# .ie Alternative Dispute Resolution - Response Form

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

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 response 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 response.**PLEASE NOTE** – not all suggestions are relevant to each case. |

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

# 1. Responding to a complaint

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

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.

**Domain Holders are strongly encouraged to engage with the Alternative Dispute Resolution Process, and provide evidence to show that your registration and use of the domain name was not done, or subsequently used, abusively or in Bad Faith.**

## 1.1. Showing that a Registration is not Abusive or in Bad Faith

You, the Domain Holder, may provide information to counter any statements within the complaint. You can submit evidence to show that your registration and/or use of the domain is not unreasonable, including but not limited to demonstrating any of the factors below:

* You have rights in the domain name, or in marks or identifiers very similar to the domain name 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
	+ Unregistered rights acquired through use.
* Prior to any notice of the dispute, you used the domain name, or a name reasonably corresponding to the domain name, in connection with a bona fide offering of goods or services or made demonstrable preparations for such use, or
* You (as an individual, business, or other organisation) have been commonly known by the domain name or similar name, even in the absence of a registered trademark, or
* The domain name is generic or descriptive and you are making fair use of it, or
* The domain name is being used solely for tribute or criticism, or
* The domain name contains or references the Complainant’s mark but you are making fair use of it.

# 2. Your response

Use the form below to write your reply.

You may use a maximum of 5,000 words in your response.

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

Note that the questions below are included to guide you. If you feel an important aspect of the complaint is not addressed in the questions, please ensure you include any additional relevant information at the end of the form.

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

## Detail below why the complaint should not succeed.

I object to the complaint and ask that the Specialist refuse the Complainant’s requested remedy because:

| **Question No.** | **Question Detail** |
| --- | --- |
| 1 | Briefly explain the relationship background (if any) between the parties. |
|  |
| 2 | What parts of the complaint do you accept or admit to (if any)?  |
|  |
| 3 | The rights in the domain name claimed by the Complainant were or are now invalid because: *(Explain and provide evidence. For example, the trademark has not been granted, or does not apply in Ireland, or the rights claimed belong to a parent company not the complainant)*. |
|  |
| 4 | **The complaint is incorrect and/or untrue and/or misleading because:** |
| 4.1 | The following statements made in the complaint are untrue *(list them, explain how they are untrue and provide evidence)*. |
|  |
| 4.2 | The Complainant alleges that *(explain what they have said)* but omits that *(explain what they have left out which changes the situation)*. |
|  |
| 4.3 | The Complainant has misunderstood the .ie ADR Policy because *(Explain and provide evidence. For example, they may have alleged ‘bad faith’ and applied the incorrect definition)*. |
|  |
| 5 | **The registration is not abusive because:** |
| 5.1 | My actions were in accordance with the contract between me and the Complainant*(Explain or give details of the contract, is it written or verbal, and explain how you were compliant with it. Include a copy of the contract, if written. If it was a verbal contract, explain what you believed was agreed)*. |
|  |
| 5.2 | The domain name is being used for an unauthorised tribute or criticism site - show that the use is fair in the circumstances. |
|  |
| 5.3 | I am using the name in relation to legitimate business activity (a genuine offering of goods/services) *(Explain what goods/services do you provide in relation to the domain name and provide evidence).* |
|  |
|  | Or |
| 5.4 | I have made genuine preparations to use the domain name in relation to legitimate business activity (a genuine offering of goods/services) *(Explain what you have done with the domain name e.g. provide invoices, letterhead, advertisements, business plans etc. This should include evidence pre-dating your awareness of the Complainant’s rights)*. |
|  |
| 5.5 | I have been commonly known by the name or legitimately connected with a mark which is identical or similar to the domain name *(Explain what it is, how you are connected, and provide evidence)*. |
|  |
| 5.6 | I have made legitimate, non-commercial or fair use of the domain name and specifically explain how that use has not taken unfair advantage of, or has not been unfairly detrimental, to the Complainant’s rights.*(Explain and provide evidence)* |
|  |
| 6 | The domain name is generic and/or descriptive because*(Explain how/why the domain name is generic and/or descriptive and provide evidence)*. |
|  |
| 7 | Is there any other information that you feel is relevant to the complaint? Explain and provide evidence. |
|  |

### 3. Legal Proceedings

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

|  |  |
| --- | --- |
| **Question No.** | **Question Detail** |
| 8 | Are you aware of any on-going or terminated legal proceedings related to the domain name? (YES or NO) |
|  |
| 9 | If there are outstanding legal actions, please describe them (no more than 1,000 words should be used in this section). |
|  |