

Domain Name Law and Practice

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| <p>17 March 2005</p> | <p>Chapter I B: The Domain Name System and the Procedures and Policies for the Registration of Domain Names</p> <p>Chapter III A: Uniform Domain Name Dispute Resolution Policy</p> | <p>Part III: The New European Top-Level Domain “.eu”</p> <p>Part V: Substantive Law</p> |
| <p>Panellist Decision: The new European Top Level Domain “.eu”</p> | | |
| <p><u>WIPO Case No. D2004 – 0439 – enmersan.com</u></p> <p><i>Trade Names are not covered by the UDRP</i></p> <p>The complaint concerned a dispute between a Turkish marble trading company that registered various trade names, including “Enmersan” and “Enmersan Granit”, but had no registered or unregistered trade or service mark. The Respondent registered the domain name “enmersan.com”, and when the Complainant refused to enter into negotiations, displayed a message on the website under “enmersan.com” stating that the Complainant was having financial difficulties and had stopped trading. The sole panellist found that the reference in the UDRP to a trade or service mark could not be extended trade names, and denied the transfer.</p> <p><u>WIPO Case No. D2004 – 1085 – dateline.com</u></p> <p><i>Good faith registration followed by bad faith use</i></p> <p>The Complainant, a company incorporated in England and Wales, is the longest operating dating business in the United Kingdom (UK). In 1966, it began distributing contact magazines, and in 1990 began offering dating agency services under the DATELINE mark.</p> <p>The Complainant contended that the Respondent registered the domain name “dateline.com” in bad faith due to the fact that it had not been using the site for some time, and that during negotiations to purchase the domain name the Respondent quoted a selling price of \$US 1 million and since being approached to sell the domain name placed advertisements from other UK dating services on the site.</p> <p>The sole panellist considered the view of panellists in previous decisions that the UDRP was not designed to prevent such situations, and came to the conclusion that the Respondent’s subsequent use of the domain name was not in bad faith and therefore denied the transfer.</p> <p><i>Several celebrities have successfully recovered domain names by filing a complaint before the WIPO Arbitration and Mediation Center.</i></p> <p><u>WIPO Case No. D2004-0895 – robertdowneyjr.com</u> <u>WIPO Case No. D2004-0827 - ronaldinhogaucho.com</u> <u>WIPO Case No. D2004-1030 - alleewillis.com</u> <u>WIPO Case No. D2004-0957 - vargasllosa.org</u> <u>WIPO Case No. D2004-0956 - mariovargasllosa.org</u></p> | | |