

ADR Center for .eu attached to the Czech Arbitration Court attached to the Economic Chamber of the Czech Republic and Agricultural Chamber of the Czech Republic (Czech Arbitration Court)

## NOTIFICATION OF COMPLAINT AND COMMENCEMENT OF ADR PROCEEDING

Case No.: *[Insert the case number]*

Disputed domain name: *[Insert the domain name]*

Disputed Decision of EURID: *[If applicable, insert the decision of EURID]*

- (a) **Notification.** You are hereby notified that an ADR Proceeding has been commenced against you pursuant to the Regulations (EC) No. 733/2002 and No. 874/2004 (*the Regulations*).

*[not applicable in proceedings against EURID]:*

Please note that the ADR Proceeding has been commenced against the holder of the domain name(s) that is/are the subject of the Complaint and not the technical contact, zone contact, administrative contact or billing contact, if different from the domain name registrant. The technical contact, zone contact, administrative contact or billing contact, if different from the domain name registrant, is requested to forward this notification and any attachments to the holder of the domain name(s) in question.

- (b) **Date Complaint Received and Time of Filing.** The Complaint submitted by *[Insert Complainant]* was received by e-mail on *[Insert date]* and in hardcopy on *[Insert date]* by the Czech Arbitration Court. A copy of the Complaint accompanies this notification. The Time of Filing is *[Insert time of filing]*.
- (c) **Formal Requirements Compliance Review.** In accordance with Paragraph B2 (a) of the .eu Dispute Resolution Rules (ADR Rules), the Czech Arbitration Court has verified that the Complaint satisfies the formal requirements of the ADR Rules and ADR Supplemental Rules of the Czech Arbitration Court. The payment in the required amount to the Czech Arbitration Court has been made by the Complainant.
- (d) **Commencement of ADR Proceeding.** The formal date of the commencement of the ADR Proceeding is *[Insert date]*.
- (e) **Deadlines.** Within 30 working days from the delivery of this notification, you must submit to us a Response according to the requirements that are described in ADR Rules, Paragraph B3 and in ADR Supplemental Rules. Within the same time frame, you should make any required payments to us if you choose to designate a three-member Panel (see paragraphs 7 and 9 below).
- (f) **Default.** If your Response is not sent in the period of time above or if it will not comply with all administrative requirements mentioned in the ADR Rules and/or ADR Supplemental Rules even after granting additional time period to remedy the noncompliance under Paragraph B3 (d) of the ADR Rules, you will be considered in default. We will still appoint an ADR Panel to review the facts of the dispute and to decide the case. The Panel will not be required to consider a Response filed late or not administratively compliant, but will have the discretion to decide whether to do so and may draw such inferences from your default as it considers appropriate, as provided for by ADR Rules, Paragraph B10. There is a possibility to challenge the Notice of Respondent Default according to Paragraph B3 (g) of the ADR Rules.

- (g) **The ADR Panel.** The dispute between you and the Complainant will be decided by a Panel consisting of either one or three impartial and independent decision makers. The Complainant in this ADR Proceeding has elected for a Panel consisting of a single panelist.

If you would also like the case to be decided by a single panelist, the appointment of that panelist will be made by us from our published list of panelists [Insert the website]. The fees for the ADR Proceeding will be paid in their entirety by the Complainant.

Despite the Complainant's designation of a single panelist, you can choose to have the case decided by an ADR Panel consisting of three persons. If you choose this option, you will be required to pay an additional fee specified in the ADR Supplemental Rules (see paragraph 9 below). The payment must be made before or at the time you submit your Response. Failure to submit the required payment even within the additional time period to remedy the noncompliance under Paragraph B3 (d) of the ADR Rules will be taken as grounds for an ADR Proceeding with a single panelist.

If you or the Complainant select a three person Panel, you should indicate the names and contact details of three persons in order of preference in your Response. These three persons may be selected from published lists of any ADR provider for .eu disputes in accordance with Paragraph 3 (b)(4) of the ADR Rules. We will try to appoint one of the three persons you have nominated to the ADR Panel. If we are unsuccessful, we shall make an appropriate appointment from our published list. If you choose a three-member Panel, but do not provide us with the names and contact details of any candidates, we shall make the appointment from our published list.

Please note that if you choose a three-member Panel, the Complainant will also be requested to provide the names of three candidates. We will try to appoint one of these three persons to the ADR Panel. If we are unsuccessful, we shall make an appropriate appointment from our published list. If the Complainant does not provide us with the names of its candidates, we shall make the appointment from our published list.

The Presiding Panelist (i.e., third panelist) will be appointed by us from our published list of Panelists without further consultation with the parties.

- (h) **Communications.** Your Response should be communicated to us according to the requirements of ADR Rules, Paragraph A2. In submitting your Response, you must use Form A10 available on the website of the Czech Arbitration Court and you must adhere to the communication instructions contained in the ADR Supplemental Rules.

Questions about your case, or other general queries, may be e-mailed to [Insert Case Administrator's e-mail address].

- (i) **Fees.** In accordance with ADR Rules, Paragraph A6(c), payment to us in the following amount must be made at the time of the submission of your Response, if you designate a three-member Panel:  
***[Insert amount]***

Payment methods and other relevant details can be found in Annex A of the ADR Supplemental Rules. In your Response, please identify the method by which payment is made.

- (j) **The ADR Proceeding.** After receipt of your Response or after the lapse of the time period for the submission thereof, we shall appoint the ADR Panel.

You have the possibility of challenging the appointment of a Panelist and explain your reasons to us within 2 days from receiving the notice of the subject Panelist's appointment, or his acceptance, or after becoming aware of the circumstances giving rise to justifiable doubt in regard to the impartiality or independence of the Panelist. In filing the challenge of appointment of Panelist, you must refer to the form available on the Czech Arbitration Court's website [Insert the website].

The ADR Panel will forward its decision on the Complaint to the Czech Arbitration Court within one month from the receipt of administratively compliant Response by the Czech Arbitration Court or the lapse of time period for its submission. Under normal circumstances, we will forward the decision to you within three working days of receiving it from the Panel. We will then post the decision on a publicly-accessible website.

- (k) **Case Administrator.** The Czech Arbitration Court has appointed a Case Administrator who is in charge of administering your case. Please note that, while the Case Administrator is at your disposal to answer questions relating to such matters as filing requirements and to help you to understand the Regulations, ADR Rules and ADR Supplemental Rules, he cannot provide you with legal advice or make any representations on your behalf.

Case Manager: [insert name]

Address: [insert address]

Telephone: [insert phone number]

Fax No.: [insert facsimile number]

E-mail Address: [insert e-mail]

- (l) **Additional Information.** Additional information about the .eu ADR procedure is available at ***[Insert the website]***

Yours sincerely,

***[insert name]***

Case Administrator

***[Insert date]***