

Guide for the parties

Introduction

This guide provides an overview of the application process, requirements, and steps involved in resolving domain name disputes through eBRAM International Online Dispute Resolution Centre's ("**eBRAM**") Domain Name Dispute Resolution ("**DNDR**") service.

1. DNDR is a dispute resolution method available to resolve disputes brought or commenced by a third party ("**Complainant**") alleging a wrongful registration of a domain name against a domain name owner ("**Respondent**"). The process is available by virtue of various DNDR policies adopted by registrars in registration agreements with the domain name owner (also known as the registrant).
2. The registration agreements typically provide that a Complainant may seek remedies under a DNDR policy in respect of a domain name. The Complainant may commence proceedings under the relevant policy before a DNDR service provider that provides services under that policy according to procedural rules it has promulgated. The DNDR service provider typically appoints a sole panelist who considers the positions of the Complainant and the Respondent to determine the outcome of the dispute.
3. The relevant policy also sets out the grounds a Complainant must satisfy to obtain a remedy. These are typically that:
 - a. the domain name registered by the Respondent is identical or similar to the Complainant's trademark or service mark in which the Complainant has rights;
 - b. the Respondent has no rights or legitimate interest in respect of the domain name; and
 - c. the domain name has been registered and is being used in bad faith.
4. The remedies that a Complainant may seek under most policies are:
 - a. the transfer of the disputed domain name from the Respondent to the Complainant; or
 - b. cancellation of the disputed domain name. In the case of a successful complaint, the panelist will issue a decision which will be implemented by the relevant registrar.
5. DNDR is conducted online. The proceedings are not influenced by the location of the registrar, the Respondent, the Complainant, or the DNDR service provider. The process is relatively cost-effective, flexible, and swift and often results in an effective remedy for Complainants. The outcome of the process is, however, not final in the sense that rightful ownership over the domain name may still be litigated in court proceedings after a panelist has issued his or her decision.
6. eBRAM is a DNDR service provider. It provides services under a range of DNDR policies, as set out below.

Domain Name Dispute Resolution (DNDR) Services at eBRAM

7. eBRAM provides DNDR services concerning ".hk" and ".香港" domains under the Hong Kong Domain Name Dispute Resolution Policy ("**HKDRP**") published by the Hong Kong Internet Registration Corporation Limited ("**HKIRC**"). eBRAM provides its services under the DNDRP as one of the DNDR institutions approved by HKIRC.

Administration of disputes arising out of the HKDRP

8. The Hong Kong Internet Registration Corporation Limited (“HKIRC”) approved the Hong Kong Domain Name Dispute Resolution Policy (“HKDRP”), HKDRP Rules of Procedure (“HKDRP Rules”), and eBRAM Supplemental Rules under the HKDRP (“eBRAM Supplemental Rules”) on 9 June 2025. The HKDRP, HKDRP Rules and eBRAM Supplemental Rules govern disputes arising out of .hk and .香港 domains.
9. To succeed under the HKDRP, the Complainant must show that:
 - a. the Respondent’s domain name is identical or confusingly similar to a trademark or service mark in Hong Kong in which the Complainant has rights;
 - b. the Respondent has no right or legitimate interests in respect of the domain name;
 - c. the Respondent’s domain name has been registered and is being used in bad faith; and
 - d. if the domain name is registered by an individual person, the Respondent does not meet the registration requirements for that individual category of domain name.

Complaint submission

10. The complainant must submit a complaint form via email or the eBRAM ODR platform, providing details of the disputed domain name, the trademark/service mark, and evidence of ownership. The complaint form specific to the HKDRP, available on the eBRAM ODR platform and www.ebram.org, must be used to file the response. Upon receipt of a complaint, eBRAM will request that the registrar lock the domain name and confirm the registration details of the domain name and the contact details of the Respondent. eBRAM will then conduct a compliance review and notify the Complainant if there are any deficiencies in the complaint that need to be rectified. The Complainant must rectify the deficiencies within five (5) business days.

Response

11. Respondents are given a period of fifteen (15) business days to submit a response to eBRAM via email or the eBRAM ODR platform. The response form specific to the HKDRP, available on the eBRAM ODR platform and www.ebram.org, must be used to file the response. Upon submission, eBRAM will review the complaint to ensure it meets the eligibility criteria and procedural requirements. The respondent (domain name holder) will be notified of the complaint and given an opportunity to respond. A neutral and independent panel of experts will be appointed to review the case and make a decision. The panel will issue a decision based on the evidence and arguments presented by both parties. The decision may result in the transfer, cancellation, or suspension of the disputed domain name.

Appointment of panel

12. If a single-member panel is to be appointed, the eBRAM shall within twenty (20) business days from the commencement of the proceeding, appoint a panelist.
13. If a three-member panel is to be appointed, each party will be invited to put forward three candidates to act as a co-panelist. The candidates for co-panelists must be drawn from the eBRAM DNDR Panel. eBRAM will make the appointments within twenty (20) business days from the commencement of the proceeding from the lists provided. The presiding panelist will be appointed by eBRAM through a listing mechanism. Five candidates will be provided to the parties. The parties will be asked to rank the candidates in order of preference. The candidate who is mutually ranked the highest by the parties will be appointed as the presiding panelist. Where there is a tie, eBRAM will appoint the candidate.

Issuing and implementing the decision

14. The panel shall render a draft decision to eBRAM within ten (10) business days upon its appointment. eBRAM shall assist the panel to finalise its decision. eBRAM shall within three (3) business days of receipt of the final decision notify the parties, the registrar, and HKIRC of the decision as well as publish the decision on eBRAM's website (www.ebram.org). The registrar will implement the decision after ten (10) business days. If a registrar does not implement the decision, without a reason acceptable to HKIRC, the HKIRC shall execute the decision.

Additional distinguishing features

15. While some of the procedures under the HKDRP are similar to those of the UDRP and CNDRP, certain additional distinguishing features of the HKDRP are highlighted below.
16. Mandatory arbitration: Filing a complaint under the HKDRP is considered as initiating a mandatory arbitration proceeding against the other party. Therefore, the proceeding is governed by the Hong Kong Arbitration Ordinance (Cap. 609) ("HKAO"). As a result, a decision rendered under the HKDRP is considered an arbitral award rendered in Hong Kong under the HKAO (including for the purposes of enforcement under the 1958 New York Convention). Importantly, this means that the decision is not subject to appeal in court. This is an important difference to decisions made under the Uniform Domain Name Dispute Resolution Policy and the China Network Information Centre Dispute Resolution Policy.
17. Domain names in pairs: According to Article 6 of the Domain Name Registration Policies, Procedures and Guidelines of .hk and .香港 domain names ("Registration Policies") effective from 15 July 2020, the same registrant can choose to bundle its ".hk" and ".香港" domain names if the second-level domain name is the same. A bundled domain name will be treated as one domain name for the purposes of transfer and renewal. Therefore, although paragraph 3(c) of the HKDRP Rules only allows the complaint to relate to one domain name, where a domain name is held as a pair, it will be handled in a single proceeding.
18. Additional eligibility requirement for individual registrant - If the domain name is registered by an individual person, the domain name registered must be the registrant's own individual name, which can be either their legal name, or a name by which the registrant is commonly known.
19. Language of the arbitration proceedings - The language of the arbitration proceedings shall be in English for English language .hk domain names, and Chinese for Chinese language .hk domain names or .香港 domain names. The language is subject to any agreement otherwise between the parties or as otherwise determined by the panel.

eBRAM's domain name dispute resolution panel

20. eBRAM maintains a panel of individuals qualified to serve as domain name dispute resolution panelists ("**eBRAM's Panel of Domain Name Dispute Resolution**"). eBRAM will appoint panelists from this panel for domain name disputes arising out of the HKDRP.
21. A candidate who wishes to be considered for inclusion on the eBRAM's Panel of Domain Name Dispute Resolution must demonstrate to the eBRAM Appointments Committee the following:
 - a. at least five years' experience in IP or technology law; and

- b. at least three years' experience resolving domain name disputes; or
- c. relevant experience acting as an arbitrator, adjudicator and/or serving in other relevant adjudicative roles; or
- d. other relevant expertise.

Panelist conflicts of interest

22. In the appointment process, eBRAM requests candidates to disclose any potential conflicts of interest before accepting an appointment. Specifically, candidates are asked to declare to the parties and eBRAM any circumstances which are likely to create an impression of bias or prevent a prompt resolution of the dispute between the parties. Once appointed, the panelist has an ongoing obligation to declare any such circumstances for the duration of the appointment.

Re-filing a complaint

23. A re-filed case involves the Complainant submitting a second complaint involving the same domain name and the same Respondent where an earlier complaint was denied or otherwise withdrawn. It is generally accepted that a re-filed case in which a final decision has been rendered may only be accepted in limited circumstances. Such discretion as referred to by panels includes widely accepted legal principles such as *res judicata* (the preclusion of identical claims from being litigated when they have already been decided with finality) intended to prevent Complainants imposing on Respondents the burden of responding to repetitious complaints.

Identity of respondent

25. After the General Data Protection Regulation (“**GDPR**”) came into effect on 25 May 2018, some registrars blocked out the personal data of the registrant. In some cases, the WHOIS information of registrants is protected by privacy or proxy registration service. The details of those registrants are not disclosed to the public. Therefore, the Complainant may have difficulties in identifying the identity of the Respondent when filing the complaint. The Complainant can, however, submit the complaint with the named registrant listed in the WHOIS register.
26. Upon receipt of the complaint, eBRAM will verify the identity of the registrant with the registrar. eBRAM will provide any disclosed underlying registrant information to the Complainant and invite the Complainant to amend the corresponding parts of the complaint as necessary.
27. In all cases involving a privacy or proxy service, the panel retains the discretion to record only the underlying registrant as the named Respondent, or both the privacy or proxy service and any underlying registrant as the named Respondent depending on the evidence and circumstances of the case.

No response

28. It is common for Respondents not to participate in DNDR proceedings. In DNDR proceedings, a Respondent's failure to respond does not prevent the case from proceeding, nor does it automatically result in a decision in favour of the Complainant. Panels may find that a Complainant has failed to prove the claims despite the Respondent being in default if unsupported allegations have been advanced by a Complainant. Respondent's failure to respond does not mean that the Complainant's claims are accepted. There are cases in which complaints have been based on wholly unsupported assertions where the decisions were made in the Respondent's favour without the Respondent responding to the complaint.

Language of proceedings

24. In cases where the language of the registration agreement is different from the language of the complaint, eBRAM will send bi-lingual correspondence to the parties where possible prior to the panel being appointed. The panel will then determine the language of the proceedings.
25. The factors panelists take into account before reaching decisions as to what language is to be used include but are not limited to:
- a. the Respondent's familiarity with the Complainant's language demonstrated by (a) the content of the website and the language used in the website to which the disputed domain name is resolved and (b) the correspondence between the Complainant and the Respondent;
 - b. the intended market of the advertised goods on the website to which the disputed domain name is resolved;
 - c. the predominant language used in the Respondent's country or territory;
 - d. the language of evidence submitted by parties; and
 - e. the time and cost efficiency of arranging translations.

Procedural orders

26. The panel may request, in its sole discretion, further statements or documents from either of the parties". This power is usually exercised by issuing a procedural order. Procedural orders can be used to address a range of matters, including requesting the submission of supplemental evidence, granting a party's request to extend a deadline, and granting a party's request to change the language of the proceeding.

Appeal

27. HKDRP proceedings are deemed as arbitration proceedings under the HKAO. Under the HKDRP, the decision of the Panel is final and binding and considered to be an arbitration award under the HKAO. A losing party cannot commence court litigation against or challenge the arbitration award in the Hong Kong courts except in very limited circumstances.

Expiry of domain name

28. The lock placed on a disputed domain name by a registrar prohibits unauthorised changes to the domain name during the proceeding and for a period of fifteen (15) business days after the proceeding is concluded. However, the lock does not prevent a disputed domain name from expiring during a proceeding. When a domain name expires shortly after a complaint is filed, eBRAM will remind the parties that it is the sole responsibility of the parties to maintain the status of the domain name, including by seeking the renewal and/or restoration of the domain name.
29. In order to facilitate resolution of disputes during this period, ICANN has incorporated the Expired Domain Deletion Policy ("EDDP") into the registrar accreditation agreement applicable to all generic top-level domains (gTLD) registrations. The EDDP allows the Complainant to renew or restore the disputed domain name during the redemption grace period in the event that the disputed domain name expires during the course of the dispute. This is in addition to the registrant's (i.e. the Respondent's) right to do the same during the redemption grace period. Where the Complainant restores or renews the domain name during this period, the Respondent will once again be the registered owner of the domain name, effectively restoring the position prior to expiry. Also, registrars accept either of the parties renewing the domain name during the renewal period which is the period before the start of the redemption grace period. As such, if either party takes action to renew or restore the domain name, eBRAM will proceed to administer the case.

If neither party takes the necessary action, the case will be withdrawn at the time the registry deletes the domain name.