

**Measures of the China Internet Network Information Center for the
Resolution of Country Code Top-Level Domain Name Disputes[Effective]
中国互联网络信息中心国家顶级域名争议解决办法 [现行有效]**

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Measures of the China Internet Network Information Center for the Resolution of Domain Name Disputes

(Revised by the China Internet Network Information Center in 2014)

Article 1 In order to resolve disputes over Internet domain names, these Measures are hereby developed in accordance with relevant laws, administrative regulations, and the Measures for the Administration of the Internet Domain Names of China.

Article 2 These Measures shall apply to the disputes arising out of the registration or use of Internet domain names. The disputed domain names shall be limited to the “.CN” and “.China” domain names that are in the charge of the China Internet Network Information Center (“CNNIC”). However, a domain name dispute resolution service provider (hereinafter referred to as a “dispute resolution service provider”) shall not accept any dispute over a domain name that has been registered for more than two years.

Article 3 The domain name disputes shall be accepted and resolved by the dispute resolution service providers as accredited by the CNNIC.

The dispute resolution service provider shall develop appropriate supplementary rules in accordance with these Measures and the Procedural Rules of the China Internet Network Information Center for the Resolution of Top-Level Domain Name Disputes (hereinafter referred to as the “Procedural Rules”).

Article 4 A dispute resolution service provider shall implement a system of solving disputes by the expert panel. An expert panel shall consist of one or three experts who have expertise in the Internet and relevant legal knowledge, have relatively high professional ethics and can independently and neutrally render rulings for the domain name disputes. The dispute resolution service provider may provide a name list of experts online for the complainants and respondents to choose from.

Article 5 If any entity or person considers that a domain name registered by any other person conflicts with its or his lawful rights or interests, it or he may file a complaint with a dispute resolution service provider.

The dispute resolution service provider shall, after accepting the complaint, form an expert panel in accordance with the provisions of the Procedural Rules. The expert panel shall, in accordance with the Measures and the Procedural Rules and under the principles of "independence, impartiality and convenience," render a ruling for the dispute within 14 days from the date when the expert panel is formed.

Article 6 The language for the dispute resolution proceedings shall be Chinese, unless otherwise agreed upon by the complainant and respondent or determined by the expert panel.

Article 7 The complainant and the respondent shall bear the burden of proof for their own claims.

Article 8 A complaint shall be supported if it satisfies the following conditions:

- (1) The disputed domain name is identical with or confusingly similar to the name or mark in which the complainant has civil rights and interests.
- (2) The holder of the disputed domain name has no lawful rights or interests in respect of the domain name or the major part thereof.
- (3) The holder of the disputed domain name has registered or has used the domain name with malicious intent.

Article 9 If the holder of the disputed domain name is under any of the following circumstances, his act will constitute malicious registration or use of the domain name:

- (1) The holder of the disputed domain name has registered or acquired the domain name for the purpose of selling, leasing or otherwise transferring the domain name to the complainant who is the owner of civil rights and interests relating to the domain name or to a competitor of the complainant to obtain unjustifiable benefits.
- (2) The holder of the disputed domain name has, for multiple times, registered the domain names by using the names or marks in which other persons have lawful rights and interests in order to prevent other persons from using the names or marks in which they have lawful rights and interests in the form of domain names on the Internet.
- (3) The holder of the disputed domain name has registered or acquired the domain name for the purpose of damaging the reputation of the complainant, disrupting the normal business of the complainant, creating confusion with the name or mark of the complainant or misleading the general public.
- (4) Other malicious circumstances.

Article 10 Where the respondent falls under any of the following circumstances before receiving the written complaint as served by the dispute resolution service provider, it shows that he has the lawful rights and interests in the domain name:

- (1) The respondent has used the domain name or a name matching with the domain name bona fide during the course of offering goods or services.
- (2) The domain name held by the respondent has already been well known even if the respondent has acquired no trademark or service mark rights.

(3) The respondent has properly and lawfully used lawfully used the domain name for non-commercial purposes without the intent to make commercial gains or to mislead consumers.

Article 11 In the event of multiple disputes over several domain names of a same respondent, the complainant or the respondent may request the dispute resolution service provider to combine these complaints into one and allow the same expert panel to handle it. Whether these complaints should be combined or not shall be decided by the expert panel.

Article 12 Before the expert panel renders a ruling regarding the disputes in question, if either the complainant or the respondent think that any member of the expert panel has an interest in the other party and may affect the impartial ruling of the case, he may request the dispute resolution service provider to disqualify him or her; however, the specific facts and reasons for disqualification shall be explained and supporting evidence be provided. Whether the disqualification is necessary shall be decided by the dispute resolution service provider.

Article 13 During the course of resolving domain name disputes, except where the information on the registration or use of the domain name provided by a domain name registration service institution at the request of the dispute resolution service provider, the CNNIC or the domain name registration service institution shall not participate in the dispute resolution proceedings in any capacity or manner.

Article 14 The expert panel shall render a ruling based on the evidence submitted by the complainant and the respondent and the facts involved in the dispute. Where the expert panel holds that the complaint is established, it shall render a ruling to cancel the registered domain name or transfer it to the complainant; otherwise, it shall render a ruling to reject the complaint.

Article 15 Before a complaint is filed in accordance with the Measures, or during the course of resolving the dispute, or after the expert panel has rendered a ruling, either the complainant or the respondent may institute an action regarding the same dispute with a Chinese court at the locality of the CNNIC or request a Chinese arbitration institution to conduct arbitration based on the agreement between the parties.

Article 16 If the dispute resolution service provider rules to cancel the registered domain name or to transfer it to the complainant, the domain name registration service institution shall enforce the ruling within ten days from the date on which the ruling is issued. If the respondent submits valid evidence proving that a judicial organ or an arbitral institution with jurisdiction has accepted the dispute within ten days from the date when the ruling is issued, the enforcement of the ruling rendered by the dispute resolution service provider shall be suspended.

For the ruling rendered by the dispute resolution service provider the enforcement of which is suspended, the domain name registration service institution shall handle it as follows:

(1) If there is evidence proving that both parties have reached a reconciliation, the reconciliation agreement shall be enforced.

(2) If there is evidence proving that relevant application for lawsuit or arbitration has been rejected or withdrawn, the ruling rendered by the dispute resolution service provider shall be enforced.

(3) If the judicial organ or arbitration institution has rendered a judgment that has come into force, the judgment shall be enforced.

Article 17 In the course of resolving a domain name dispute or before the ruling is completely executed, the holder of the domain name shall neither apply for transfer or cancellation of the

disputed domain name nor change the domain name registration service institution, unless the transferee agrees to be bound by the ruling of the dispute resolution service provider in written form.

Article 18 A dispute resolution service provider shall establish a special Internet site for receiving online complaints regarding domain name disputes and publish the materials of domain names disputes. However, at the request of the complainant or the respondent, the dispute resolution service provider may not release the materials or information if it holds that the release thereof may cause damage to the interests of either the complainant or the respondent.

Article 19 The CNNIC may amend these Measures in accordance with the development of the Internet and the domain name technology, the revision of relevant Chinese laws, administrative regulations or policies and other circumstances. The amended measures shall be issued on the website and come into force 30 days after the date of issuance. The amended measures shall not apply to the domain name disputes that have been submitted to a dispute resolution service provider prior to the amendment of these Measures.

The amended measures shall automatically become a part of the existing domain name registration agreements between the holders of domain names and the domain name registration service institutions. If the holder of any domain name does not wish to be bound by these dispute resolution measures or the amended version thereof, it or he shall notify the domain name registration service institution in a timely manner. The domain name registration service institution shall continue the domain name services for the holder of the domain name for 30 days upon receipt of such notification and shall cancel relevant domain name registration after 30 days.

Article 20 These Measures shall be subject to interpretation by the CNNIC.

Article 21 The Measures shall come into force on September 1, 2014. The former Measures of the China Internet Network Information Center for the Resolution of Domain Name Disputes, which came into force on June 28, 2012, shall be repealed concurrently.