A. The domain name(s) is(are) identical or confusingly similar to a trademark, trade name or service mark in which the Complainant has rights;**

(Rules, Article 7.1.1; Procedure, Article 3.1.8, 3.1.9 )

* *[In accordance with Procedure article 3.1.8, specify the trademark(s), trade name(s )or service mark(s) on which the Complaint is based and, for each mark or trade name, describe the goods, services or products, if any, in connection with which the mark is used. A separate description may also be given of the goods or services with which the Complainant intends, at the time the Complaint is submitted, to use the mark or trade name in the future. If applicable, attach copies of the registration certificates for the relevant marks and/or trade names.]*
* *[In accordance with Rules, article 7.1.1, Procedure, article 3.1.9, describe the manner in which the domain name(s) is/are identical or confusingly similar to a trademark or service mark in which the Complainant has rights.]*

**B. The Registrant has no rights or legitimate interests in respect of the domain name(s);**

(Rules, Article 7.1.2, 7.3; Procedure, Article 3.1.9)

* *[In accordance with* Rules, Article 7.1.2, and Procedure, Article 3.1.9*, describe why the Registrant 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. Attention should be paid to any relevant aspects of the Rules, Article 7.3, including:*

- Whether before any notice to the Registrant of the dispute, there is any evidence of the Registrant’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;

- Whether the Registrant (as an individual, business, or other organization) has been commonly known by the domain name, even if the Registrant has acquired no trademark or service mark rights;

- Whether the Registrant is making a legitimate non-commercial or fair use of the domain name(s), without intent for commercial gain misleadingly to divert consumers or to tarnish the registered trade name, trademark or service mark at issue.]

**C. The domain name(s)was/were registered or is/are being used in bad faith.**

(Rules, Article 7.1.3, 7.2; Procedure, Article 3.1.9)

* *[In accordance with* Rules, Article 7.1.3, and Procedure, Article 3.1.9*, describe why the domain name(s) should be considered as having been registered or used in bad faith by the Registrant. Attention should be paid to any relevant aspects of the Rules, Article 7.2, including:*

- Circumstances indicating that the domain name(s) was/were 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 a trademark, a trade name or a service mark associated with the domain name or to a competitor of that Complainant, for valuable consideration in excess of the Registrant’s out-of-pocket costs directly related to the domain name(s); or

- Whether the domain name(s) was/were registered in order to prevent the owner of the trademark, trade name or service mark from reflecting the mark in a corresponding domain name, provided that the Registrant has engaged in a pattern of such conduct; or

- Whether the domain name(s) was/were registered primarily for the purpose of disrupting the business of another party; or

- Whether by using the domain name(s), the Registrant intentionally attempted to attract for commercial gain, Internet users to the Registrant’s website or other online location, that will create illusion that it is under the supervision or care of the Complainant or has a relationship with it or any of its trademarks or trade names.]

#### VII. Remedies Requested

#### (Rules, Article 7.9; Procedure, Article 3.1.10)

[13.] In accordance with Article 7.9 of the Rules, for the reasons described in Section VI. above, the Complainant requests the Administrative Panel appointed in this administrative proceeding that *[“<the disputed domain name(s)> be transferred to the Complainant” / “<the disputed domain name(s)> be cancelled”.]*

**VIII. Administrative Panel**

(Procedure, Articles 3.1.3, 3.1.4; Supplemental Procedures, Paragraph 8(a))

[14.] The Complainant elects to have a *[choose one:* “single‑member Administrative Panel*” / or “*three-member Administrative Panel*”*]*.*

[15.] [If a three-member Administrative Panel is designated, the names of three persons must be provided, one of whom the Center shall attempt to appoint to the Administrative Panel in accordance with article 3.1.4 of the Procedure, and Paragraph 8 of the Supplemental Procedures. The names of the nominees may be taken from the Center’s published list of panelists].

#### IX. Mutual Jurisdiction

#### (Procedure, Article 3.1.12)

[16.] In accordance with Article 3.1.12 of the Procedure, the Complainant will submit, with respect to any disagreement or objection that may be made by the Registrant to the Administrative Proceeding regarding the domain name(s) that is/are the subject of this Complaint, to a court of competent jurisdiction in the Kingdom of Saudi Arabia.

**X. Other Legal Proceedings**

(Procedure, Article 3.1.11)

[17*.*] *[If any, identify other legal proceedings that have been commenced or terminated in connection with or relating to the domain name(s) that is/are the subject of the Complaint and summarize the issues that are the subject of that/those proceeding(s).]*

 *Please note that under Article 6 of the Rules:
“In the event of a potential infringement on rights resulting from a registration or use of a domain name, a Complainant may submit a complaint directly to SaudiNIC via the means dedicated for this purpose as published on the Website prior to resorting to an Administrative Proceeding for dispute resolution. Within 10 business days, SaudiNIC will study the complaint, determine the appropriate methods of treatment, including negotiation and strive to reach an agreement by mutual consent between the parties. In the event that this is not possible, the Complainant has the right to initiate the implementation of the administrative procedure as defined in Article 7 of these rules.”]]*

 The Complainant confirms that SaudiNIC has been contacted before the submission of this Complaint to the Center, on [DATE]. *[[Please indicate that SaudiNIC has been contacted before the submission of this Complaint to the Center.]]*

#### XI. Communications

#### (Procedure, Article 3.1, Supplemental Procedures, Articles 3, 4, 12)

[18.] This Complaint has been submitted to the Center in electronic form, including annexes, in the appropriate format.

#### XII. Payment

(Procedure, Article 17; Supplemental Procedures, Article 10, Annex B)

[19.] As required by the Procedure and Supplemental Procedures, payment in the amount of USD *[amount]* has been made by *[method]*. *(*Payments should be made using the Center's [secure online payment facility](https://www3.wipo.int/amc-payment/). For any payment-related queries or difficulties, please contact the Center Secretariat on (+41 22) 338 8247, or email the Center at arbiter.mail@wipo.int).

#### XIII. Certification

#### (Procedure, Article 3.1.13; Supplemental Procedures, Paragraph 14)

[20.] The Complainant declares that his Complaint, and requested remedy option concerning the domain name registration or dispute or outcome of dispute resolution is directed solely at the Registrant, and that he declares no claim or remedy options directed at (a) WIPO, or members of the administrative panel, except in the event of intentional errors on their parts, (b) the Registrar(s), (c) SaudiNIC or (d) the CITC.

[21.] The Complainant confirms that the information provided in this Complaint is, to the best of his knowledge, complete and accurate, and that the Complaint has not been submitted in bad faith such as to harass another party, and that the Complaint, in its current form or as it may be expanded upon in good faith, is justified and permitted as per this Procedure and the Rules and Regulations that govern them.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*[Name/Signature]*

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_

#### List of Annexes

#### (Procedure, Article 3.1.15); Supplemental Procedures, Paragraphs 4(a), 12(a), Annex D)

[22.] The Procedure provide that a Complaint or Response, including any annexes, shall be submitted electronically. Under the Supplemental Procedures, there is a file size limit of 10MB (ten megabytes) for any one attachment, with an overall limit for all submitted materials of no more than 50MB (fifty megabytes).

[23] In particular, paragraph 12 and Annex D of the Supplemental Procedures provides that, other than by prior arrangement with the Center, the size of any individual file (such as a document in Word, PDF or Excel format) transmitted to the Center in connection with any proceeding shall itself be no larger than 10MB. When larger amounts of data need to be transmitted, larger files can be “split” into a number of separate files or documents each no larger than 10MB. The total size of a Complaint or response (including any annexes) filed in relation to a dispute shall not exceed 50MB, other than in exceptional circumstances (including in the case of pleadings concerning a large number of disputed domain names) where previously arranged with the Center.

Annex 1:

 Annex 2:

 Annex 3:

 Annex 4:

 Annex 5:

 *[Additionally, to avoid any uncertainty, it is requested that any Annexes (and their corresponding filenames) be clearly labeled and sequentially numbered (i.e. Annex 1, 2, 3 etc), and a complete list of Annexes supplied].*