Panel Decision for dispute CAC-ADREU-006369

Case number	CAC-ADREU-006369
Time of filing	2012-12-10 15:10:30
Domain names	bravosolution.eu

Case administrator

Tereza Bartošková (Case admin)

Complainant

Organization	BravoSolution S.p.A.

Respondent

Name	Steve Bennett

FACTUAL BACKGROUND

The Complainant is an e-commerce and e-procurement services company providing services related to commerce, building, contracting and employment solutions, the design of information technology systems and related fields. It has, inter alia, Community trademark “BRAVOSOLUTION” No. 2573459 which was registered on June 4, 2003 for goods and services related to its activities in classes 19, 35, 37, 38 and 42. In 2011 it achieved $72 Million turnover.

The disputed domain name bravosolution.eu ("the Domain Name") was registered on April 1, 2007 and is currently being used for a sponsored link and advertising program. In 2009 Complainant complained through solicitors that the Respondent had set up web pages on the Domain Name and bravosolutions.com designed to mimic the official site of the Complainant. The Complainant says those pages were taken down after the issue was raised. The Respondent did not dispute this in the Response, but denies it in hos additional submission.

A. COMPLAINANT

The Complainant's contentions can be summarised as follows:

The Complainant is active in the fields of e-commerce and e-procurement services, consulting services related to commerce, building, contracting and employment solutions, the design of information technology systems and related fields. It has the following registered trade marks.

• Community trademark “BRAVOSOLUTION” No. 2573459 which was registered on June 4, 2003 for goods and services in classes 19, 35, 37, 38 and 42.

• Community trademark “BRAVOSOLUTION ESOP” No. 3040052 which was registered on February 3, 2003 for goods in class 9.

• The Community trademark application “BRAVOSOLUTION GEO” No. 4644291 which was filed on September 21, 2005 for goods in class 9.

• Community trademark “BRAVOSOLUTION TIMEREPORT” No. 6839377 which was registered on April 8, 2008 for goods and services in classes 9, 35 and 42.

• The Community trademark application “BRAVOSOLUTION” No. 6845739 (design plus words) which was filed on April 9, 2008 for goods and services in class 9, 35, 38, 41 and 42.

• The Community trademark “BRAVOSOLUTION” No, 6948079 (design plus words) which was registered on May 18, 2009 for goods and services in class 9, 35, 38, 41 and 42.

• The Italian trademark “BRAVOSOLUTION” No. 867115 which was registered on May 16, 2002 for goods and services in class 19, 35, 37, 38 and 42.

• The Italian trademark “BRAVOSOLUTION” No. 1122957 (design plus words) which was registered on June 30, 2008 for goods and services in classes 9, 35, 38, 41 and 42.

• The Italian trademark “BBN BRAVOSOLUTION” No. 1491490 (design plus words) which was registered on May 17, 2012 for goods and services in classes 9, 35 and 42.

• The Italian trademark “BRAVOSOLUTION TIMEREPORT” No. 1122955 which was registered on June 13, 2008 for goods and services in classes 9, 35 and 42.

• The International trademark registration No. 782755 which is registered for the Czech Republic, Belarus, Switzerland, China, Croatia, Kazakhstan, Lichtenstein, Russian Federation, Ukraine, Australia, Japan, Turkey and the USA since May 16, 2002 for goods and services in classes 19, 35, 37, 38 and 42.

• The International trademark registration “BRAVOSOLUTION TIMEREPORT” No. 989163 which was registered for the USA and China on June 30, 2008 for goods and services in classes 9, 35 and 42.

• The International trademark registration No. 99041 (design plus words) which was registered for Australia, Japan, Republic of Korea, Norway, Singapore, Turkey, USA, Belarus, Switzerland, China, Egypt, Croatia, Kazakhstan, Morocco, Russian Federation and Ukraine on June 30, 2008 for goods and services in classes, 9. 35, 38, 41 and 42.

• The U.S. trademark “BRAVOSOLUTION” No. 3298085 which was registered on September 25, 2007 for services in class 35.

• The U.S. trademark “BRAVOSOLUTION” No. 2833700 which was registered on April 20, 2004 for services in classes 37, 38 and 42.

• The Brazilian trademark application “BRAVOSOLUTION” No. 824589548 which was filed on May 14, 2005 for goods in class 19.

• The Brazilian trademark “BRAVOSOLUTION” No. 824589556 which was registered on April 24, 2007 for services in class 35.

• The Brazilian trademark “BRAVOSOLUTION” No. 824589564 which was registered on April 24, 2007 for services in class 37.

• The Brazilian trademark application “BRAVOSOLUTION” No. 824589572 which was filed on May 14, 2002 for services in class 38.

• The Brazilian trademark application “BRAVOSOLUTION” No. 824589599 which was filed on May 14, 2002 for services in class 42.

• The Brazilian trademark application “BRAVOSOLUTION” No. 829794484 (design plus words) which was filed on July 18, 2008 for goods in class 9.

• The Brazilian trademark application “BRAVOSOLUTION” No. 829794492 (design plus words) which was filed on July 18, 2008 for services in class 35.

• The Brazilian trademark application “BRAVOSOLUTION” No. 829794476 (design plus words) which was filed on July 18, 2008 for services in class 38.

• The Brazilian trademark application “BRAVOSOLUTION” No. 829794468 (design plus words) which was filed on July 18, 2008 for services in class 41.

• The Brazilian trademark application “BRAVOSOLUTION” No. 829794450 (design plus words) which was filed on July 18, 2008 for services in class 42.

• The Canadian trademark application “BRAVOSOLUTION” No. 569190 which was registered on February 12, 2003 for goods and services in classes 9, 35, 37, 38 and 42.

• The Canadian trademark application “BRAVOSOLUTION” No. 1097658 (design plus words) which was filed on May 30, 2008 for goods and services in classes 9, 35, 38, 41 and 42.

• The Chilean trademark “BRAVOSOLUTION” No. 640698 which was registered on August 30, 2002 for goods in class 19.

• The Chilean trademark “BRAVOSOLUTION” No. 640697 which was registered on August 30, 2002 for services in class 35.

• The Chilean trademark “BRAVOSOLUTION” No. 640696 which was registered on August 30, 2002 for services in class 37.

• The Chilean trademark “BRAVOSOLUTION” No. 640695 which was registered on August 30, 2002 for services in class 38.

• The Chilean trademark “BRAVOSOLUTION” No. 640694 which was registered on August 30, 2002 for services in class 42.

• The Chilean trademark application “BRAVOSOLUTION” No. 829580 (design plus words) which was filed on July 18, 2008 for goods in class 9.

• The Chilean trademark application “BRAVOSOLUTION” No. 829581 (design plus words) which was filed on July 18, 2008 for services in classes 35, 38, 41 and 42.

• The South Korean trademark “BRAVOSOLUTION” No. 9232 which was registered on February 10, 2004 for goods and services in classes 19, 35, 37, 38 and 42.

• The Mexican trademark “BRAVOSOLUTION” No. 756174 which was registered on July 26, 2002 for goods in class 19.

• The Mexican trademark “BRAVOSOLUTION” No. 756175 which was registered on July 26, 2002 for services in class 35.

• The Mexican trademark “BRAVOSOLUTION” No. 756176 which was registered on July 26, 2002 for services in class 37.

• The Mexican trademark “BRAVOSOLUTION” No. 754708 which was registered on June 10, 2002 for services in class 38.

• The Mexican trademark “BRAVOSOLUTION” No. 754709 which was registered on June 10, 2002 for services in class 42.

• The Mexican trademark “BRAVOSOLUTION” No. 948687 (design plus words) which was registered on July 18, 2008 for

goods in class 9.

• The Mexican trademark “BRAVOSOLUTION” No. 948689 (design plus words) which was registered on July 18, 2008 for services in class 35.

• The Mexican trademark “BRAVOSOLUTION” No. 948690 (design plus words) which was registered on July 18, 2008 for services in class 38.

• The Mexican trademark “BRAVOSOLUTION” No. 948691 (design plus words) which was registered on July 18, 2008 for services in class 41.

• The Mexican trademark “BRAVOSOLUTION” No. 948693 (design plus words) which was registered on July 18, 2008 for services in class 42.

• The Taiwanese trademark “BRAVOSOLUTION” No. 1047445 which was registered on June 16, 2003 for goods in class 19.

• The Taiwanese trademark “BRAVOSOLUTION” No. 181237 which was registered on May 16, 2003 for services in class 35.

• The Taiwanese trademark “BRAVOSOLUTION” No. 179999 which was registered on April 16, 2003 for services in class 37.

• The Taiwanese trademark “BRAVOSOLUTION” No. 181664 which was registered on May 16, 2003 for services in class 38.

• The Taiwanese trademark “BRAVOSOLUTION” No. 181891 which was registered on May 16, 2003 for services in class 42.

• The Taiwanese trademark “BRAVOSOLUTION” No. 097029248 (design plus words) which was registered on June 20, 2008 for goods and services in classes 9, 35, 38, 41 and 42.

• The Swiss trademark “BRAVOSOLUTION ESOP” No. 512829 which was registered on June 24, 2003 for goods in class 9.

• The Chinese trademark application “BRAVOSOLUTION” No. 6042810 (Chinese characters) which was filed on September 25, 2007 for services in class 35.

• The Indian trademark “BRAVOSOLUTION” No. 1545098 which was registered on March 30, 2007 in classes 19, 35, 37, 38 and 42.

• The Argentinean trademark application “BRAVOSOLUTION” No. 2840021 (design plus words) which was filed on July 18, 2008 for goods in class 9.

• The Argentinean trademark application “BRAVOSOLUTION” No. 2840022 (design plus words) which was filed on July 18, 2008 for services in class 35.

• The Argentinean trademark application “BRAVOSOLUTION” No. 2840023 (design plus words) which was filed on July 18, 2008 for services in class 38.

• The Argentinean trademark application “BRAVOSOLUTION” No. 2840024 (design plus words) which was filed on July 18, 2008 for services in class 41.

• The Argentinean trademark application “BRAVOSOLUTION” No. 2840025 (design plus words) which was filed on July 18, 2008 for services in class 42.

• The Hong Kong trademark “BRAVOSOLUTION” No. 301130057 (design plus words) which was registered on June 2, 2008 for goods and services in classes 9, 35, 38, 41 and 42.

• The Indonesian trademark “BRAVOSOLUTION” No. D.00.2008.022620 (design plus words) which was registered on June 20, 2008 for goods in class 9.

• The Indonesian trademark “BRAVOSOLUTION” No. D.00.2008.022621 (design plus words) which was registered on June 20, 2008 for services in class 35.

• The Indonesian trademark “BRAVOSOLUTION” No. D.00.2008.022622 (design plus words) which was registered on June 20, 2008 for services in class 38.

• The Indonesian trademark “BRAVOSOLUTION” No. D.00.2008.022623 (design plus words) which was registered on June 20, 2008 for services in class 41.

• The Indonesian trademark “BRAVOSOLUTION” No. D.00.2008.022624 (design plus words) which was registered on June 20, 2008 for services in class 42.

• The Israeli trademark “BRAVOSOLUTION” No. 212692 (design plus words) which was registered on June 18, 2008 for goods in class 9.

• The Israeli trademark “BRAVOSOLUTION” No. 212693 (design plus words) which was registered on June 18, 2008 for services in class 35.

• The Israeli trademark “BRAVOSOLUTION” No. 212694 (design plus words) which was registered on June 18, 2008 for services in class 38.

• The Israeli trademark “BRAVOSOLUTION” No. 212695 (design plus words) which was registered on June 18, 2008 for services in class 41.

• The Israeli trademark “BRAVOSOLUTION” No. 212696 (design plus words) which was registered on June 18, 2008 for services in class 42.

• The New Zealand trademark “BRAVOSOLUTION” No. 790819 (design plus words) which was registered on June 9, 2008 for goods and services in classes 9, 35, 38, 41 and 42.

• The South African trademark “BRAVOSOLUTION” No. 2008/13,919 (design plus words) which was registered on June 18, 2008 for goods in class 9.

• The South African trademark “BRAVOSOLUTION” No. 2008/13,920 (design plus words) which was registered on June 18, 2008 for services in class 35.

• The South African trademark “BRAVOSOLUTION” No. 2008/13,921 (design plus words) which was registered on June 18, 2008 for services in class 38.

• The South African trademark “BRAVOSOLUTION” No. 2008/13,922 (design plus words) which was registered on June 18, 2008 for services in class 41.

• The South African trademark “BRAVOSOLUTION” No. 2008/13,923 (design plus words) which was registered on June 18, 2008 for services in class 42.

• The Thai trademark “BRAVOSOLUTION” No. 700637 (design plus words) which was registered on July 2, 2008 for goods in class 9.

• The Thai trademark “BRAVOSOLUTION” No. 700638 (design plus words) which was registered on July 2, 2008 for services in class 35.

• The Thai trademark “BRAVOSOLUTION” No. 700639 (design plus words) which was registered on July 2, 2008 for services in class 38.

• The Thai trademark “BRAVOSOLUTION” No. 700640 (design plus words) which was registered on July 2, 2008 for services in class 41.

• The Thai trademark “BRAVOSOLUTION” No. 700641 (design plus words) which was registered on July 2, 2008 for services in class 42.

• The Tunisian trademark “BRAVOSOLUTION” No. EE081627 (design plus words) which was registered on June 19, 2008 for goods and services in classes 9, 35, 38, 41 and 42.

• The Venezuelan trademark “BRAVOSOLUTION” No. 2008-013824 (design plus words) which was registered on July 18, 2008 for goods in class 9.

• The Venezuelan trademark “BRAVOSOLUTION” No. 2008-013820 which was registered on July 18, 2008 for services in class 35.

• The Venezuelan trademark “BRAVOSOLUTION” No. 2008-013821(design plus words) which was registered on July 18, 2008 for services in class 38.

• The Venezuelan trademark “BRAVOSOLUTION” No. 2008-013822 which was registered on July 18, 2008 for services in class 41.

• The Venezuelan trademark “BRAVOSOLUTION” No. 2008-013823 (design plus words) which was registered on July 18, 2008 for services in class 42.

The Complainant has made continuous use of its word mark in one form or another throughout the world since 2002, many years before the Domain Name was registered by the Respondent.

The Complainant delivers results to over 400 clients in 60 countries with a network of offices in Europe, Asia and the Americas. Its software suite is deployed to over 50,000 buyers and used by over 300,000 suppliers worldwide. In 2011 it achieved $72 Million turnover. It owns bravosolution.com and has spent over $10 million in advertising the BRAVOSOLUTION marks. It hosts websites at bravosolution.com and offers e mail addresses to customers with an @bravosolution e-mail address. The Complainant has grown BRAVOSOLUTION into one of the world's most recognised and well known brands.

The Domain Name incorporates the BRAVOSOLUTION mark in its entirety, with no other words or symbols and, as such, misleads consumers into believing that this domain is owned by or associated with the Complainant. In fact the Respondent's site at the Domain Name simply provides sponsored links and advertising to companies competitive to the Complainant's services. The Respondent operates another site at www.bravosolutions.com that sells advertising to Internet users on the back of the goodwill of the BRAVOSOLUTION marks.

The Domain Name was registered on April 1, 2007 and since those dates the Respondent does not appear to have developed any business relating to the BRAVOSOLUTION trade mark other than the sponsored link and advertising program the sole function of which is to illicitly profit off the goodwill and reputation of the BRAVOSOLUTION marks. In 2009 the Complainant admitted that his business model was to use the marks to drive traffic to his site being of the opinion that it was normal practice. The Domain name has not been used for the bona fide offering of goods and services. Intercepting of customer e-mails by the Respondent has caused security issues and confusion between its sites and sites of

the Complainant's customers, has resulted in lost business opportunities for the Complainant's customers and may severely decrease the goodwill in the Complainant's trade marks and business.

In 2009 Respondent set up web pages on the Domain Name and bravosolutions.com designed to mimic the official site of the Complainant with a direct bad faith intent to enhance and exacerbate customer confusion. Respondent only pulled down those pages when threatened with criminal action.

A user encountering the Domain Name is likely to be confused that any site attached to it is a site owned by or affiliated with the Complainant.

Respondent has no rights or legitimate interests in the Domain Name. Complainant has not authorised the Respondent to use its trade marks, the Respondent has no prior rights and is not commonly known by the Domain Name. It is not making any legitimate non commercial or fair use of the Domain Name.

Respondent is seeking to profit from an unauthorised connection with the Complainant by trading upon its reputation and goodwill and intentionally attempting to attract Internet users to the Respondent's web site.

Bad faith can be presumed as clearly the Respondent was aware of the Complainant and its trade marks. It is engaging in a pattern of bad faith by seeking to divert custom from the Complainant to the Complainant's competitors.

In an additional submission considered by the Panel as the Respondent had alleged bad faith against the Complainant, the Complainant's contentions as far as they add to the submissions made in the Complaint can be summarised as follows:

The Respondent is not Bravo Solutions Limited but an individual person called Steve Bennett. Even if Bravo Solutions Limited were the correct respondent in this matter, no evidence has been submitted regarding the alleged registration of Bravo Solutions Limited on 11 March 1997 and regarding the alleged establishment of its name throughout the niche world of software control engineering. The complainant therefore expressly disputes these allegations. Even if there is a company called Bravo Solutions Limited in the UK, this company is irrelevant in this matter as the registrant of the domain name at issue is Mr. Steve Bennett and not a company called Bravo Solutions Limited.

As far as Respondent takes the view that Complainant has “falsified many facts”and is in bad faith Respondent does not explain why this should be the case and does not give any evidence in this respect at all.

B. RESPONDENT

The Respondent's contentions can be summarised as follows:

Respondent, BRAVO SOLUTIONS Limited, is a UK based registered company first registered with the UK Government Companies House (www.companieshouse.gov.uk) on 11th March 1997, 8 years prior to the existence of the Complainant’s registered company.

Although Bravo Solutions is a small company it has established its name throughout the niche world of software control engineering, and has interests in many countries.

The Complainant, Bravo Solution, is not stating the truth, or, is confused. The Complaint is blatant corporate bullying.

The Respondent does not profit or benefit from the bravosolution.eu domain in anyway. It does not redirect to any site and nor has it ever done so, it is in a “parked” status with a domain registering company GoDaddy.com.

Should the Respondent approach GoDaddy.com, they could verify that the domain has never been used. Furthermore, advertisement on this parked site is controlled solely by GoDaddy.com.

Bravo Solutions Limited rightfully registered “bravosolutions.com” on 18th October 2000.

The Complainant also operates various sites, whose dispute is subject to a different domain dispute jurisdiction at www.bravosolutions.co.uk, www.bravosolutions.org, www.bravosolutions.net, www.bravosolutions.biz, www.bravosolutions.info, www.bravosolutions.cn amongst others.

In sum, Complainant’s use of the name Bravo Solution is confusingly similar to Respondent’s previously registered Bravo Solutions. The Respondent has every legitimate interest in the domain name, Complainant has registered various domain names incorporating the BRAVOSOLUTIONS word without Respondent’s consent, and Complainant is engaging in a pattern of bad faith; he knew of BRAVOSOLUTIONS, and specifically chose to obtain the following domains in bad faith;

bravosolutions.co.uk registered 20th December 2001
bravosolutions.org. registered 6th December 2001
bravosolutions.net registered 6th December 2001
bravosolutions.biz registered 6th December 2001
bravosolutions.cn registered 13th December 2006

The recent acts of aggression and defamatory words towards the Respondent are completely unjustified.
In an additional submission considered by the Panel in the interests of fairness as the additional submission of the Complainant has also been considered the Respondent’s additional submissions in so far as they add to the submissions in the Response can be summarised as follows:

The e-mail incident that the complainant keeps referring is not related to the domain name in question and the Respondent disputes any allegations to the contrary.

The domain name bravosolution.eu has not “all of a sudden” been parked. It has always been parked.

The Respondent takes the view that the complainant has falsified many facts and the “Screen shot of bravosolution.eu” shows why this is the case.

The Complainant has so far made numerous statements but has itself not provided any evidence.

Bravo Solutions Limited is relevant in this matter as the registrant of the bravosolution.eu domain name is Mr. Steve Bennett, who is also this company’s Director.

All the Complainant’s falsehoods are rebuffed by the Respondent. The respondent’s domain name “bravosolution.eu” does not infringe on any trademarks.

DISCUSSION AND FINDINGS

Under Article 21 (1) of Commission Regulation (EC) No 874/2004 ("the Regulation") in order to succeed under this dispute resolution procedure a Complainant must show that the Domain Name is identical or confusingly similar to a name in respect of which a right is recognised or established by national and/or Community law and the Domain Name:

(a) has been registered by its holder without rights or legitimate interest in the name; or

(b) has been registered or is being used in bad faith.

The Domain Name consists of the same sign as the Complainant's registered trade mark BRAVOSOLUTION and the addition

of the generic geographical top level domain ".eu" which is ignored for the purpose of applying this test. As such the Panel is of the opinion that the Domain Name is identical to the Complainant's registered trade mark BRAVOSOLUTION for the purpose of these proceedings.

The Respondent alleges that although the registration is in the name of an individual it is registered for Bravo Solutions Limited a UK company registered in 1997. However the Domain Name was not registered until 2007 and no use appears to have been made of the name except as a parking site. Correspondence exhibited by the Complainant shows the Respondent registered the BRAVO SOLUTION in the singular and set up pages mimicking the Complainant's web site to take advantage of increased traffic to his site and that he thought this was normal practice as in names which are similar "(eg google.com and goooogle.com) suggesting also that he knew the Complainant had a valuable goodwill in the name BRAVO SOLUTION which would attract traffic on the Internet and the name was different to his own. He claimed in the same correspondence that the Complainant is doing a similar thing with "bravosolutions.co.uk" in the plural and in his response he alleges that the Complainant has four other bravosolutions names in the plural. The Respondent denies that the correspondence relates to the Domain Name. However, it seems likely on the balance of probabilities given the reference in the Respondent's e-mail to pages being removed as a result of the Complainant being concerned about them and the e-mail being the same date as the lawyer's letter sent on behalf of the Complainant complaining about pages mimicking the Complainant's site that it does, in fact, relate to the Domain Name. The Respondent does not provide any other explanation of its content.

Accordingly, it does not appear that the Respondent has used the site to offer bona fide services in relation to his business. The Respondent has not offered any supporting evidence of what he says about the UK Company Bravo Solutions Limited, but even on his own case he is known by this name in the plural and not BRAVOSOLUTION in the singular. By setting up pages mimicking the official site of the Complainant and by allowing the site to bear sponsored links it is clear the Respondent is not making non commercial use of the name and the imitation of the Complainant's site, in particular, cannot be described as fair. As such the Panel believes that the Respondent does not have a legitimate interest in the Domain Name.

Under Article 21 (3) of the Regulation bad faith can be shown if "the domain name was intentionally used to attract Internet users, for commercial gain, to the holder of a domain name website or other online location, by creating a likelihood of confusion with a name on which a right is recognised or established by national and/or Community law.., such likelihood arising as to the source, sponsorship, affiliation or endorsement of the web site or location or of a product or service on the web site or location of the holder of a domain name". Correspondence exhibited by the Complainant shows on the balance of probabilities that this was exactly the intention of the Respondent. Whilst allowing use in relation to sponsored links would have been enough, as the Respondent is in ultimate control of the pages attached to the name, in this case the Respondent appears to have gone further and created pages mimicking the official site of the Complainant and admitted in correspondence that this was to increase traffic to his site. As such the Panel is of the opinion that the Domain Name has been used in bad faith to create confusion for commercial gain.

It is not the place of the Panel to examine the Complainant's conduct with regard to domain names not the subject of these proceedings.

DECISION

For all the foregoing reasons, in accordance with Paragraphs B12 (b) and (c) of the Rules, the Panel orders that

the domain name BRAVOSOLUTION.EU be transferred to the Complainant

PANELISTS

Name	**Dawn Osborne**

DATE OF PANEL DECISION 2012-12-06

Summary

ENGLISH SUMMARY OF THIS DECISION IS HEREBY ATTACHED AS ANNEX 1

I. Disputed domain name: bravosolution.eu

II. Country of the Complainant: Italy, country of the Respondent: UK

III. Date of registration of the domain name: 1 April 2007

IV. Rights relied on by the Complainant (Art. 21 (1) Regulation (EC) No 874/2004) on which the Panel based its decision:
1. “BRAVOSOLUTION” Community trademark No. 2573459 for the term till February 12, 2022 which was filed on February 12, 2002 registered on June 4, 2003 for goods and services in classes 19, 35, 37, 38 and 42.

V. Response submitted: Yes

VI. Domain name is identical to the protected rights of the Complainant

VII. Rights or legitimate interests of the Respondent (Art. 21 (2) Regulation (EC) No 874/2004):
1. No
2. Why: Respondent not using for bona fide services, not known by the name, not making non commercial or fair use of the name

VIII. Bad faith of the Respondent (Art. 21 (3) Regulation (EC) No 874/2004):
1. Yes
2. Why: Respondent using Complainant's name not its own and mimicking official site of the Complainant and allowing the site to be used for sponsored links in order to cause confusion for commercial gain

IX. Other substantial facts the Panel considers relevant: None

X. Dispute Result: Transfer of the disputed domain name

XI. Procedural factors the Panel considers relevant: Complainant's additional submission allowed as Respondent alleged bad faith on the Complainant's part

XII. [If transfer to Complainant] Is Complainant eligible? Yes