

ccTLD .IT DOMAIN NAMES RE-ASSIGNMENT PROCEDURE INSTRUCTIONS

AIM OF THE PROCEDURE (ART. 3.2 Regulations for the resolution of disputes in the ccTLD "it")

"The aim of the procedure is to check the right of use or legal availability of the domain name and that the domain has not been registered or maintained in *mala fide*. The outcome of the procedure can only be the re-assignment of a domain name. The procedure has no legal validity and as such does not preclude the parties' right to appeal, also subsequently, to the law court or arbitration."

WHO CAN START THE PROCEDURE? (ART. 4.1 Regulations for the resolution of disputes in the ccTLD "it")

"All individuals or corporate bodies having the requirements for registration of a domain name under the ccTLD "it" can start a re-assignment procedure with an out-of-court disputes resolution service provider (PSRD) qualified by the Registry of domain names of the ccTLD .it (Registry) (...)."

"The procedure can also be started on one's own behalf of individuals or corporate bodies not belonging to the European Union providing that:

- a) The petitioner is acting as licensee under a license right explicitly recognised by the holder, and this is mentioned and proved during the re-assignment procedure; or
- b) The petitioner is acting under an explicit legitimate concession of another right the breach of which has a bearing on re-assignment procedure, and this is mentioned and proved in the re-assignment procedure."

**WHEN IT IS POSSIBLE TO START THE PROCEEDINGS
(Art. 3.6 Regulations for the resolution
of disputes in the ccTLD "it")**

"Domain names for which a third party (called "petitioner") makes the following claims are subject to re-assignment:

- a) the domain name object of opposition is identical to or such as to cause confusion with a trademark or other distinctive business sign, for which same third party claims rights, or his name and surname; and that
- b) the present assignee (called "defendant") has no right to the domain name object of opposition and, finally, that
- c) the domain name has been registered and it is used in mala fide. (...)"

Essential prerequisite for the activation of the procedure:

The petitioner must file a **CHALLENGE** against the current assignee.

How?



By sending a letter to the [Registry](http://www.nic.it) (www.nic.it) with **recorded delivery** containing the **challenge** (**ART. 5** of the [Regulations for the Assignment and management of domain names in the ccTLD "it"](#))

FILING THE COMPLAINT

(art. 4.2 Regulations for the resolution of disputes in the ccTLD "it")

2 hard copies + electronic format

Check-List

1. Specify the challenged domain name and its current assignee
2. **EXPRESS** request to start a re-assignment procedure;
3. Name, surname, postal AND electronic address, telephone and fax number of the petitioner or any person authorised to represent it in the procedure (in this case add document of proxy);
4. Specify if you ask for the appointment of **1 expert** (in this case the Secretariat will appoint the expert) or a **board of 3 experts**;
5. Specify the distinctive sign/name/ trademark on which the complaint is based and for each of them describe the goods/services, if existing, that distinguish that distinctive mark or trademark;
6. Specify reasons for the complaint (see art. 4.2 n. 6 of Regulations for the resolution of disputes in the ccTLD "it");
7. Indicate any pending or concluded legal proceedings regarding the challenged domain name of which the petitioner is aware;
8. Include and sign the following declaration:

"The petitioner declares that its claims and the provisions required concerning the domain name registration, this dispute and its resolution are exclusively addressed to the domain name holder and expressly waves any claim against:

- a) the PSRD for the administrative procedure and the persons appointed to the Board, with the exception of fraudulent behaviour;*
- b) the Registry including its administrators, employees and appointees;*
- c) The petitioner declares and guarantees that, to the best of his knowledge, the information contained in this complaint is complete and truthful and that the complaint is not lodged for illicit purposes.";*
- d) the original of this form is compliant with the one elaborated by the Chamber of Arbitration of Milan and published on the website www.camera-arbitrale.it"*

9. attach, **in duplicate**, every document or other evidence supporting the complaint, including, if it be the case, proof of registration of the distinctive mark or trademark to which the complaint refers. An **index** of the attachments must be produced together with the attachments;
10. attach a **copy of the registered letter of opposition** drawn up pursuant to article 5.1 "Introduction of the opposition" of the Rules of assignment and maintenance of domain names in the ccTLD .it;
11. contain the **authorization to process personal data** shown in the complaint.

SENDING OF THE COMPLAINT AND START OF THE PROCEDURE

The Complaint should be sent to:

**Segreteria del Servizio Nomi a Dominio della Camera Arbitrale di Milano
via Meravigli 9/B, 20123 MILAN**

e-mail: **nomadominio@mi.camcom.it**

To the Secretariat you **MUST** send:

- 1) **TWO HARD COPIES** of Complaint + attachments;
- 2) **ONE ELECTRONIC COPY** of the Complaint (RTF, TXT, DOC, HTML) + attachments (**not more than 6 MB**) to the e-mail nomiadinominio@mi.camcom.it;
- 3) **TWO COPIES** of the registered letter of opposition (see point 5.1 of the Rules of Assignment and Maintenance of domain names in the ccTLD .it);
- 4) **TWO COPIES** of the document **attesting the payment** of the service's fees.

All the requirements for the Complaint are listed in **art. 4.2.** of the **Regulations for the resolution of disputes in the ccTLD "it"**

- 5) **Invoicing data of the party (not of the lawyer or consultant)**

The complaint can be filed in free-form but MUST have ALL the requirements stated in said art. 4.2.

The proceedings can be said started only if the Complaint fulfills said requirements.

Please note that the maximum weight of the hard copy (complaint+attachment) must not overweight 2 kilograms, since it has to be notified to the defendant via postal service, registered letter.