# .ie Alternative Dispute Resolution - Complaint Form

This form explains what you need to include in your complaint.

The .ie Alternative Dispute Resolution Policy is designed to ensure **fair play and a fair hearing** for both parties.

For more information on the Rules and Process read the [**Alternative Dispute Resolution Policy**](https://www.iedr.ie/our-policies/)

Post your response on the NetNeutrals forum [**here**](https://netneutrals.eu/Registration/Login).

Use this form to submit a complaint to us - attach it to the case in the NetNeutrals Forum.

**Please add any additional information you feel is relevant to your complaint.**

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| **This form is provided for guidance purposes only.** **DO NOT COPY** the wording of this complaint.**PLEASE NOTE** – not all suggestions are relevant to each case. |

Overleaf is advice on what you need to include in your complaint:

## 1. Describe your complaint

Use the form below to submit the details of your complaint.

Use a maximum of 5,000 words within your complaint.

Upload additional evidence - Electronic attachments, web pages (URLs) and paper annexes are accepted.

Note that the questions in the form below are included to guide you.

If you feel that important details relevant to your complaint are not addressed in the questions below, please ensure you include this information at the end of the form.

The burden of proof is on the Complainant. This is because all Domain Holders show evidence of their compliance with the .ie Registration and Naming Policy when applying for a .ie domain.

The Complainant must prove that the complaint meets the submission criteria. A complaint will not be upheld if this cannot be done.

### 1.1. Describe what Rights you are asserting

**(i) Complainant’s Rights in the Domain**

You may submit a complaint if you can show you have rights in the domain name, or in marks or identifiers very similar to the domain, which would be likely to lead to confusion.

Any legal or other enforceable right can be considered, including but not limited to:

* Trade and service marks protected in the island of Ireland, or
* Personal names (including pseudonyms) by which the Complainant is commonly known or has acquired a reputation in on the island of Ireland, or
* Geographical indications that can prima facie be protected in the island of Ireland,
* Unregistered rights acquired through use.

**(ii) Complainant Rights Negatively Impacted**

You may submit a complaint if you can show that your rights are negatively impacted by the .ie domain registration or use. You can do this by showing:

* The domain name registration or use is misleading or confusing to your customers, or
* The domain name registration or use is commercially damaging to your business through activities such as passing-off, content scraping or impersonation, or
* The domain name is being used to circulate defamatory material relating to you, or
* The domain name is being used for the purpose of making unauthorised use of material in which you have a copyright or another protected interest.

| **Case No** |  |
| --- | --- |
| **Domain** |  |
| **Complainant:** |  |
| **Domain Holder:** |  |
| **Service Requested** |  |

| **Question No.** | **COMPLAINT SUBMISSION FORM** |
| --- | --- |
| 1 | The domain name includes your personal name, company name or trademark name *(Provide evidence such as your identification, Company Registration or Trademark Numbers/Certificates. If showing a Company or Trademark number, tell us when you registered it/when it was granted)*. |
|  |
| 2 | You have used the name or mark for a significant period and/or to a significant degree *(Provide evidence, such as high-quality promotional material, sales figures, company accounts etc.)*. |
|  |
| 3 | The name or mark in question is recognised for being associated with your goods or services *(Provide evidence, such high-quality promotional material or expenditure, correspondence/orders/invoices from third parties and third party editorial materials)*. |
|  |
| 4 | You provide **[goods/services]** under the name **[name]**. *(Provide evidence, such as promotional materials and invoices).* |
|  |
| 5 | You were assigned rights in the name **[specify]** by **[name]** predecessor or via a formal arrangement. (Provide evidence of a formal assignment of rights, such as a contract). |
|  |

### 1.2. Describe why the domain name is considered [to be registered](https://www.nominet.uk/domain-support/uk-domain-disputes/) abusively or in bad faith

**(i) Domain Name is Used or Registered Abusively or in Bad Faith**

You can show that the domain has been registered or is being used Abusively or in Bad Faith by the Domain Holder if you can provide evidence that:

* The domain name was registered or is being used with the main purpose of selling or renting it specifically to you, the Complainant, (or a competitor) for more than the Domain Holder paid for it, or
* The domain name was registered or is being used with the primary purpose of preventing you from registering a name or mark in which you have rights, or
* The domain name was registered or is being used with the primary purpose of unfairly disrupting or interfering with your business, or
* The domain name is being used in a way that is likely to confuse people or businesses into believing that it is registered to, operated or authorised by, or otherwise connected with you, or
* The domain name was registered or is being used for an unlawful purpose (e.g. it is engaging in suspected fraudulent activity, engaging in other criminal/illegal online activity), or
* The domain name is registered to a company which currently has a dissolved company trading status, or
* The domain name is being used to facilitate the circulation of defamatory or racist material relating to you, or
* The domain name is registered to a Domain Holder which does not have (and never had) a connection to the island of Ireland, or
* The domain name was registered as a result of a relationship between you and the Domain Holder, and you a) have been using the domain name registration exclusively; and b) paid for the registration and/or renewal of the domain name registration.

Note that failure by the Domain Holder to use the domain name for the purposes of email or a web site, the Domain Holder offering a domain name for sale, or use of domain parking services that may include advertising related to the keyword content of the domain name are not of themselves evidence of abuse or bad faith. However the Specialist may consider these issues in combination with other factors when deciding a case.

**Some examples may include:**

**The domain name in the hands of the Domain Holder is considered to be registered and/or used abusively because it is/was:**

| **Question No.** | **COMPLAINT SUBMISSION FORM** |
| --- | --- |
| 6 | primarily registered for the purposes of selling, renting or otherwise transferring it to me or my competitor at a price greater the registration fees *(Explain and provide evidence that this was the Domain Holder’s intention at the time they registered the domain name)*. |
|  |
| 7 | primarily registered to stop me registering it despite my rights in the name *(Explain and provide evidence. For example, show that they would have been aware of your rights and had intended to block you from registering it)*. |
|  |
| 8 | primarily registered to unfairly disrupt my business, or threatening to unfairly disrupt my business because… *(Explain and provide evidence. For example, show how the registration disrupted your business, and how the Domain Holder is to blame)*. |
|  |
| 9 | used by the Domain Holder in a way which has already confused people into thinking that the domain name was registered, or controlled, or operated, or authorised by, or otherwise connected to you? *(Explain and provide evidence. For example, show how it has confused people and who has been confused)*. |
|  |
| 10 | part of a series of registrations that the Domain Holder has made, which indicate that it is engaging in a pattern of registrations that include trademarks or other well-known names that the Domain Holder has no obvious connection to or interest in.*(Explain and provide evidence).* |
|  |
| 11 | registered because of the prior relationship between you and the Domain Holder such as a web designer/hosting company/friend. *(Explain and provide evidence. It may be helpful to include evidence of who has been paying registration fees etc.)*. |
|  |
| 12 | Briefly outline **any other relevant facts or information** that might help your case. |
|  |

### How would you like this complaint to be resolved?

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| --- |
|[ ]  Mediation means the process of engagement between you and the Domain Holder. A trained Mediator will help you both identify a fair resolution and keep discussions constructive; |
|[ ]  Decision means the outcome of the process through which you may request a binding decision on a complaint from a qualified domain dispute Specialist; |
|[ ]  Opinion means the outcome of the process through which you may request a non-binding opinion only from a qualified domain dispute Specialist. This opinion will be based on the evidence you provide in support of the dispute subject matter. |

### What action do you want taken against the disputed Domain Name(s)?

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|[ ]  **Transfer** of the domain to you |
|[ ]  **Deletion** of the domain  |
|[ ]  **No change** – No action is taken against the domain name  |

### Legal Proceedings

**Outstanding legal action may invalidate your complaint.**

|  |  |
| --- | --- |
| **Question No.** | **Question Detail** |
| 13 | Are you aware of any on-going or terminated legal proceedings related to the domain name? (YES OR NO) |
|  |
| 14 | If there are outstanding legal actions, please describe them (no more than 1,000 words should be used in this section). |
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