Panel Decision for dispute CAC-ADREU-006418

Case number	CAC-ADREU-006418
Time of filing	2013-05-23 10:22:22
Domain names	oasisgroup.eu

Case administrator

Lada Válková (Case admin)

Complainant

Organization	Oasis Group

Respondent

Organization	Prosalis

INSERT INFORMATION ABOUT OTHER LEGAL PROCEEDINGS THE PANEL IS AWARE OF WHICH ARE PENDING OR DECIDED AND WHICH RELATE TO THE DISPUTED DOMAIN NAME

The Panel has not been informed of any legal proceedings in relation to the disputed domain name

FACTUAL BACKGROUND

The Complainant is Oasis Group, Dublin, Ireland. The Complainant offers what it describes as Records & Information Management (RIM). The Complainant is the holder of a CTM registration of the figurative mark OASIS GROUP OF COMPANIES.

The Respondent, Prosalis, also of Dublin, Ireland is a service provider that offers various services within the it-sector such as managed services.

After the notification of the Complaint to the Respondent, both the Respondent and the Complainant have filed additional submissions ("non-standard communications") and the Panel has decided to accept them and thus take them into consideration when making its decision.

A. COMPLAINANT

Prosalis is an IT support provider to Oasis Group and registered oasisgroup.eu on behalf of Oasis Group. Oasis Group uses the domain name for all websites and email communication.

In mid 2011, Prosalis was replaced as an IT provider to Oasis Group. Since then, Prosalis has refused to authorise transfer requests for oasisgroup.eu and has not responded to correspondence, emails or phone calls. Numerous transfer requests have been made and each of them has expired without Prosalis authorising it.

The specific complaint is that Prosalis registered the domain oasisgroup.eu on behalf of Oasis Group, it does not have any claim to ownership of the domain, and there is no reason why it should not authorise the transfer of the domain name to the Complainant´s registrar as has been requested.

B. RESPONDENT

Respondent seems to acknowledge that the disputed domain name was registered by it on behalf of the Complainant. The submissions made by the Respondent, however, do not make it absolutely clear to the Panel why the domain name was registered in the name of the Respondent and why the transfer has not been authorised.

DISCUSSION AND FINDINGS

On 22 May 2013, that is 12 days after the submission of the case to the Panel, the parties filed a joined non-standard communication which referred to the content of an attached letter signed by both parties.

In this letter it is said:

"Following discussion between our companies, it has been mutually acknowledged and agreed that Oasis Group has been and is the rightful owner of the domain oasisgroup.eu.

Both parties want the ADR to take this agreement into account when you decide on the case and to order the transfer of oasisgroup.eu to Oasis Group."

On this background and since a decision on the merits of the case would have been properly within the ADR policy and rules, the Panel has no reluctance to order the transfer of the disputed domain name to the Complainant. See to this effect the Panel Decision in Case 05776 RUSSELLATHLETIC.

DECISION

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

the domain name OASISGROUP.EU be transferred to the Complainant.

PANELISTS

Name	**Knud Wallberg**

DATE OF PANEL DECISION 2013-05-23

Summary

ENGLISH SUMMARY OF THIS DECISION IS HEREBY ATTACHED AS ANNEX 1

I. Disputed domain name: OASISGROUP.EU

II. Country of the Complainant: IRELAND, country of the Respondent: IRELAND

III. Date of registration of the domain name: 30 OCTOBER 2006

IV. Rights relied on by the Complainant (Art. 21 (1) Regulation (EC) No 874/2004) on which the Panel based its decision:
1. Combined trademark registered in EU, reg. No. 009960873, for the term OASIS GROUP OF COMPANIES, filed on 11 September 2011, registered on 15 November 2011 in respect of goods and services in classes 6, 16, 20, 35, 39, 40 and 42.

V. Response submitted: Yes

VI. Domain name is confusingly similar to the protected right of the Complainant.

VII. Rights or legitimate interests of the Respondent (Art. 21 (2) Regulation (EC) No 874/2004):
Not discussed (see below).

VIII. Bad faith of the Respondent (Art. 21 (3) Regulation (EC) No 874/2004):
Not discussed (see below).

IX. Other substantial facts the Panel considers relevant:

The parties filed a declaration in which they agreed that the domain name had been registered on behalf of the Complainant and should be transferred to the Complainant.

X. Dispute Result: Transfer of the disputed domain name

XI. Procedural factors the Panel considers relevant: None

XII. Is Complainant eligible? Yes