



Before the: INFORMATION AND COMMUNICATIONS TECHNOLOGY AUTHORITY

.KY DOMAIN NAME DISPUTE

COMPLAINT

COMPLAINANT NAME _____

-v-

RESPONDENT NAME _____ (if known)

1. Introduction

1.1 This Complaint is hereby submitted for decision by the Information and Communication Technology Authority (the 'ICTA'), in accordance with its Dispute Resolution Policy.

2. The Parties

2.1 The Complainant

2.1.1 The Complainant in this administrative proceeding is:

Complainant full name: _____

Postal address: _____

Telephone Number: _____

Fax: _____

Email address: _____

2.1.2 In the event that there is more than one Complainant, please provide and attach the above information for each Complainant to this Complaint form in addition to evidence in support of the consolidation of multiple Complainants in a single complaint.

2.1.3 If relevant, the Complainant's authorised representative is:

Representative full name: _____

Postal address: _____

Telephone Number: _____

Fax: _____

Email address: _____

2.1.4 Please tick the Complainant's preferred method of communication directed to the Complainant in this administrative proceeding:

Electronic-only material – email

Hardcopy-only material – paper

Both electronic & hardcopy

2.2 Respondent

2.2.1 The Respondent in this administrative proceeding is (if known):

Respondent full name: _____

Postal address: _____

Telephone Number: _____

Fax: _____

Email address: _____

2.2.2 In the event that there is more than one Respondent, please provide and attach the above information for each Respondent to this Complaint form in addition to evidence in support of the consolidation of multiple Respondents in a single complaint.

3. Domain Name(s) and Registrar(s)

3.1 This dispute concerns the domain name(s) identified below:

_____ .ky (the "Domain Name(s)")

[_____ .ky]

[_____ .ky]

Please set out any additional .ky domain names if relevant

3.2 The registrar(s) with which the Domain Name(s) is/are registered is/are:

Registrar name: _____

Registrar full address: _____

[Registrar name: _____

Registrar full address: _____

_____]

4. Good Faith Settlement Attempts

4.1 As provided for under the ICTA Dispute Resolution Policy, please provide evidence that good faith attempts have been made to resolve the dispute, and attach additional pages to this application if necessary.

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5. Factual and Legal Grounds

Please limit your combined response to paragraphs 5.2.1, 5.2.2, 5.2.3 to 5000 words

5.1 Evidence in support of this application is attached and submitted as a part of this Complaint.

I SUBMIT THAT –

5.2 This Complaint is based on the following grounds:

5.2.1 The Domain Name(s) is/are identical or confusingly similar to a trademark or service mark in which the Complainant has rights, including unregistered trademarks;

- (a) Please verify 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. A separate description may be given if the Complainant intends to use the mark in the future. If possible, attach copies of the registration certificates for the relevant marks.
- (b) 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.
- (c) As stated above, unregistered trademark rights can also suffice in such circumstances to meet this requirement and the ICTA will consider whether the Complainant has such a non-registered enforceable right in the Domain Name(s).

To show such unregistered trademark rights in the Domain Name(s), the Complainant must show that the Domain Name(s) has/have distinctive identifier associated with the Complainant or its goods or services. Relevant evidence of such a 'secondary meaning' includes such things as the longevity of the business, the amount of sales, the nature and extent of any advertising using the Domain Name(s), and media recognition.

Please provide evidence in support below, and attach additional pages to this application if necessary.

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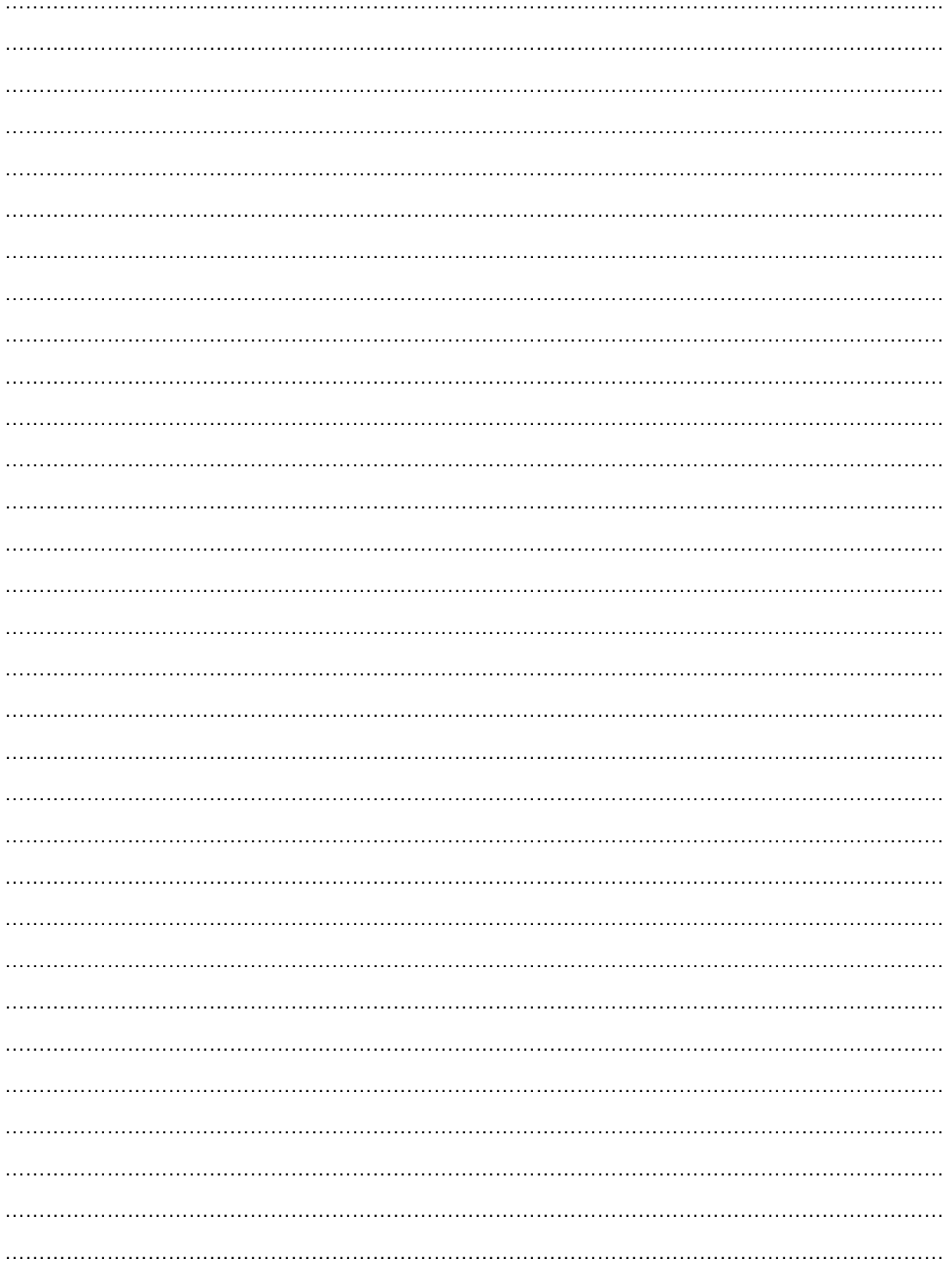
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5.2.3 The Domain Name(s) was/were registered and is/are being used in bad faith

- (a) Describe why the Domain Name(s) should be considered as having been registered and used in bad faith by the Respondent. In particular, attention should be paid to:
- (i) 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 owner of the trademark or service mark (normally the Complainant) 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); or
 - (ii) whether the Domain Name(s) was/were registered in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding Domain Name, provided that the Respondent has engaged in a pattern of such conduct; or
 - (iii) whether the Domain Name(s) was/were registered primarily for the purpose of disrupting the business of a competitor; or
 - (iv) whether, by using the Domain Name(s), the Respondent intentionally attempted to attract for commercial gain, Internet users to the Respondent's website or other online 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 website or location.

Please provide evidence in support below, and attach additional pages to this application if necessary.

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6. Remedies Requested

6.1 For the reasons described in Section 5 above, the Complainant requests to the ICTA that the disputed Domain Name(s), as listed in Section 3, be:

(a) transferred to the Complainant:

(b) revoked and cancelled:

7. Other Legal Proceedings

7.1 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 attach a summary of the issues that are the subject of those proceedings to this Complaint.

8. Communications

8.1 This Complaint has been submitted to the ICTA in electronic form, with supporting evidence attached, in the appropriate format.

9. Certification

9.1 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 holder and waives all such claims and remedies against (a) the ICTA, except in cases of deliberate wrongdoing; (b) the concerned registrar(s); (c) the registry administrator; and (d) the Internet Corporation for Assigned Names and Numbers, as well as their directors, officers, employees and agents.

9.2 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 ICTA Dispute Resolution Policy and under applicable law, as it now exists or as it may be extended by a good-faith and reasonable argument.

Respectfully submitted,

Complainant

Name:

Date: _____