

## Domain Name Law and Practice

16 August 2005	UK	Part IV Court Litigation
	<p><b>Type of update: Case law:</b> <a href="#"><i>(1) Ellerman Investments Limited And (2) The Ritz Hotel Casino Limited –V- (1) Elizabeth C-Vanci And (2) Eduardo C-Vanci [2006] EWHC 1442 (Ch)</i></a></p>	
	<p>In a judgment handed down in June 2006, the High Court found in favour of the owners of the Ritz Hotel (London) and awarded Summary Judgment. The Claim was brought against two private individuals who had registered the domain names ritzpoker.net, ritzpoker.org, ritzypoker.net, ritzypoker.co.uk, ritzpoker.info &amp; ritzpoker.biz and had directed all domain names to the website with links to RoyalPlaza.net and other third party gambling websites.</p> <p>The Claimants owned various RITZ trade marks covering the UK, including one covering 'gaming services' in Class 41. The Ritz Hotel had operated a casino since 1978 and in 2002, the gambling website Ritz Online was launched. As a result of the use of the RITZ word mark by the Claimant, the judge found the trade mark to be of a highly distinctive character.</p> <p>In 2005, the Claimants became aware, via a monitoring service, that the Defendants had registered the domain name ritzpoker.net - which directed consumers to a website entitled RoyalPlaza.net and which contained a number of links through to third party gambling websites. Following 2 letters of Complaint from the Claimants' solicitors, the Defendants proceeded to register the other 5 domain names in issue, all incorporating the word 'ritz' or 'ritzy' and directed them to the same website.</p> <p>The Claimants brought proceedings against the Defendants for infringement of the RITZ trade mark and made an application for summary judgment - on the basis that the Defendants had no prospect of successfully defending the Claim at trial.</p> <p>The Court rejected the Claimants first argument - that the various domain names were identical to the Claimant's RITZ trade mark, under Article 5(1)(a) of the European Trade Marks Directive. The Court disagreed with the Claimant's argument that the work POKER (which appeared in all domain names in issue) was wholly or specifically descriptive in such a way to add nothing to the word RITZ.</p> <p>However, the Court did grant Summary Judgment to the Claimants under Article 5(1)(b) of the European Trade Marks Directive - on the basis that there was a strong likelihood of confusion between the Defendant's domain names and the Claimant's RITZ trade mark. In reaching this finding, the Court considered the similarity of the services in issue, and also the fact that confusion between the RITZ trade mark and the Defendant's domain names may be more readily inferred, due to the distinctive character of the RITZ trade mark.</p>	