> For a URS to be successfulbased on:

>

a) the complaint;

> a) the verified TM from a jurisdiction that performs substantial

> validation (including if applicable, its geographic limitations and

> class of service);

> b) the domain name in question;

> c) the contents of the web site or other evidence of the domain name

> usage; and

> d) the registrant response (if received);

>

the Examiner, should give a finding that there is no genuine issue of material fact. Such finding may include the finding that A) the complainant has rights to the name and B) the respondent has no rights or legitimate interest in the name.

This means that the complainant must present adequate evidence to substantiate its trademark rights in the domain name (e.g., evidence of a trademark registration

) and evidence that the domain name was registered and/or is being used abusively to infringe the trademark.

If the Examiner finds that the complainant has not met its burden, or that genuine issues of material fact remain unsatisfied in regards any of the elements, the Examiner will reject the complaint as inappropriate for Rapid Suspension.

>

> 1) (if a response was received) No evidence was presented to indicate

> that the use of the domain name in question is a

non-infringing or fair

> use of the TM.

>

> or

>

> 2) (if a response was not received) No defense can be imagined to

> indicate that the use of the domain name in question is a

non-infringing or fair use the TM.

>

> In the absence of a clear belief of 1) or 2), the URS shall be rejected.

>