



GUIDELINES FOR RESOLVING .IT DOMAIN NAMES DISPUTE

Aim.

To transfer a registered domain name to whom has the right on it from who maintains it without any title or right.

Preliminary evaluation.

To start a procedure of reassignment of the domain names registered under the country code Top Level Domain ".it", it is necessary that the registered domain name is identical or confusingly similar to a personal name and/or company name and/or trademark and/or service mark in which the complainant (the person or entity bringing the complaint) has rights; and the domain name registrant has no rights or legitimate interests in respect of the domain name in question; and the domain name has been registered and is being used in bad faith. The procedure could be started on protection of the names and last names and your trademarks, and also to defend trademarks de facto, corporate names, others distinguishing signs (standard, company, name of newspaper or a literary work, etc.) or Intellectual Property (IP) rights. Obviously, at least you should have an active e-mail address. Remember that, with the above mentioned procedure, You can transfer only a domain name registered and used in bad faith.



Starting the procedure.

First of all, it is necessary to verify that who has registered the domain name that you contest did not have any right to do it. You can verify, on Internet, who is the registrant (this is essential to file the complaint) of the domain name that you mean to contest, approaching the data base (named WHOIS) of the registered domain names to the following address <http://www.nic.it/RA/database/database.html>. For instance, if it has been registered a domain name with your name (www.yournameandsurname.it), to contest the title, you will have to verify that who has registered it does not boast rights on that same name. Therefore, if the rEgistrant of the domain name has the same name as you (and therefore he/she has the same right to register the domain name "www.yournameandsurname.it") is not advisable to start the procedure. In fact, in case of same name, the domain name is legitimately registered and use by whom, first, requested for it, and so, your Complaint would be rejected (according to the principles "first come first served" and "bona fide intention to use").

Letter of Complaint.

First of all, to start the reassignment procedure it is necessary to contest to the registrant the title or the maintenance of the domain name, by a registered letter sent to the Italian Registry and, for information, to the registrant, according to the Art. 14 of the Rules of Assignment (the Rules), with which you communicate that you mean to contest the domain name. The Complaint must contain the name and address of



the complainant, the registered domain name, the reasons (if any, the legal grounds) of the Complaint, the prejudgment endured from the Claimant or his/her right. In any case, to simplify the task, we have predisposed a Complaint form, printable at www.mfsd.it. You must fill in and send it to the Italian Registry c/o IAT – CNR, Via G. Moruzzi 1, 56124 Pisa.

The Letter of Complaint is essential to start the procedure and, at the same time, it is an useful way to avoid and/or stop the transfer of the registered domain name (so called “cyberfly”). Actually, the registrant cannot yield the domain name to anyone but the Complainant.

Remember that if you do not start the procedure of reassignment within 6 months from the day that the Registry received the Letter of Complaint, the registered domain name could be yielded by the registrant: in this case, you must send a new Letter of Complaint to confirm the request of suspension.

Claim.

Once contested the domain name, it will be necessary to file the claim, that it could be written up in free format, provided that it contains all the elements provided by the Rules of the Procedure of Reassignment. You can use the free MFSD’s form, that appears on the referred web page. The Claim, that can concern more the one domain names assigned to the same holder, will be considered irreceivable if the contested domain name is object of a Court or an arbitration proceeding.



Panelists.

An Administrative Panel, composed of one or three independent and impartial persons appointed by MFSD, is selected to administer the dispute according to the Rules and Supplement Rules. The Administrative Panel is independent of the MFSD, Registry and the parties. Panels are professional men/women accredited, listed and elected by MFSD, for deciding an administrative proceeding, and their names are in the web site: www.mfsd.it

In the Claim, You must indicate your choice between one Panel or a College of three Panels; if You prefer one Panel, this is designated by MFSD, if You prefer a College of three Panels You must indicate the name of three candidates (included in the directory held by MFSD), between which to select one of the members of the College that will manage Your case. Once compiled the form, it is necessary: a) pay the fee; b) send the Claim, by a registered letter, to MFSD; c) send a copy of the Claim by e-mail.

Fees.

The cost of the procedure is supported by Complainant and must be payed in advance to MFSD. VAT is not included in the cost. If you obtain a positive outcome, You will be eventually able to obtain, from the Italian Giudice di Pace (Judge of Peace), a sentence of conviction against whom unlawfully registered the domain name, to collect fees and expenses's procedure.



Payment.

In the claim form You can find the payment modalities. Remember that fees are no reimboursable, also whether You decid to give up to the procedure or whether the procedure is interrupted because of the Rules. The payment certificate must be attached to the claim. Received the payment, MFSD will send to You the invoice.

Procedure.

Once You have payed, fill the Claim with all required data, print it and subscribe it. Attach to the form a copy of the registered Letter of Complaint sent to the Registry and two copies of all documents to support your Claim. Finally send everithing, by registered letter, to MFSD, **via Cosimo del Fante 12, 20122 Milan**. It is recommended to send, by e-mail, a copy of the Claim (not signed) in format rtf, TXT, DOC or HTML, to the address: responsabile@mfsd.it. If it is possible, attach to the e-mail a copy of the Claim sent to the Registry and a copy of all documents to support your Claim.

The procedure begins when MFSD receives:

- a) the payment of the fees;
- b) the original subscribed claim with all attached documents in two copies;
- c) the e-mailed copy of the claim.

If there are any irregularities, MFSD will give you warning by e-mail. The procedure is considered begun when everithing will be right. MFSD uses the procedure fixed by the Rules. You will be always informed, by e-mail, of the procedure course. Therefore



MFSD communicates to every information. You can also ask clarifications or requests sending an e-mail to responsabile@mfed.it.

How to responde.

If You receive, from MSFD, a claim that contests your right on a domain name that You have registered, You can send to us a Response, within 25 days from the date of reception (this date marks also the beginning of the procedure). It could be written up in free format, that it contains all the elements provided by the Rules of the Procedure of Reassignment. You can use the form already predisposed by MFSD, that appears on the relative web page. If You do not want to receive informations by e-mail, You must pay to MFSD the mailing expenses (you find the fees on our web site). Once filled the Response (in free model or using the MFSD form), it is necessary:

- a) subscribe it and send it, by registered letter, to MFSD, with to the documentation of support in two copies;
- b) send a copy by e-mail;
- c) pay the mailing expenses, if you do not want to receive the communications by e-mail. Remember that the mailing expenses are no reimboursable, also whether you decid to give up to the procedure or whether the procedure is interrupted because of the Rules. The payment certificate must be attached to the Response. Received the payment, MFSD will send the invoice

Call the number +39 0258302250 to receive more informations. Send everithing, by registered letter, to MFSD, via Cosimo del Fante n. 12 - 20122 Milan.



You must also send by e-mail a copy of the Response, in format rtf, TXT, DOC or HTML, to the address responsabile@mfsd.it. If it is possible, attach to the e-mail a copy of the claim sent to the Registry and a copy of all documents to support your claim. If there are any irregularities, MFSD will give you warning by e-mail. Respect the fixed term of 25 days.

When MFSD receives your Response, MFSD communicates it to the Complainant and names the Panel (or Panels). If the Complainant prefers three Panelists, You must indicate the name of three candidates (listed by MFSD), between which to select one of the members of the College that will manage Your case.

You will be always informed, by e-mail, of the procedure course. Therefore MFSD communicates to You every information. Ask any clarifications or informations sending an e-mail to responsabile@mfsd.it.

Within the term fixed by the Rules, You will receive the decision about your Claim. The decision will be communicated to You, to the Complainant and to the Registry. Moreover, the decision will be published on www.mfsd.it and on the Registry's web site.

If the decision gives You right and the claim is rejected, the domain name remains to You; if the decision does not give You right, the domain name is transferred by the Registry.



Decision.

Within the term fixed by the Rules you will receive the decision about your claim. The decision will be communicated to you, to the Respondent and to the Registry. Moreover, the decision will be published on www.mfsd.it and on the Registry's web site.

After the decision.

If the decision gives You right, You must register, with the Registry, the domain name. You must send the Letter of Assumption of Responsibility (L.A.R.) and ask to Your maintainer to send to the Registry the electronic form of registration agreement. Otherwise, the Respondent will remain the assignee. If the decision does not give You right, You are able to go to the Court or in arbitration.

For further informations please contact:

Telephone +39 0258302250

Facsimile +39 0258325397

E-mail: responsabile@mfsd.it

Contact person: Mr. Marco Serra

or visit the web site: www.mfsd.it

NOTICE: we are providing these *Guidelines* as a brief informations on current .it domain names administrative proceeding, and it should not be considered legal advice, which depends on the facts of each situation. Receipt of these *Guidelines* does not establish a provider-user relationship.