Panel Decision for dispute CAC-ADREU-008090

Case number	CAC-ADREU-008090
Time of filing	2021-02-11 13:21:15
Domain names	ciic.eu

Case administrator

Organization	Denisa Bilík (CAC) (Case admin)

Complainant

Organization	CENTRO INTERNACIONAL DE INNOVACIÓN CONTINUA

Respondent

Name	Maxim Filippov

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 other legal proceedings that are pending or decided and which relate to the disputed domain name.

FACTUAL BACKGROUND

The Complainant CENTRO INTERNACIONAL DE INNOVACION CONTINUA (CIIC) is a multidisciplinary research group that was founded with the aim of responding to new educational challenges of the globalized world we live in.

The disputed domain name <ciic.eu> was used by the Complainant up to 16/04/2020 when the disputed domain name was inadvertently allowed to expire. Upon expiration disputed domain name was registered by the Respondent.

The Complainants state that the domain name is identical or confusingly similar to a trademark or service mark in which Complainants have rights, that Respondent has no rights or legitimate interests in respect of the domain name, and that the domain name was registered and is being used in bad faith.

Requested remedy by the Complainants is to transfer the disputed domain name <ciic.eu> to the Complainants.

A. COMPLAINANT

The Complaint states that CIIC is Spanish language acronym for Complainants name; CENTRO INTERNACIONAL DE INNOVACION CONTINUA. The CIIC is an association incorporated under the laws of Spain with registered number G87595831. Complainant Ms. María Campos Fernández is the holder of the CIIC's registered trade names no. N0367247(6) and NO0365146(0) registered in Class 41 of Nice Classification (Education, Organization of Educational Congresses). The disputed domain name was inadvertently allowed to expire on 16/04/2020 and passed into the possession of the Respondent.

The disputed domain name is incorporated in its entirety in the Complainant's trade names, and therefore identical or confusingly similar to Complainant's trademark. The Respondent is not affiliated with the Complainants, nor authorized by them in any way to use the contested expression in a domain name or on a website. The Complainants do not carry out any activity for, nor have any business with the Respondent. The Respondent registered the disputed domain name by himself and used it to host a website with adult content, and later put the domain name up for sale.

By doing so, Respondent acted in bad faith and his actions have resulted in depreciating the Complainants' trade names and tarnishing their good name.

The Complainants request the disputed domain name <ciic.eu> to be transferred to the Complainants.

B. RESPONDENT

In his Response, the Respondent has agreed to transfer the disputed domain name to Complainants.

DISCUSSION AND FINDINGS

In accordance with Article 21(1) of the Commission Regulation (EC) No. 874/2004 and paragraph B11(d)(1) of the Rules, the Complainant, in order to succeed, is required to prove that:

(i) The domain name is identical or confusingly similar to a name in respect of which a right is recognized or established by the national law of a Member State and/or European Union law and; either
(ii) The domain name has been registered by the Respondent without rights or legitimate interest in the name; or
(iii) The domain name has been registered or is being used in bad faith.

After examining all the documents provided with the Complaint, the Complaint itself and the Response the Panel has determined that the disputed domain name <ciic.eu> is identical to the Spanish language acronym for Complainant's name; CENTRO INTERNACIONAL DE INNOVACION CONTINUA where the suffix ".eu" may be disregarded in the determination of identity or confusing similarity. Furthermore, above mentioned acronym is validly registered as a trade name in Class 41 of Nice Classification (Education, Organization of Educational Congresses) and the holder of the trade name is Complainant Ms. María Campos Fernández who is current president of CIIC. Complainants have proven that the disputed domain name was acquired, paid and used by them from year 2015. up to 16/04/2020. There is no evidence that the disputed domain name was led to expire intentionally. As an example, the Complainants have provided eight web page URL's that link to the disputed domain name leading the Panel to conclusion that the Complainant CIIC is well known, considered and respected entity in its field of work under the disputed domain name.

The Respondent has not provided any information or proof that he has legitimate interest in respect of the disputed domain name. On contrary, the Respondent has agreed to transfer the disputed domain name to the Complainants. The Respondent has never been commonly known by the disputed domain name. The Complainants stated that they are in no way affiliated with the Respondent, that the Respondent isn't in any way authorized by them or carries any activity for them. From the effort taken by the Complainants with the EURid to disclose the identity of the Respondent this Panel finds the statements of the Complainants true and therefore determines that the domain name has been registered by the Respondent without rights or legitimate interest in the name.

The Complainants have proven that the Respondent has used the disputed domain name to host a web page with adult content and after put the domain name up for sale. From this behaviour of the Respondent the Panel has determined that the domain name has been registered and is being used in bad faith causing damage to the Complainants' reputation due to the fact that many pages still link to the disputed domain name.

In accordance with stated above the Panel finds that the Complainants have proved the requirements from paragraph B11(d)(1) of the Rules in order to rule in their favor.

The Complainants have requested that the Panel transfers the disputed domain name to them. In order to do so, the Complainants have to satisfy the general criteria for registration set out in § 4 (2) (b) of Regulation (EC) No. 733/2002 as amended by articles 20 and 22 of the Regulation (EU) 2019/517. The Panel finds that the above mentioned criteria is met due to the fact that the Complainant CIIC is an undertaking that is established in Spain, which country is member of the Union.

DECISION

For all the foregoing reasons, in accordance with Paragraphs B12 (b) and (c) of the Rules, the Panel orders that the domain name <CIIC.EU> be transferred to the Complainant.

This decision shall be implemented by the Registry within 30 (thirty) days after the notification of the decision to the Parties.

PANELISTS

Name	**Law office Tuškan, Branimir Tuškan**

DATE OF PANEL DECISION 2021-02-10

Summary

ENGLISH SUMMARY OF THIS DECISION IS HEREBY ATTACHED AS ANNEX 1

I. Disputed domain name: CIIC.EU

II. Country of the Complainant: Spain, country of the Respondent: Norway

III. Date of registration of the domain name: 27 May 2020

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 Spain, reg. No. N0365146(0), for the term CIIC, filed on 08 March 2016, registered on 28 March 2016 in respect of goods and services in class 41
2. combined trademark registered in Spain, reg. No. N0367247(6), for the term CIIC, filed on 07 June 2016, registered on 28 October 2016 in respect of goods and services in class41
12. other: CIIC - acronym for CENTRO INTERNACIONAL DE INNOVACION CONTINUA

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: None claimed by the Respondent nor found by the Panel in presented documents

VIII. Bad faith of the Respondent (Art. 21 (3) Regulation (EC) No 874/2004):
1. Yes
2. Why: Respondent used the disputed domain name to attract visitors to the web page with adult content and after put the domain name up for sale

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: None

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