

Annexes



ADNDRC

**Decision
Templates**

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Annexes



ADNDRC

**English
Decision
Templates**



Asian Domain Name Dispute Resolution Centre

beijing

Template Decision – English – Beijing Office

ADMINISTRATIVE PANEL DECISION

Case No. CN-1X00XX

Complainant:

Respondent:

Domain Name:

Registrar:

1. Procedural History

On XXXXXX, the Complainant submitted a Complaint in English to the Beijing Office of the Asian Domain Name Dispute Resolution Center (the ADNDRC Beijing Office) and elected this case to be dealt with by a one-person panel, in accordance with the Uniform Domain Name Dispute Resolution Policy (the Policy) and the Rules for Uniform Domain Name Dispute Resolution Policy (the Rules) approved by the Internet Corporation for Assigned Names and Numbers (ICANN), and the ADNDRC Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the ADNDRC Supplemental Rules) approved by the ADNDRC.

On XXXXXX, , the ADNDRC Beijing Office sent to the Complainant by email an acknowledgement of the receipt of the Complaint and transmitted by email to ICANN and the Registrar, XXXXXX, a request for registrar verification in connection with the disputed domain name.

On XXXXXX, the Registrar transmitted by email to the ADNDRC Beijing Office its verification response, confirming that the Respondent is listed as the registrant and providing the contact details.

On XXXXXX, the ADNDRC notified the Complainant that the Complaint has been confirmed and transmitted to the Respondent and the case officially commenced. On the same day, the ADNDRC Beijing Office transmitted the Written Notice of the Complaint to the Respondent, which informed that the Complainant had filed a Complaint against the disputed domain name and the ADNDRC Beijing Office had sent the complaint and its attachments through email according to the Rules and the Supplemental Rules. On the same day, the ADNDRC Beijing Office notified ICANN and registrar, XXXXXX, of the commencement of the proceedings.

The Respondent submitted a Response to the ADNDRC Beijing Office on XXXXXX. The ADNDRC Beijing Office transmitted the Response to the Complainant on XXXXXX. The ADNDRC Beijing Office notified both parties for selection of panelist on the same day. Both parties made the selection accordingly. 【The Respondent failed to submit a Response within the specified time period. The ADNDRC Beijing Office notified the Respondent's default. Since the Respondent did not mention the Panel selection in accordance with the time specified in the Rules, the ADNDRC Supplemental Rules, and the Notification, the ADNDRC Beijing Office informed the Complainant and the Respondent that the ADNDRC Beijing Office would appoint a one-person panel to proceed to render the decision.】

Having received a Declaration of Impartiality and Independence and a Statement of Acceptance from Mr. (Ms.) XXXXXX, the ADNDRC Beijing Office notified the parties on XXXXXX that the Panel in this case had been selected, with Mr. (Ms.) XXXXXX acting as the sole

panelist. The Panel determines that the appointment was made in accordance with Paragraph 6 of the Rules and Articles 8 and 9 of the Supplemental Rules.

On XXXXXX, the Panel received the file from the ADNDRC Beijing Office and should render the Decision within 14 days, i.e., on or before XXXXXX.

Pursuant to Paragraph 11 (a) of the Rules, unless otherwise agreed by the Parties, or specified otherwise in the Registration Agreement, the language of the administrative proceeding shall be the language of the Registration Agreement, subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding. The language of the current disputed domain name Registration Agreement is English, thus the Panel determines English as the language of the proceedings.

2. Factual Background

A. The Complainant

The Complainant in this case is XXXXXX. The registered address is XXXXXX. The authorized representative in this case is XXXXXX.

B. The Respondent

The Respondent in this case is XXXXXX. The registered address is XXXXXX. The authorized representative in this case is XXXXXX.

The Respondent is the current registrant of the disputed domain name "XXXXXX", which was registered on XXXXXX according to the WHOIS information. The registrar of the disputed domain name is XXXXXX.

3. Parties' Contentions

A. The Complainant

B. The Respondent

4. Discussions and Findings

Paragraph 4(a) of the Policy provides that in order to be entitled to a transfer of the disputed domain name, the Complainant shall prove the following three elements:

- (i) The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) The registrant has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) The disputed domain name has been registered and is being used in bad faith.

Paragraph 4(b) of the Policy states that the following circumstances in particular, but without limitation, shall be evidence of registration and use of a domain name in bad faith:

- (i) Circumstances indicating that the respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration 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 documented out-of-pocket costs directly related to the domain name; or
- (ii) The respondent registered the domain name 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) The respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) By using the domain name, the respondent has intentionally attempted to attract, for commercial gain, internet users to its 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 its website or location or of a product or service on its website or location.

A. Identity or Confusing Similarity

B. Rights or Legitimate Interests of the Respondent

C. Bad Faith

5. Decision

(Signature)

(Name in Print)

Dated: Date Month 2015



Template Decision – English
Hong Kong Office
ADMINISTRATIVE PANEL DECISION

Case No.	[Enter Case Number Here]
Complainant:	[Enter Name of Complainant]
Respondent:	[Enter Name of respondent]

Disputed Domain Name(s): <**[Enter the Disputed Domain Name(s)]**>

1. The Parties and Contested Domain Name

The Complainant is **[Enter Name of Complainant]**, of **[Enter Address of Complainant]**.

The Respondent is **[Enter Name of respondent]**, of **[Enter Address of Respondent]**.

The domain name at issue is **[Enter Domain name in dispute]**, registered by Respondent with **[Enter Name of the registrar]**, of **[Enter Address of the registrar]**.

2. Procedural History

[Enter procedural history information here]

3. Factual background

[Enter background information of the Complainant]

[Enter background information of the Respondent]

4. Parties' Contentions

A. Complainant

The Complainant's contentions may be summarized as follows:

- i. [Enter Complainant contentions here]
- ii. [Enter Complainant contentions here]
- iii. [Enter Complainant contentions here]
- iv. [Enter Complainant contentions here]
- v. [Continue if necessary]

B. Respondent

The Respondent's contentions may be summarized as follows:

- i. [Enter Respondent contentions here]
- ii. [Enter Respondent contentions here]
- iii. [Enter Respondent contentions here]
- iv. [Enter Respondent contentions here]
- v. [Continue if necessary]

5. Findings

[Enter Intro Text here]

The ICANN Uniform Domain Name Dispute Resolution Policy provides, at Paragraph 4(a), that each of three findings must be made in order for a Complainant to prevail:

- i. Respondent's domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- ii. Respondent has no rights or legitimate interests in respect of the domain name; and
- iii. Respondent's domain name has been registered and is being used in bad faith.

A) Identical / Confusingly Similar

[Enter findings here]

B) Rights and Legitimate Interests

[Enter findings here]

C) Bad Faith

[Enter findings here]

[Enter additional findings here]

6. Decision

[Enter decision/remedy here]

"[Enter Name of Panelist(s)]"
Panelists

Dated: [Enter Date]



Asian Domain Name Dispute Resolution Centre
- a charitable institution limited by guarantee registered in Hong Kong

Template Decision – English
Kuala Lumpur Office
ADMINISTRATIVE PANEL DECISION

Case No.	[Enter Case Number Here]
Complainant:	[Enter Name of Complainant]
Respondent :	[Enter Name of respondent]

1. The Parties and Contested Domain Name

The Complainant is [Enter Name of Complainant], of [Enter Address of Complainant].

The Respondent is [Enter Name of respondent], of [Enter Address of Respondent].

The domain name at issue is [Enter Domain name in dispute], registered by Respondent with [Enter Name of the registrar], of [Enter Address of the registrar].

2. Procedural History

[Enter procedural history information here]

3. Factual background

[Enter background information of the Complainant]

[Enter background information of the Respondent]

4. Parties' Contentions

A. Complainant

The Complainant's contentions may be summarized as follows:

- i. [Enter Complainant contentions here]
- ii. [Enter Complainant contentions here]
- iii. [Enter Complainant contentions here]
- iv. [Enter Complainant contentions here]
- v. [Continue if necessary]

B. Respondent

The Respondent's contentions may be summarized as follows:



- i. [Enter Respondent contentions here]
- ii. [Enter Respondent contentions here]
- iii. [Enter Respondent contentions here]
- iv. [Enter Respondent contentions here]
- v. [Continue if necessary]

5. Findings

[Enter Intro Text here]

The ICANN Uniform Domain Name Dispute Resolution Policy provides, at Paragraph 4(a), that each of three findings must be made in order for a Complainant to prevail:

- i. Respondent's domain name must be identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- ii. Respondent has no rights or legitimate interests in respect of the domain name; and
- iii. Respondent's domain name has been registered and is being used in bad faith.

A) Identical / Confusingly Similar

[Enter findings here]

B) Rights and Legitimate Interests

[Enter findings here]

C) Bad Faith

[Enter findings here]

[Enter additional findings here]

6. Decision

[Enter decision/remedy here]

"[Enter Name of Panelist(s)]"
Panelists

Dated: [Enter Date]



Asian Domain Name Dispute Resolution Centre

seoul

Template Decision – English - Seoul Office

ADMINISTRATIVE PANEL DECISION **[draft]**

Case No. KR-2200XXX

Complainants:

(Authorized Representative :)

Respondent:

Disputed Domain Name(s): XXX.com

1. The Parties and Contested Domain Name

The Complainant is

The Respondent is

The domain name at issue is 'XXX.com', registered by [Name of the registrar]

2. Procedural History

The Complaint was filed with the Seoul Office of the Asian Domain Name Dispute Resolution Center (ADNDRC) ["Center"] on XXXXXX, seeking for a transfer of the domain name in dispute.

On XXXXX, the Center sent an email to the Registrar asking for the detailed data of the registrant. On XXXXX, [Name of the registrar] transmitted by email to the Center its verification response, advising that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the "Policy"), the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), and the Centre's Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the "Supplemental Rules").

In accordance with the Rules, the Centre formally notified the Respondent of the Complaint. The proceedings commenced on XXXXXX and the due date for the Response was XXXXXX. No Response was filed by the due date.

On XXXXXX, the Center appointed [Name of Panelist] as the Sole Panelist in the administrative proceeding and with the consent for the appointment, impartiality and independence declared and confirmed by the Panelist, the Center, in accordance with paragraph 7 of the Rules, organized the Panel of this case in a legitimate way.

3. Factual background

[Enter background information of the Complainant]

[Enter background information of the Respondent]

4. Parties' Contentions

A. Complainant

The Complainant's contentions may be summarized as follows:

- i. [Enter Complainant contentions here]
- ii. [Enter Complainant contentions here]
- iii. [Enter Complainant contentions here]
- iv. [Enter Complainant contentions here]
- v. [Continue if necessary]

B. Respondent

The Respondent's contentions may be summarized as follows:

- i. [Enter Respondent contentions here]
- ii. [Enter Respondent contentions here]
- iii. [Enter Respondent contentions here]
- iv. [Enter Respondent contentions here]
- v. [Continue if necessary]

5. Findings

[Enter Intro Text here]

The ICANN Uniform Domain Name Dispute Resolution Policy provides, at Paragraph 4(a), that each of three findings must be made in order for a Complainant to prevail:

- i. Respondent's domain name must be identical or confusingly similar to a trademark or service mark in which Complainant has rights; and

- ii. Respondent has no rights or legitimate interests in respect of the domain name; and
- iii. Respondent's domain name has been registered and is being used in bad faith.

A) Identical / Confusingly Similar

[Enter findings here]

B) Rights and Legitimate Interests

[Enter findings here]

C) Bad Faith

[Enter findings here]

[Enter additional findings here]

6. Decision

[Enter decision/remedy here]

[Name of Panelist]

Sole Panelist

Dated: XXXXXX

Annexes



ADNDRC

**Chinese
Decision
Templates**



Asian Domain Name Dispute Resolution Centre

beijing

【北京】秘书处

专家组裁决

案件编号: CN-220XXXX

投 诉 人: XXX

被投诉人: XXX

争议域名: XXX.com

注 册 商: XXX

一、基本事实

投诉人:

投诉人为 XXX, 地址位于 XXX。投诉人授权 XXX 代理本案。

被投诉人:

被投诉人为 XXX, 地址位于 XXX。被投诉人授权 XXX 代理本案。

201x年x月x日, 本案争议域名“XXX”通过注册商 XXX 获得注册。

二、案件程序

202×年×月×日，投诉人XXXX根据互联网名称与数字地址分配机构（ICANN）施行的《统一域名争议解决政策》（以下简称“《政策》”）、《统一域名争议解决政策之规则》（以下简称“《规则》”）及亚洲域名争议解决中心（ADNDRC）施行的《统一域名争议解决政策之补充规则》（以下简称“《补充规则》”），向亚洲域名争议解决中心北京秘书处（以下简称“中心北京秘书处”）提交了投诉书，选择由一[三]人专家组进行审理。

202×年×月×日，中心北京秘书处向投诉人传送通知，确认收到投诉书。同日，中心北京秘书处向ICANN和域名注册商XXX发出注册信息确认函，要求其确认注册信息。注册商XXX于201×年×月×日回复确认：（1）争议域名由其提供注册服务；（2）被投诉人XXXX为争议域名注册人；（3）《政策》适用所涉域名投诉；（4）争议域名注册协议使用的语言为中文[英文]。

202×年×月×日，中心北京秘书处以电子邮件的形式向投诉人传送投诉书确认及送达通知书，确认投诉书已经审查合格并送达被投诉人，本案程序于202×年×月×日正式开始。同日，中心北京秘书处[分别]以电子邮件[和邮政快递]的形式向被投诉人传送[并发送]书面投诉通知，告知被投诉人被投诉的事实，并说

明中心北京秘书处已按《规则》和《补充规则》的规定，以电子邮件的形式向被投诉人传送了投诉书及附件。中心北京秘书处并于同日以电子邮件的形式向ICANN及争议域名的注册商XXX传送程序开始通知。

[被投诉人于 202×年×月×日提交答辩，选择由一[三]人专家组进行审理。中心北京秘书处于 201×年×月×日向投诉人转递答辩材料。]

截至答辩期限202×年×月×日，被投诉人未提交答辩。201×年×月×日，中心北京秘书处向投诉人及被投诉人传送缺席审理通知。

202×年×月×日，中心北京秘书处向XXX先生/女士发出列为候选专家通知，请其确认是否接受指定，作为本案专家审理案件，并在当事人间保持独立公正。201×年×月×日，候选专家回复中心北京秘书处，同意接受指定，并保证案件审理的独立性和公正性。

202×年×月×日，中心北京秘书处向双方当事人及上述专家传送专家指定通知，指定XXX先生/女士为本案独任专家，成立一[三]人专家组审理本案。同日，中心北京秘书处将案件移交专家组。

根据《规则》第6(f)条和第15(b)条,专家组应当在成立之日(即202×年×月×日)起14日内即202×年×月×日前(含×月×日)就本案争议作出裁决。

三、当事人主张

投诉人:

被投诉人:

四、专家意见

根据被投诉人与注册商之间的注册协议,被投诉人同意受《政策》的约束。《政策》适用于本项争议解决程序。

《政策》第4条规定了强制性域名争议解决程序。根据第4(a)条的规定,投诉人必须证明以下三个条件均已满足:

(i)被投诉的域名与投诉人享有权利的商品商标或服务商标相同或混淆性相似;且

(ii)被投诉人对该域名并不享有权利或合法利益;且

(iii)被投诉人对该域名的注册和使用具有恶意。

根据第 4(b)条的规定,被投诉人具有如下情形但不限于如下情形的,其行为构成恶意注册或者使用域名:

(i)注册或获取争议域名的主要目的是为了向作为商品商标或服务商标所有人的投诉人或其竞争对手出售、出租或转让域名,以获取直接与域名注册相关费用之外的收益;或者,

(ii)注册行为本身表明注册争议域名的目的是为了阻止商品商标或服务商标的所有人以相应的域名反映其商标标志;或者,

(iii)注册域名的主要目的是为了破坏竞争对手的正常业务;
或者

(iv)以使用域名的手段,为商业的目的,通过制造网站或网址上所出售的商品或提供的服务与投诉人商标之间在来源者、赞助商、附属者或保证者方面的混淆,故意引诱网络用户访问网站或其他联机地址。

根据本案当事人提交的投诉书/答辩书及其所附证据材料,本案专家组意见如下:

关于完全相同或混淆性相似

关于被投诉人权利或合法利益

关于恶意

五、裁决

[独任]专家：(签字)

201×年×月×日于北京



Asian Domain Name Dispute Resolution Centre
hong kong

(香港秘书处)

行政专家组裁决

案件编号:	[Enter Case Number Here]
投诉人:	[Enter Name of Complainant]
被投诉人:	[Enter Name of respondent]
争议域名:	<Enter the Disputed Domain Name(s)>

1. 当事人及争议域名

本案投诉人为 [Enter Name of Complainant], of
[Enter Address of Complainant].

被投诉人: [Enter Name of respondent], of
[Enter Address of Respondent].

争议域名为 [Enter Domain name in dispute], 由被投诉人通
过 [Enter Name of the registrar], 地址为:
[Enter Address of the registrar].

2. 案件程序

[Enter procedural history information here]

3. 事实背景

[Enter background information of the Complainant]

[Enter background information of the Respondent]

4. 当事人主张

A. 投诉人

投诉人的主张如下：

- i. [Enter Complainant contentions here]
- ii. [Enter Complainant contentions here]
- iii. [Enter Complainant contentions here]
- iv. [Enter Complainant contentions here]
- v. [Continue if necessary]

B. 被投诉人

被投诉人的主张如下：

- i. [Enter Respondent contentions here]
- ii. [Enter Respondent contentions here]
- iii. [Enter Respondent contentions here]
- iv. [Enter Respondent contentions here]
- v. [Continue if necessary]

5. 专家组意见

根据《ICANN 统一域名争议解决政策》第 4(a)条规定，符合下列条件的投诉应当得到支持：

- (i) 争议域名与投诉人拥有的商标或服务标记相同或极其相似，容易引起混淆；且
- (ii) 被投诉人不拥有对该域名的权利或合法权益；且
- (iii) 被投诉人的域名已被注册并且正被恶意使用。

投诉人在行政程序中必须举证证明以上三种情形同时具备。

A) 关于争议域名与投诉人享有商品商标或服务商标权利的名称或者标志相同或混淆性相似

[Enter findings here]

益 B) 关于被投诉人对争议域名或其主要部分不享有合法权

[Enter findings here]

C) 关于被投诉人对争议域名的注册和使用是否具有恶意

[Enter findings here]

[Enter additional findings here]

6. 裁决

[Enter decision/remedy here]

专家组："[Enter Name of Panelist(s)]"

日期: [Enter Date]

Annexes



ADNDRC

**Korean
Decision
Templates**



Asian Domain Name Dispute Resolution Centre

scoul

결 정 문(초안)

사건번호: KR-2200XXX

신 청 인:

피신청인:

1. 당사자 및 분쟁 도메인이름

신 청 인:

주소

대리인:

주소

피신청인:

주소

분쟁 도메인이름은 “도메인명”이며,
피신청인에 의해 도메인업체명(도메인업체
주소)에 등록되어 있다.

2. 절차의 경과

신청인은 20XX. X. XX.
아시아도메인이름분쟁조정센터(ADNDRC)
서울사무소(이하 ‘센터’라고 함)에 분쟁
도메인이름의 이전을 구하는 신청서를
제출하였다.

20XX. X. X. 센터는 등록기관에게 등록인의
정보를 요청하는 전자우편을 발송하였고,

등록기관은 20XX. X. X. 센터에 등록인의 확인 등 세부사항을 확인해주었다.

20XX. X. X. 센터는 분쟁해결신청서 및 관련서류를 전자우편을 통하여 피신청인에게 발송하면서 답변서를 제출할 수 있는 마감기일이 20XX. X. XX.임을 통지하였다. 또한 같은 날 등기우편을 통하여 절차개시 통지 및 신청서 등 서류를 전자우편으로 발송하였음을 통지하였다.

20XX. X. XX. 피신청인은 답변서를 제출하였다./하지 않았다.

20XX. X. XX. 센터는 보충규칙에 따라 ○○○위원을 행정패널로 선임요청 하였고, 같은 날 행정패널로서의 승낙 및 중립성과 독립성의

선언을 확인 받아 20XX. X. XX. 행정패널을
구성하였다.

3. 사실관계

4. 당사자들의 주장

A. 신청인

신청인의 주장을 요약하면 아래와 같다.

B. 피신청인

피신청인의 주장을 요약하면 아래와 같다.

5. 검토 및 판단

규정 제4조 (a)항에 따르면 신청인은 자신의 주장을 관철시키기 위하여 다음과 같은 요건을 모두 입증해야 한다.

(i) 신청인이 권리를 갖고 있는 상표 또는 서비스표와 등록인의

도메인이름이 동일하거나 혼동을 일으킬 정도로 유사하다는 것,

(ii) 등록인이 그 도메인이름의 등록에 대한 권리 또는 정당한

이익을 가지고 있지 아니하다는 것, 그리고

(iii) 등록인의 도메인이름이 부정한 목적으로 등록 및 사용되고

있다는 것.

따라서 상기의 사항과 관련하여 당사자가 주

장하는 논점을 판단하면 다음과 같다.

A. 상표·서비스표와 본 건 분쟁 도메인이름의

유사

B. 피신청인의 권리 또는 정당한 이익

C. 피신청인의 부정한 목적

6. 결정

위와 같이 검토한 결과, 본 행정패널은 '규정' 제4조 (a)항 및 '절차규칙' 제15조에 의하여, 신청인의 신청에 따라 분쟁도메인이름인 <도메인명>을 (이전, 말소)할 것을 / (이전, 말소)청구를 기각할 것을 결정한다.

1인 행정패널

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결정일: 20XX년 X월 XX일



ADNDRC

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