Nález senátu for dispute CAC-ADREU-001036

Case number	**CAC-ADREU-001036**
Time of filing	**2006-04-28 10:14:45**
Domain names	**abc.eu**

Case administrator

Name	**Josef Herian**

Complainant

Organization / Name	**Suomen Osuuskauppojen Keskuskunta**

Respondent

Organization / Name	**Minerva GmbH Consulting, Ilka Wormer**

INÉ PRÁVNE KONANIA

The Panel is not aware of any pending legal proceedings relating to the disputed domain name.

A. ŽALOBCA

The Complainant, Suomen Osuuskauppojen Keskuskunta (hereinafter also SOK), is a Finnish cooperative company and is the owner of the Finnish Trademark Registration no. 231958 for the mark “ABC” in classes in classes 35 for “retail services for fuels”, 39 for “distribution services for fuels” and 43 for “café and restaurant services offered with traffic store activity”.

B. ŽALOVANÝ

The Respondent, Minerva GmbH Consulting, owns the Benelux Trademark Registration no. 0776149 registered on November 7, 2005 for “incense” (class3). The Respondent applied for the domain name “abc.eu” on 7 December 2005.

ROZPRAVA A ZÁVERY

On April 26, 2006 the Complainant filed a complaint requesting the transfer of the disputed domain name to the Complainant.

On August 6 in accordance to Paragraph 2 (k) of the ADR Rules the Panel issued the following order: “Pursuant to Paragrah § B7 (a) of the ADR Rules the Panel herein would like to receive from EURID, within the shortest possible time, the full list of the domain names registered by the Respondent in the present case during the phase 1 of the Sunrise, together with the PDF version of the corresponding supporting trademark registrations”.

On August 29 EURID addressed to the Panel the information requested as received from EURID on August 28.

On August 30, 2006 the Complainant requested the Panel to suspend the ADR Proceeding until September 18, 2006 since the parties wished to initiate settlement negotiations.

On September 18, 2006 the Panel has been informed that the parties amicably settled the dispute. According to the

agreement signed on September 9, 2006, the parties agreed “to settle the ADR Proceedings and have the domain name abc.eu assigned to SOK”.

On September 21, 2006, a formal confirmation of the settlement of the ADR Proceedings was requested to the Respondent. On the same day the Respondent confirmed to the Czech Arbitration Court that the parties had reached an agreement.

ROZHODNUTIE

In light of the above, pursuant to the article 4 (a) of the “ADR Rules” stating that “the ADR Proceeding will be understood to be concluded once the Panel has received confirmation from both Parties that an agreement has been entered into by the Parties concerning the object of the dispute”, the Panel herein acknowledges that the ADR Procedure is terminated.

Rozhodcovia

Name	**Luca Barbero**

DÁTUM NÁLEZU 2006-10-25

Summary

ZHRNUTIE TOHTO NÁLEZU V ANGLIČTINE JE V PRÍLOHE 1

The Complainant Suomen Osuuskauppojen Keskuskunta and the Respondent Minerva GmbH Consulting - after having filed the ADR proceeding - decided to resolve the dispute entering into a settlement agreement which was independently confirmed by both parties.

The Panel, pursuant to Article 4 (a) of the ADR Rules, acknowledges that the ADR Procedure is terminated.