

CNNIC Domain Name Dispute Resolution Policy

Article 1. In order to resolve disputes regarding Internet domain names, the policy is formulated in accordance with "China Internet Domain Name Regulations" and relevant regulations and policies.

Article 2. The policy is applicable to disputes result from registration or usage of domain names. The disputed names shall, within the range of .CN domain names and Chinese domain names that were under the administration of China Internet Network Information Center (CNNIC). However, the Dispute Resolution Service Providers do not accept the Complaint regarding domain names with registration term of over (including) TWO years.

Article 3. Domain name dispute cases shall be accepted and heard by CNNIC accredited Dispute Resolution Service Providers. The Dispute Resolution Service Providers shall develop supplementary rules following the policy and "Rules of CNNIC Domain Name Dispute Resolution Policy".

Article 4 The Dispute Resolution Service Providers carry out the system of expert team responsibility. The expert team is composed of one or three professionals who master the knowledge of the Internet and relevant legal affairs, while possess high professional ethics and the ability of judging disputes independently and neutrally. The domain name Dispute Resolution Service Providers provide online expert name lists for plaintiffs and defendants to choose.

Article 5 Any entity or person who considers that a registered domain name conflicts with the legitimate rights or interests of that entity or person may file a Complaint with any of the Dispute Resolution Service Providers.

Upon the acceptance of the Complaint, Dispute Resolution Service Providers shall form a Panel in accordance with the procedural rules. The Panel shall, in accordance with this Policy, the relevant procedural rules, and the principle of independence, impartiality and convenience, render a Decision to the dispute with 14 days from the date of the appointment of the Panel.

Article 6 The language of the domain name dispute resolution proceedings shall be Chinese, unless otherwise agreed by the parties or determined by the Panel.

Article 7 the Complainant and the Respondent shall bear the burden of proof for their own claims.

Article 8 Support of a Complaint against a registered domain name is subject to the following conditions:

The disputed domain name is identical with or confusingly similar to the Complainant's name or mark in which the Complainant has civil rights or interests;

The disputed domain name holder has no right or legitimate interest in respect of the domain name or major part of the domain name;

The disputed domain name holder has registered or has been using the domain name in bad faith.

Article 9 Any of the following circumstances may be the evidence of the registration and use of a domain name in bad faith:

The purpose for registering or acquiring the domain name is to sell, rent or otherwise transfer the domain name registration to the complainant who is the owner of the name or mark or to a competitor of that complainant, and to obtain unjustified benefits;

The disputed domain name holder, on many occasions, registers domain names in order to prevent owners of the names or marks from reflecting the names or the marks in corresponding domain names;

The disputed domain name holder has registered or acquired the domain name for the purpose of damaging the Complainant's reputation, disrupting the Complainant's normal business or creating confusion with the Complainant's name or mark so as to mislead the public;

Other circumstances which may prove the bad faith.

Article 10 Before receiving the complaint, any of the following circumstances may be evidence of the rights to and legitimate interests in the domain name:

Your use of the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services;

You have been commonly known by the domain name, even if you have acquired no trademark or service mark rights;

You are making a legitimate noncommercial or fair use of the domain name, without intent of or commercial gain to misleadingly divert consumers.

Article 11 If a Complainant files Complaints against multiple domain names owned by the same domain name holder, the Complainant or the Respondent may request that the Dispute Resolution Service Providers consolidate the disputes before a single Panel. The Panel may determine whether to make the consolidation.

Article 12 Before the Panel makes the decision to a dispute, either party who believes that any of the Panelists has a material interest in the opposite party and the material interest could influence the impartiality of the decision may request the Dispute Resolution Service Provider to ask the Panelist to withdraw from the Panel. In the request, the facts and reasons shall be stated and the supporting evidence be provided. Dispute Resolution Service Provider shall have the discretion to determine whether the Panelist shall withdraw.

Article 13 CNNIC and domain name registrars shall not participate in the domain name resolution proceedings in any capacity or manner other than providing the

information relevant to the registration and use of the domain name upon the request of the Dispute Resolution Service Providers.

Article 14 the Panel shall make the decisions on the basis of the facts related to the dispute and the evidence submitted by the Complainant and Respondent.

Where the Panel supports the Complaint, the registered domain name shall be cancelled or transferred to the Complainant; otherwise, the Complaint shall be rejected

Article 15 Before a Complaint is filed pursuant to this policy, or during the dispute resolution proceedings, or after the expert Panel has rendered its decision, either party may institute an action concerning the same dispute with the Chinese court at the place where CNNIC's office is located or subject to the agreement between the parties, submit the dispute to a Chinese arbitration institution for arbitration.

Article 16 If the Dispute Resolution Service Provider rules in its decision to cancel the registered domain name or to transfer it to the Complainant, the domain name Registrar, before enforcing the decision, shall wait 10 calendar days calculating from the date on which the decision is published. If during such waiting period the Respondent submits valid proof attesting that a competent judicial authority or arbitration institution has accepted the relevant dispute, the registrar shall not enforce the decision of the Dispute Resolution Service Provider.

If any proof attests that the parties have reached a settlement by themselves, the Registrar shall enforce such settlement;

If any proof attests that the party that instituted the judicial action or applied for arbitration has withdrawn the Complaint or the relevant action or Complaint has been rejected, the Registrar shall enforce the Dispute Resolution Service Provider's decision;

If the judicial authority or arbitration institution has rendered a judgment or an award that has become legally effective, the Registrar shall enforce such judgment or award.

Article 17 During the dispute resolution proceedings and 10 calendar days after the decision is published; the domain name holder shall not apply for the transfer or cancellation of the disputed domain name, unless the transferee agrees in writing to accept the decision of the Dispute Resolution Service.

Article 18 A Dispute Resolution Service Provider shall establish a dedicated website, receive Complaints concerning domain name disputes online and make relevant materials concerning the domain name dispute cases publicly available. However, the Dispute Resolution Service Provider, upon the request of the Complainant or the Respondent, may keep confidential materials and information that may cause damage to the interests of the party if made publicly available.

Article 19 CNNIC has the right to amend this policy in accordance with the development of the Internet and the domain name system and revision of the relevant Chinese laws, administrative regulations and policies, etc. the amended policy will be published on the website and be implemented 30 calendar days after the date of

publication. The amended policy shall not apply to domain name disputes that had been submitted to a Dispute Resolution Service Provider prior to the amendment of this policy.

The amended policy will automatically become a part of existing domain name registration agreements between the domain name holder and the Registrar. If a domain name holder does not agree to be bound by the policy or its amended version thereof, he shall notify the Registrar in a timely manner. The Registrar will continue the domain name services for the domain name holder for 30 calendar days after the receipt of such notification and cancel the relevant domain name registration after the passage of the 30 calendar days.

Article 20 This policy is subject to the interpretation of CNNIC.

Article 21 This policy shall be implemented since March 17, 2006. The former "CNNIC Domain Name Dispute Resolution Policy" (effective as of September 30, 2002) ceases effect simultaneously.