



# **Guidelines for the resolution of disputes in the ccTLD “it”**

**Version 1.0  
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<b>1. INTRODUCTION</b> .....	<b>4</b>
<b>2. THE CHALLENGE PROCEDURE</b> .....	<b>4</b>
2.1 AIM .....	4
2.2 COMMENCING THE CHALLENGE PROCEDURE .....	4
2.3 ACTION BY THE REGISTRY WHEN A CHALLENGE IS PRESENTED .....	7
2.4 ACCESS TO DATA.....	7
2.5 ACTION BY THE REGISTRY WHEN A CHALLENGE PROCEDURE HAS BEEN INITIATED CORRECTLY	12
2.6 PENDING CHALLENGE - RENEWAL .....	13
2.7 CHALLENGE RESOLVED - CHANGE OF REGISTRANT .....	16
<b>3. ALTERNATIVE METHODS FOR RESOLVING DISPUTES</b> .....	<b>16</b>
3.1 ARBITRATION.....	16
3.1.1. AIM.....	16
3.2.1. PREMISE .....	16
3.3.1. INTRODUCTION OF ARBITRATION PROCEEDINGS.....	16
<b>4. PROCEDURE FOR RE-ASSIGNING A DOMAIN NAME</b> .....	<b>21</b>
4.1 PURPOSE .....	21
4.2 AIM .....	21
4.3 PREMISE FOR THE INTRODUCTION OF THE PROCEDURE .....	21
4.4 EXAMINATION OF THE RIGHTS TO A DOMAIN NAME .....	21
4.5 CHOOSING A DISPUTE RESOLVING SERVICE.....	21
4.6 PREPARATION OF THE COMPLAINT .....	21
4.7 INDICATION OF THE NUMBER OF EXPERTS.....	22
4.8 SENDING THE COMPLAINT.....	22
4.9 START OF THE PROCEDURE.....	22
4.10 FORMAL ANOMALIES/EXAMINATION OF THE COMPLAINT BY THE DRS .....	22
4.11 SENDING THE COMPLAINT TO THE RESISTANT .....	22
4.12 PREPARATION OF THE ASSIGNEE'S REPLEADER .....	23
4.13 ENCLOSURES TO THE REPLEADER.....	23
4.14 SENDING THE REPLEADER.....	23
4.15 TIME LIMIT FOR THE REPLEADER .....	23
4.16 ACTION BY THE DRS .....	23
4.17 ROLE OF THE REGISTRY .....	24
4.18 IMPLEMENTING THE DECISION .....	24
4.19 INTERRUPTION OF THE PROCEDURE DUE TO RECOURSE TO THE LAW COURTS .....	24
4.20 RECOURSE TO THE COURTS .....	24
4.21 RE-INTRODUCTION OF A PROCEDURE .....	24
4.22 TIMING FOR THE PROCEDURE.....	24

## **1. Introduction**

This guide aims to give users and Maintainers (MNT) useful information regarding the content of the Regulations for resolving disputes, in the ccTLD “it” (Dispute Regulation) along with reference examples.

## **2. The Challenge Procedure**

### **2.1 Aim**

The challenge procedure can be used by third parties to present the existence of detriment, caused by the registration and/or assignation of a domain name to the current Registrant, to the Registry.

Once the challenge procedure has commenced, the Registrant, even though he retains full title to use the domain name, cannot change the Registrant of the domain name in question to any person other than the party which has advanced the challenge procedure.

In order to commence the procedure for re-assigning a domain name, a challenge must first be made.

### **2.2 Commencing the challenge procedure**

In order to activate the challenge procedure, the challenging party must send a duly signed, recorded delivery letter containing the details of the sender, the domain name being challenged, the rights which are alleged to have been harmed and a description of the alleged detriment suffered to the Registry.

Advance copy of this letter can be sent by fax to the number +39.050570230 or via e-mail to [hostmaster@nic.it](mailto:hostmaster@nic.it).

If the Registry receives from the parties concerned copy of duly notified judicial decree or on becoming aware of the existence of arbitration regarding the domain name, the Registry may officially introduce challenge proceedings.

Examples for use when sending a letter of challenge to the Registry are shown below.

## Example of a letter for use by organisations for presenting a challenge

Date,

Registro del ccTLD ".it" (ccTLD ".it" Registry)  
Istituto di Informatica e Telematica del CNR  
(Institute for Informatics and Telematics of the  
CNR)  
Via G. Moruzzi, 1  
I- 56124 PISA (Italy)

Re: request to activate the challenge procedure for the domain name “\_\_\_\_\_ .it”, in accordance with and to the effects of paragraph 5.6 of the Regulations for the assignation and management of domain names under the ccTLD “it”.

The undersigned (**first name/s and surname**) born in (**place of birth and [province/state]**) on (**date of birth**) tax code (**tax code number**), delegated to represent, for the purposes of this agreement, the company/individual concern professional person/professional partnership no profit organisation public body other entity EU subject called (**company name**) with legal representative/owner (**name and surname**) VAT number (**VAT number**) with registered office at (**reg.office [street, town, postcode, province/state]**) requests the activation of the challenge procedure for the domain name \_\_\_\_\_ .it, currently assigned to ..... in as much as the current assignation of the domain name is detrimental to the right to the name, the right to the registered trademark and/or company name/title and/or company emblem (include a detailed description of the alleged detriment and/or right allegedly infringed. For example, the domain name)

Consequently, the ccTLD “it” is asked to:

- a) add to the domain name “\_\_\_\_\_ .it” the status of “CHALLENGED”;
- b) inform the Registrant within ten days of receiving this letter of the commencement of the challenge;

Yours faithfully,

The undersigned  
Name and Surname  
(legible signature)

*“In accordance with article 13, paragraph 1 of the personal data protection Code, Italian Legislative Decree number 196 of 30 June 200, the personal details supplied by the applicants shall be collected and stored by the Institute for Informatics and Telematics (IIT) for the purposes strictly concerned with the challenge operation for the above domain name and processed in the IIT’s automatic data bank for the execution of the operations regarding the request. The conferral of such data to the Institute for Informatics and Telematics of the CNR is obligatory for the purposes of evaluation of the challenge request. The party concerned enjoys the rights as per article 7 of the above-cited decree. The person responsible for the processing of data is the Director of the Institute for Informatics and Telematics.”*

## Example of a letter for use by natural persons for presenting a challenge

Date,

Registro del ccTLD ".it" (ccTLD ".it" Registry)  
Istituto di Informatica e Telematica del CNR  
(Institute for Informatics and Telematics of the  
CNR)  
Via G. Moruzzi, 1  
I- 56124 PISA (Italy)

Re: request to activate the challenge procedure for the domain name “\_\_\_\_\_.it”, in accordance with and to the effects of paragraph 5.6 of the Regulations for the assignation and management of domain names under the ccTLD “it”.

The undersigned (**first name/s and surname**) born in (**place of birth and [province/state]**) on (**date of birth**), address of residence (**address [street, town, postcode, province/state]**) tax code (**tax code number**) hereby requests the activation of the challenge procedure for the domain name \_\_\_\_\_it, currently assigned to ....., in as much as the current assignation of the domain name is detrimental to the right to the name and surname, the registered trademark other rights, (include a detailed description of the alleged detriment and/or right allegedly infringed).

Consequently, the ccTLD “it” is asked to:

- a) Add to the domain name “\_\_\_\_\_.it” the status of “CHALLENGED”;
- b) inform the Registrant within ten days of receiving this letter of the commencement of the challenge;

Yours faithfully,

The undersigned  
Name and Surname  
(legible signature)

*“In accordance with article 13, paragraph 1 of the personal data protection Code, Italian Legislative Decree number 196 of 30 June 200, the personal details supplied by the applicants shall be collected and stored by the Institute for Informatics and Telematics (IIT) for the purposes strictly concerned with the challenge operation for the above domain name and processed in the IIT’s automatic data bank for the execution of the operations regarding the request. The conferral of such data to the Institute for Informatics and Telematics of the CNR is obligatory for the purposes of evaluation of the challenge request. The party concerned enjoys the rights as per article 7 of the above-cited decree. The person responsible for the processing of data is the Director of the Institute for Informatics and Telematics.”*

## **2.3 Action by the Registry when a challenge is presented**

On receipt of a challenge, the Registry will examine the contents of the request and, if they comply with the above instructions, proceed as indicated in the paragraph below. If this is not the case, the Registry will inform the applicant requesting the challenge to the domain name of the elements required for establishing the challenge in the correct manner. The missing information, which must be sent within 5 working days from receipt of the Registry's request, must be sent in the same way as the challenge request.

The challenge is deemed to have commenced once the domain name has been assigned the status "CHALLENGED".

## **2.4 Access to data**

If a challenge is to be made for a domain name registered by a person or organisation (Registrant) who has not consented to the publishing and access to data contained in the DBAN via Internet and necessary for the activation of challenge proceedings, a specific request must be made to the Registry using the example letter formats shown below.

The letter in which the Registry provides with the personal data of the Registrant, is sent to Registrant in question for his/her information.

## Example letter for use by organisations requesting access to documents

Registro del ccTLD ".it" (ccTLD ".it" Registry)  
Istituto di Informatica e Telematica del CNR  
(Institute for Informatics and Telematics of the  
CNR)  
Via G. Moruzzi, 1  
I- 56124 PISA (Italy)

Re: request for the personal data of the assignee of the domain name \_\_\_\_\_it

The undersigned (**first name/s and surname**) born in (**place of birth and [province or state]**) on (**date of birth**), address of residence (**address [street, town, postcode, province/state]**) tax code (**tax code number**) as (specify whether you are the owner, legal representative or authorised proxy) of the organisation    company/individual concern    professional person/professional partnership    no profit organisation    public body    other entity    EU subject called (**company name**) with legal representative/owner (**name and surname**) VAT number (**VAT number**) with registered office at (**reg.office [street, town, postcode, province/state]**) requests that the ccTLD “it” Registry supply the personal data pertaining to the Registrant of the domain name \_\_\_\_\_it, (henceforth referred to as the “Registrant”) in order to commence action for the protection of the rights of the applicant as specified below.

The above-stated request is made for the purpose of commencing challenge/ re-assignment proceedings or for commencing legal, arbitration or administrative proceedings against the registrant regarding the unlawful registration of the domain name (indicate any other relevant reasons)

The applicant states that he/she is the holder of the legal right or title to the: tradename/company name/emblem/firm/journalistic newspaper/name (of a person or state or private body) abbreviated mark or pseudonym (indicate the legal right or title).

The applicant undertakes that he/she will not use or publish the personal data requested for reasons other than those strictly indicated in this letter of request. The applicant also assumes all liability for the improper use of the Registrant’s data. In all cases, the applicant undertakes to indemnify the Registry against any burden or nuisance caused by any action taken by third parties or the Registrant with regard to this request and/or to any event connected therewith or consequent thereto.

The applicant consents to the transmission of the personal data indicated above as well as the reasons for the request to the Registrant of the domain name.

Enclosed herewith are photocopies of the applicant’s document of identity: (**type of document, number and issuing authority**)

Place and date

**The undersigned**  
**Name and Surname**

---

(Legible signature )

*“In accordance with article 13, paragraph 1 of the personal data protection Code, Italian Legislative Decree number 196 of 30 June 200, the personal details supplied by the applicants shall be collected and stored by the Institute for Informatics and Telematics (IIT) for the purposes*



*strictly concerned with the operation to access the personal data of assignee of the above-stated domain name and processed in the IIT's automatic data bank for the execution of the operations regarding the request.*

*The conferral of such data to the Institute of Informatics and Telematics of the CNR is obligatory for the purposes of evaluation of the request to access the personal data of assignee of the domain name*

*The party concerned enjoys the rights as per article 7 of the above-cited decree. The person responsible for the processing of data is the Director of the Institute for Informatics and Telematics.”*

## Example letter for use by natural persons requesting access to documents

Registro del ccTLD ".it" (ccTLD ".it" Registry)  
Istituto di Informatica e Telematica del CNR  
(Institute for Informatics and Telematics of the  
CNR)  
Via G. Moruzzi, 1  
I- 56124 PISA (Italy)

Re: request for the personal data of the assignee of the domain name \_\_\_\_\_it

The undersigned (**first name/s and surname**) born in (**place of birth and [province or state]**) on (**date of birth**), address of residence (**address [street, town, postcode, province/state]**) tax code (**tax code number**) requests that the ccTLD "it" Registry supply the personal data pertaining to the Registrant of the domain name \_\_\_\_\_it, (henceforth referred to as the "Registrant") in order commence action for the protection of the rights of the applicant as specified below.

The above-stated request is made for the purpose of commencing challenge/ re-assignment proceedings or for commencing legal, arbitration or administrative proceedings against the Registrant regarding the unlawful registration of the domain name (indicate any other relevant reasons)

The applicant states that he/she is the holder of the legal right or title to the: tradename/company name/emblem/firm/journalistic newspaper/name (of a person or state or private body) abbreviated mark or pseudonym (indicate the legal right or title).

The applicant undertakes that he/she will not use or publish the personal data requested for reasons other than those strictly indicated in this letter of request. The applicant also assumes all liability for the improper use of the Registrant's data. In all cases, the applicant undertakes to indemnify the Registry against any burden or nuisance caused by any action taken by third parties or the assignee with regard to this request and/or to any event connected therewith or consequent thereto.

The applicant consents to the transmission of the personal data indicated above as well as the reasons for the request to the assignee of the domain name.

Enclosed herewith are photocopies of the applicant's document of identity: (**type of document, number and issuing authority**)

Place, date

**The undersigned**  
**Name and Surname**

---

(Legible signature )

*"In accordance with article 13, paragraph 1 of the personal data protection Code, Italian Legislative Decree number 196 of 30 June 200, the personal details supplied by the applicants shall be collected and stored by the Institute for Informatics and Telematics (IIT) for the purposes*

*strictly concerned with the operation to access the personal data of the Registrant of the above-stated domain name and processed in the IIT's automatic data bank for the execution of the operations regarding the request.*

*The conferral of such data to the Institute of Informatics and Telematics of the CNR is obligatory for the purposes of evaluation of the request to access the personal data of assignee of the domain name*

*The party concerned enjoys the rights as per article 7 of the above-cited decree. The person responsible for the processing of data is the Director of the Institute for Informatics and Telematics.”*

## 2.5 Action by the Registry when a challenge procedure has been initiated correctly

When a challenge procedure has been correctly initiated, the Registry will carry out the following action regarding the Registrant, the Challenger and the MNT:

- *The Registrant:*
  - notify via e-mail to the Registrant (if present the “email” field in the “Registrant” object otherwise by recorded delivery letter with acknowledgement of receipt) the start of the challenge procedure, indicating:
    - the domain name being challenged;
    - the person making the challenge;
    - the relevant paragraphs of the Regulations.
  
- *The Registrant and the Challenger:*
  - send a recorded delivery letter to the parties involved in the challenge indicating the following:
    - the name and address of the party advancing the challenge;
    - the possibility of making use of the alternative procedures for resolving disputes provided for in the Regulations for the resolution of disputes in the ccTLD “it”;
    - the start date of the challenge procedure for the purposes of calculating the terms for renewing the domain name.

The Registry will not enclose copy of the letter by means of which the challenge was requested unless the parties concerned send an appropriate request in the format shown below.

If the Registrant give documentary proof of title to the domain name on the basis of the right to use a trademark, company name, emblem or name of a person and the counterpart cannot offer documentary proof of an analogous right, basing the challenge on the detriment suffered simply because of the registration or assignation of the domain name to others, the Registry will have the right to annul the challenge and will notify the parties in a recorded delivery letter explaining the grounds for the annulment of the challenge.

- *MNT:*
  - the application of the “CHALLENGED” status will be notified to the MNT via the e-mail address recorded in the DBAN. For non-Italian MNTs, the notification will be written in English.

The following information will be indicated in the e-mail notice sent to the MNT:

- the domain name;
- the start date for the challenged status.

At the same time as sending the e-mail to the MNT, the Registry will change the status of the domain name in the DBAN by the addition of the string “CHALLENGED” to be transferred to the contract.

## **2.6 Pending challenge - Renewal**

A challenge must be renewed every 180 (one hundred and eighty) days and no more than two requests to renew the challenge are permitted.

The request for renewal must reach the Registry in the same manner as when the challenge was originally initiated. If the Registry does not receive the aforesaid request within 180 (one hundred and eighty) days from the activation date of the challenge, or within 180 (one hundred and eighty) days from the expiry of the last renewal date for the challenge, the challenge shall be deemed resolved, in which case, the Registry will remove the “CHALLENGED” status from the domain name in the DBAN, informing also the MNT.

If a challenge is resolved because it was not renewed it cannot be re-opened between the same parties for the same domain name unless new facts emerge at a later date.

An example for renewing a challenge is shown below.

**Example letter for use by organisations when renewing a challenge**

Registro del ccTLD ".it" (ccTLD ".it" Registry)  
Istituto di Informatica e Telematica del CNR  
(Institute for Informatics and Telematics of the  
CNR)  
Via G. Moruzzi, 1  
I- 56124 PISA (Italy)

Date,

Re: request to renew the challenge for the domain name “\_\_\_\_\_.it”, in accordance with and to the effects of paragraph 5.6.3 of the Regulations for the assignation and management of domain names under the ccTLD “it”.

The undersigned (**name and surname**) requests the renewal of the procedure for challenging the domain name “\_\_\_\_\_.it”.

Yours faithfully,

**The undersigned**  
*Name and Surname*

---

(Legible signature )

**Example letter for use by natural persons when renewing a challenge**

Registro del ccTLD ".it" (ccTLD ".it" Registry)  
Istituto di Informatica e Telematica del CNR  
(Institute for Informatics and Telematics of the  
CNR)  
Via G. Moruzzi, 1  
I- 56124 PISA (Italy)

Date,

Re: request to renew the challenge for the domain name “\_\_\_\_\_.it”, in accordance with and to the effects of paragraph 5.6.3 of the Regulations for the assignation and management of domain names under the ccTLD “it”.

The undersigned (**first name/s and surname**) born in (**place of birth and [province or state]**) on (**date of birth**), address of residence (**address [street, town, postcode, province/state]**) tax code (**tax code number**) hereby requests the renewal of the procedure for challenging the domain name “\_\_\_\_\_.it”.

Yours faithfully,

**The undersigned**  
***Name and Surname***

---

(Legible signature )

## **2.7 Challenge resolved - Change of Registrant**

The Registry considers a challenge resolved under the conditions described in paragraph 5.6.4 of the Regulations for the assignation and management of domain names in the ccTLD “it”.

If the challenge procedure is concluded with a change of Registrant to be made by means other than an agreement between the parties, the Registry will invite the party which had initiated the challenge to begin the normal registration procedure by sending a recorded delivery letter to that effect.

The letter will contain the time period within which the new Registrant must begin the registration procedure. At the end of the 30 (thirty) day-period of pre-emption, the domain name will be freely available for assignation.

## **3. Alternative methods for resolving disputes**

### **3.1 Arbitration**

#### **3.1.1. Aim**

The parties can turn to amicable arbitration for controversies arising from the assignation of domain names, without recourse to legal proceedings, in the methods described below in accordance with the Regulations for the Resolution of Disputes in the ccTLD “it” (Disputes Regulations).

#### **3.2.1. Premise**

The arbitration procedure can only be activated with the consent of both parties involved in the challenge procedure. Adherence to the arbitration procedure can be declared either at the time of registering the domain name or by later deed.

#### **3.3.1. Introduction of arbitration proceedings**

Arbitration proceedings are introduced by one of the parties by means of appropriate notification addressed to the opposite party, the chosen arbitrator and the Registry and sent by recorded delivery post. The application must contain the elements defined in paragraph 2.3 of the Regulations for the resolution of disputes in the ccTLD “it” available on the Registry’s website [www.nic.it](http://www.nic.it).

The arbitrator nominated must be selected from the list of arbitrators as per point 2.2 of the Regulations for the resolution of disputes in the ccTLD “it”.

An example letter for use when accepting the arbitration clause, either during or after registration, as well as that for nominating the arbitrator, are shown below.



**Example letter for use by organisations when accepting the arbitration clause**

Registro del ccTLD ".it" (ccTLD ".it" Registry)  
Istituto di Informatica e Telematica del CNR  
(Institute for Informatics and Telematics of the  
CNR)  
Via G. Moruzzi, 1  
I- 56124 PISA (Italy)

Date,

Re: request for acceptance of the arbitration clause in accordance with and to the effects of paragraph 2 of the Regulations for the resolution of disputes in the ccTLD "it"

The undersigned (name and surname) undertakes to entrust to amicable arbitration, in accordance with paragraph 2 and later paragraphs of the "Regulations for the resolution of disputes in the ccTLD "it"", the controversy arising from the registration and assignation of the domain name "\_\_\_\_\_.it".

Yours faithfully,

**The undersigned**  
***Name and Surname***

---

(Legible signature )

**Example letter for use by natural persons when accepting the arbitration clause**

Registro del ccTLD ".it" (ccTLD ".it" Registry)  
Istituto di Informatica e Telematica del CNR  
(Institute for Informatics and Telematics of the  
CNR)  
Via G. Moruzzi, 1  
I- 56124 PISA (Italy)

Date,

Re: request for acceptance of the arbitration clause in accordance with and to the effects of paragraph 2 of the Regulations for the resolution of disputes in the ccTLD "it"

The undersigned [(**first name/s and surname**) born in (**place of birth and [province/state]**) on (**date of birth**), address of residence (**address [street, town, postcode, province/state]**) tax code (**tax code number**) hereby undertakes to entrust to amicable arbitration, in accordance with paragraph 2 and later paragraphs of the "Regulations for the resolution of disputes in the ccTLD "it"", the controversy arising from the registration and assignation of the domain name "\_\_\_\_\_.it".[.

Yours faithfully,

**The undersigned**  
***Name and Surname***

---

(Legible signature )

## Example letter for use by organisations for nominating an arbitrator

Date,

Address of the chosen Arbitrator

c.c.

Address of the opposite party

Registro del ccTLD ".it" (ccTLD ".it" Registry)  
Istituto di Informatica e Telematica del CNR  
(Institute for Informatics and Telematics of the  
CNR)  
Via G. Moruzzi, 1  
I- 56124 PISA (Italy)

Re: application for the introduction of the arbitration procedure, in accordance with and to the effects of paragraph 2.3 of the Regulations for the resolution of disputes in the ccTLD "it".

I, the undersigned (name and surname) nominate (**indicate the name of the arbitrator chosen**) for the purposes of submitting the decision regarding the assignation of the domain name "\_\_\_\_\_.it", currently assigned to \_\_\_\_\_, to the board of arbitrators, and acknowledge that the decisions made will be valid and binding.

For this purpose, I herewith enclose the factual and legal reasons and conclusions on the basis of which I apply to the arbitration clause.

I hereby invite the opposite party to nominate his own arbitrator from the list of arbitrators made available on the Registry's website.

Yours faithfully,

**The undersigned**  
***Name and Surname***

---

(Legible signature )

**Example letter for use by natural persons for nominating an arbitrator**

Date,

Address of the chosen Arbitrator

c.c.

Address of the opposite party

Registro del ccTLD ".it" (ccTLD ".it" Registry)  
Istituto di Informatica e Telematica del CNR  
(Institute for Informatics and Telematics of the  
CNR)  
Via G. Moruzzi, 1  
I- 56124 PISA (Italy)

Re: application for the introduction of the arbitration procedure, in accordance with and to the effects of paragraph 2.3 of the Regulations for the resolution of disputes in the ccTLD "it".

I, the undersigned [(**first name/s and surname**) born in (**place of birth and [province/state]**) on (**date of birth**), address of residence (**address [street, town, postcode, province/state]**) tax code (**tax code number**) hereby nominates (**indicate the name of the arbitrator chosen**) for the purposes of submitting the decision regarding the assignation of the domain name "\_\_\_\_\_.it", currently assigned to \_\_\_\_\_, to the board of arbitrators, and acknowledge that the decisions made will be valid and binding.

For this purpose, I herewith enclose the factual and legal reasons and conclusions on the basis of which I apply to the arbitration clause.

I hereby invite the opposite party to nominate his own arbitrator from the list of arbitrators made available on the Registry's website.

Yours faithfully,

**The undersigned**  
***Name and Surname***

---

(Legible signature )

## **4. Procedure for re-assigning a domain name**

### **4.1 Purpose**

The procedure for re-assigning a domain name is the instrument devised by the ccTLD “it” Registry in order to prevent and combat the hoarding of domain names in the ccTLD “it”.

The procedure responds to the same criteria adopted at international level by ICANN and EURID for second level domains under gTLDs and under the TLD.eu respectively and is disciplined in compliance with the Disputes Regulations. The procedure is managed by so-called “Dispute Resolving Services” (DRS), where lists are held of consulting experts who, after full argument by both sides and in accordance with the Disputes Regulations, check the title of the domain name.

### **4.2 Aim**

The re-assignment procedure is for transferring the assignation of the domain name to the person who has the right to use it if the complainant can prove that the Registrant does not have this right or legal disposal and that the domain name has been registered and maintained in bad faith.

### **4.3 Premise for the introduction of the procedure**

The condition necessary for the valid introduction of the re-assignment procedure is that the domain name has been challenged by the same party which intends to introduce the re-assignment procedure.

The re-assignment procedure can only be commenced by EU citizens. It can be introduced in person and on behalf of either a natural or legal person not belonging to the European Union provided that the autonomous titles of the complainant are supported by documentary proof.

### **4.4 Examination of the rights to a domain name**

The conditions necessary for obtaining the re-assignment of a domain name are, on one side, the condition that the person who has made the challenge has a right to the domain name and, on the other, that the Registrant has no right or title to the domain name and that the Registrant had registered and maintains the domain name in bad faith.

In the first case, it will be necessary to examine whether, having the intention to initiate the procedure for re-assigning the domain name, the title to a right (for example, by exclusive privilege, to a name, intellectual or industrial property) can be demonstrated for the domain name to be subject to this procedure, as well as the circumstances of the bad faith of the Registrant.

### **4.5 Choosing a Dispute Resolving Service**

Until such time as the accrediting procedure for dispute resolving services is complete, the term “DRS” refers to the so-called “Enti Conduuttori” (conducting agency).

The choice of DRS is made by the person who has activated the challenge for the domain name and the list of Registry accredited DRSs is available from the Registry’s website at [www.nic.it](http://www.nic.it). Each DRS has a website where the tariffs, the list of experts who decide on matters of re-assignment and the decisions already reached are shown and where examples regarding the re-assignment procedure are also available.

### **4.6 Preparation of the complaint**

In order to introduce a re-assignment procedure, it is necessary to send the complaint to the chosen DRS. The complaint must be presented in both hard copy and electronic format and must contain all

the elements indicated in paragraph 4.2 and later of the Disputes Regulations, highlighting the grounds for the petitioner's complaint.

Each DRS offers examples to follow when introducing the complaint.

#### **4.7 Indication of the number of experts**

The petitioner can choose between a single expert, in which case the DRS will designate an expert accredited to the service, or a board of three experts, in which case the parties must indicate 3 (three) experts from those members of list of experts accredited to the chosen DRS.

#### **4.8 Sending the complaint**

The petitioner must send the complaint in two paper copies and one electronic file copy in RTF, TXT, DOC or HTML format to the chosen DRS. If possible, the complaint has to be sent along with any documentation or other evidence supporting the complaint in question.

The DRS will activate the procedure once in receipt of the following:

- payment of the sum due for the type of procedure chosen by the petitioner
- the original and the copy of the complaint signed by the petitioner or his proxy, enclosing the recorded delivery letter sent to the Registry challenging the domain name, official acknowledgement of receipt of the recorded delivery letter, duplicate copies of supporting documentation and, if the complaint is signed by a proxy, power of attorney;
- a copy of the complaint in electronic file format.

#### **4.9 Start of the procedure**

The procedure for re-assignment is deemed to have commenced when the resistant is informed of the complaint by the DRS. The Registrant has the right to present his reply to DRS conducting the procedure for re-assignment.

The initiation of the procedure is also notified by e-mail to the Registry, which has the task of checking that the parties to the procedure for re-assignment and the challenge procedure are the same. If there is a discrepancy, the Registry will notify the chosen DRS of the error immediately. In this case, the procedure cannot be considered validly established.

#### **4.10 Formal anomalies/examination of the complaint by the DRS**

If the DRS finds the complaint to be lacking in part or containing anomalies, it must notify the petitioner via e-mail. In this case, the procedure will be considered to have started when all the notified anomalies have been corrected.

#### **4.11 Sending the complaint to the resistant**

The DRS follows the procedure provided by the Regulations for assignment to guarantee the full argument. With regards to this, the DRS will send copy of the complaint and relative enclosures to the Registrant by recorded delivery letter with acknowledgement of receipt/delivery. Copy of the complaint will also be sent to the e-mail address of the Registrant as recorded in the DBAN, or to the address provided by the Registry on request of the DRS, if the Registrant has not consented to the publication of his personal data in the DBAN.

The resistant has 25 days to present to the DRS his repleader from the date in which the DRS has completed the procedure provided in the above paragraph about the mailing of the complaint to the resistant in question.

#### **4.12 Preparation of the assignee's repleader**

The Dispute Regulations do not require a specific form for the repleader of the resistant; this can be written freely, although it must contain all the elements required in the paragraph 4.6 of the aforesaid Regulations.

That is to say, the resistant must indicate the reasons why he retains that the presuppositions conducive to re-assignment of the domain name to the petitioner, with particular reference to his own rights or titles to the domain name, the elements by means of which the good faith of the current assignee in the registration and maintenance of the domain name can be deduced and the lack of any right on the part of the petitioner to the domain name subject for the re-assignment procedure, are unfounded.

#### **4.13 Enclosures to the repleader**

All documents, in duplicate paper copies, which the resistant retains necessary for supporting his defence, must be enclosed with the repleader. If the resistant is represented by a proxy, the original copy of the power of attorney must also be enclosed; attestation of the signature on the power of attorney is not required.

#### **4.14 Sending the repleader**

The resistant must send two copies of the repleader and relative documentation to the DRS. The only repleader must be also sent to the DRS by email in RTF, TXT, DOC or HTML format and, if possible, along with any enclosed documentation.

#### **4.15 Time limit for the repleader**

The time limit for sending the repleader to the DRS is peremptory; failure on the part of the Registrant to send the repleader in time for it to arrive by the 25 (twenty-fifth) day from receipt of the complaint will mean that the repleader will not be considered by the DRS.

The repleader sent within this deadline, at least in electronic format to the e-mail address indicated by the DRS, will be deemed to have been received within the time limit.

#### **4.16 Action by the DRS**

Once received, the DRS will forward the repleader to the petitioner and nominate the expert or board of experts who will decide whether the domain name being challenged should be transferred to the petitioner or not. This nomination will proceed even if the time limit has passed and the resistant's repleader has not been received.

The DRS will inform the parties of the progress being made in the procedure via e-mail. The defence of the opposing party and any requests made, the name of the expert (or experts) designated for the decision and the time scale for completing the procedure will be notified to both the resistant and the petitioner.

## 4.17 Role of the Registry

The Registry does not participate in the re-assignment procedure, however, as the technical body, it is called on to implement the decision of the board within the limits and in accordance with the Regulations of disputes

## 4.18 Implementing the decision

The decision of the board must be compiled in Italian and sent to the Registry in text format to the email address “dispute-resolution@nic.it”.

If the board orders the re-assignment of the domain name, the Registry will notify, by recorded delivery letter with acknowledgement of receipt, the parties and the DRS of the date of implementation of the procedure, inviting the petitioner to send copy of the LAR in order to commence the normal registration procedure.

If the board rejects the re-assignment, the Registry will notify, by recorded delivery letter with acknowledgement of receipt, the parties and the DRS of the decision and inform them that the challenge must be considered resolved and that the Registry will therefore remove the “CHALLENGED” status from the domain name being challenged, informing the MNT of this to the email address indicated in the DBNA.

## 4.19 Interruption of the procedure due to recourse to the law courts

The losing party in the re-assignment procedure can bring an action before the courts (or, if the conditions apply, to arbitration) to obtain a pronouncement on the title to the domain name.

In this case, the losing party can interrupt the implementation of the procedure within 15 (fifteen) days from notification of the decision of the board by means of specific notification to the Registry of the filing of legal proceedings regarding the challenged domain name; in the 10 (ten) days following, the losing party must send the Registry a copy of the summons.

If the summons has to be notified abroad, upon an explicit and justified request from the interested party, the time limit to send to the Registry a copy of the summons in question is 30 (thirty) days.

## 4.20 Recourse to the courts

The filing of legal proceedings interrupts the re-assignment procedure at any stage.

## 4.21 Re-introduction of a procedure

A re-assignment procedure can be re-proposed between the same parties for the same domain name if new elements come to light.

## 4.22 Timing for the procedure

- **Activation of the procedure:** the DRS will notify the petitioner, the resistant and the Registry **within 4 days** of receipt of payment of the fees by the petitioner. The procedure will begin when the resistant receives notification of the complaint.
- **Resistant’s replader:** the resistant has **25 days** from receipt of the petitioner’s complaint to send his replader and documentation to the DRS. The replader and documentation must be sent in duplicate hard copy to the DRS and the replader alone must be sent by e-mail.
- **Decision:** the board will notify its decision **within 15 days** of its constitution or **later** in the cases provided for in point 4.12



- **Notifying the decision to the parties:** **within 4 days** of receipt of the board's decision, the DRS will notify the petitioner, the resistant and the Registry of the decision.
- **Implementation of the decision:** in the case of the board deciding that the challenged domain name must be transferred, the Registry will immediately notify the petitioner, the resistant and the DRS of the date when it will implement the decision. If the board rejects the re-assignment request, the Registry will remove the "challenged" status from the domain name **within 4 days** of the board notifying the Registry.