Panel Decision for dispute CAC-ADREU-002633

Case number	**CAC-ADREU-002633**
Time of filing	**2006-08-07 12:32:11**
Domain names	**automoto.eu, gazetapraca.eu, gazeta-praca.eu, nieruchomoscigazeta.eu, nieruchomosci-gazeta.eu, wyborcza.eu, aaaby.eu, avantimoda.eu, blox.eu, edziecko.eu**

Case administrator

Name	**Tereza Bartošková**

Complainant

Organization / Name	**Agora SA, Tomasz Ejtminowicz**

Respondent

Organization / Name	**EURid**

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

This Panel is not aware of any other pending or decided legal proceedings which relate to the Disputed Domain Names.

FACTUAL BACKGROUND

The Compainant is a Polish company, AGORA S.A., and the Respondent is the .eu domain name Registry, EURid.

On February 7, 2006, the Complainant applied for the domain names <automoto.eu>, <gazetapraca.eu>, <gazeta-praca.eu>, <nieruchomoscigazeta.eu>, <nieruchomosci-gazeta.eu>, <wyborcza.eu>, <aaaby.eu>, <avantimoda.eu>, <blox.eu> and <edziecko.eu>.

The documentary evidence was received on March 17, 2006, which was before the March 19, 2006 deadline (40 days from February 7, 2006).

The Panel cannot determine when the Respondent informed the Complainant of the rejection of the application.

The Complainant filed its Complaint on August 4, 2006, annexing 62 exhibits. The Complainant requested the Czech Arbitration Court to require EURid to disclose the Documentary Evidence as defined in the Sunrise Rules. The Complainant seeks annulment of the disputed decisions taken by the Registry in respect of the ten domain names and the transfer or attribution thereof to the Complainant.

On August 7, 2006 the Payment Check was received by the Arbitration Center for .eu disputes. On the same day, the Arbitration Center for .EU disputes acknowledged the receipt of the Complaint and requested for EURid Verification.

On August 9, 2006 the Complainant filed two Nonstandard Communications, probably labouring under the misapprehension that the Request for EURid Verification was directed at the Complainant itself.

Also on August 17, 2006 EURid filed a Nonstandard Communication, annexing EURid's Verification and the Documentary Evidence concerning the case No. 02633.

On August 18, 2006 the Case Administrator did the Complaint Check. The Case Administrator verified that the Complaint met all the formal requirements. On the same day, the ADR Proceeding formally commenced.

On October 4, 2006 EURid responded to the Complaint. On the same day, the ADR Center for .EU acknowledged the receipt of the Response, and ran a Response Check. Also on the same day, Wolter Wefers Bettink, (incorrectly spelled as Wolfer Weffers Bettink) was

selected as single Panelist. The Panelist submitted the Statement of Acceptance and Declaration of Impartiality and Independence the same day.

Also on October 4, 2006 the Parties were notified of the Appointment of the ADR Panel. The Projected Decision Date was set on November 4, 2006.

On October 9, 2006 the Case was transferred to the ADR Panel.

A. COMPLAINANT

A.1. Domain name <automoto.eu>
The Complainant contends that the decision to refuse the registration of the domain name <automoto.eu> conflicts with Regulation (EC) No. 874/2004 of 28 April 2004 laying down public policy rules concerning the implementation and functions of the .eu Top Level Domain and principles governing registration (hereafter: "the Regulation") because at the time of the application the Complainant had a prior right. Complainant is the owner of a trademark "auto-motogazeta".

The Complainant further argues that the hyphen belongs to the category of special characters in Article 11 of the Regulation which can be entirely eliminated from the corresponding domain name. Although the hyphen is not explicitly listed among the special characters in Article 11 of the Regulation, according to the Complainant the list is not exhaustive, as it is preceded by the sentence "shall include the following".

A.2. Domain names <gazetapraca.eu> and <gazeta-praca.eu>
The Complainant contends that the decision to refuse the registration of the domain names <gazetapraca> and <gazeta-praca> conflicts with the Regulation because at the time of the registration the Complainant had a prior right. Complainant is the owner of the trademark "gazeta praca".

The Complainant further argues that, according to Article 11 of the Regulation, the trademark "gazeta praca" can serve as a basis for both <gazetapraca.eu> and <gazeta-praca.eu>.

The Complainant also contends to have registered the press title "Gazeta Praca" and to edit a weekly paper magazine "Gazeta Praca", which is the most popular Polish paper common to the employment. The Complainant has also registered the Polish domain names <gazeta-praca.pl> and <praca.gazeta.pl>. The Complainant annexed to the Complaint documentary evidence of the press title registration and the domain names <gazeta-praca.pl> and <praca.gazeta.pl>.

A.3. Domain names <nieruchomoscigazeta.eu> and <nieruchomosci-gazeta.eu>
The Complainant contends that the decision to refuse the registration of the domain names < nieruchomoscigazeta.eu> and < nieruchomosci-gazeta.eu> conflicts with the Regulation because the Complainant had a prior right. The Complainant contends to be the holder of a prior right in a business identifier. The Complainant has registered the press title "Gazeta Nieruchomosci" and it is the editor of that magazine. The Complainant annexed to the Complaint documentary evidence of the press title registration and the first page of the magazine "Gazeta Nieruchomosci".

Futhermore, the Complainant contends that the registration of the domain names <nieruchomoscigazeta.eu> and < nieruchomosci-gazeta.eu> in the name of any other than the Complainant qualifies as an act of unfair competition.

A.4. Domain name <wyborcza.eu>
The Complainant contends that the decision to refuse the registration of the domain name <wyborcza.eu> conflicts with the Regulation because at the time of the registration the Complainant had a prior right. The Complainant contends that it is the owner of the trademark "Gazeta Wyborcza".

The Complainant argues that the trademark "Gazeta Wyborcza" is sufficient basis for the registration of the domain name <wyborcza.eu> because the domain name <wyborcza.eu> is part of the trademark "Gazeta Wyborcza". The Complainant has annexed documentary evidence consisting of the trademark registration certificate "Gazeta Wyborcza" to the Complaint.

The Complainant further contends that it has also registered the press title "Gazeta Wyborcza" and that it is the editor of the newspaper "Gazeta Wyborcza", which is the most popular Polish newspaper. The Complainant has also registered the Polish domain name <wyborcza.pl>. The Complainant has annexed documentary evidence to the Complaint, consisting of the press title registration certificate, a printout of a record from the WHOIS database concerning the domain name <wyborcza.pl> and an invoice of NASK concerning the domain name <wyborcza.pl>.

A.5. Domain name <aaaby.eu>
The Complainant contends that the decision to refuse the registration of the domain name <aaaby.eu> conflicts with the Regulation because at the time of the registration the Complainant had a prior right. The Complainant contends that it has prior rights in the business identifier "aaaby". The Complainant substantiates this contention by annexing to the Complaint the following documentary evidence:
- a copy of an invoice from NASK regarding the Polish domain name <aaaby.pl>;
- a printout of the aaaby.pl website;
- a printout of a record of the WHOIS database regarding the domain name <aaaby.pl>;
- a barter agreement between the Complainant and its clients, involving <aaaby.pl>.

Futhermore, the Complainant contends that the registration of the domain name <aaaby.eu> in the name of any other than the Complainant qualifies as an act of unfair competition.

A.6. Domain name <avantimoda.eu>
The Complainant contends that the decision to refuse the registration of the domain name <avantimoda.eu> conflicts with the Regulation because at the time of the registration the Complainant had a prior right. The Complainant contends that it has prior rights in the business identifier "avantimoda". In this regard, the Complainant points out that it has registered the press title "Avanti", that it is the editor of the journal Avanti and that it has registered the Polish domain name <avantimoda.pl>.

To substantiate these contentions the Complainant has annexed to the Complaint the following documentary evidence:
- a copy of the Avanti press title registration certificate;
- a printout of a record from the WHOIS database on the domain name <avantimoda.pl>;
- an invoice from NASK regarding the domain name <avantimoda.pl>;
- a printout of the first page of "Avanti"-magazine
- a barter agreement between the Complainant and its clients, involving the domain name <avantimoda.pl>.

Futhermore, the Complainant contends that the registration of the domain name <aventimoda.eu> in the name of any other than the Complainant qualifies as an act of unfair competition.

A.7. Domain name <blox.eu>
The Complainant contends that the decision to refuse the registration of the domain name <blox.eu> conflicts with the Regulation because at the time of the registration the Complainant had a prior right. The Complainant contends that it has prior rights in the business identifier "blox". According to the Complainant, the Polish domain name <blox.pl> is one of the most distinctive domains in the Polish internet market. The Complainant substantiates its contentions by annexing to the Complaint the following documentary evidence:
- a copy of an invoice from NASK regarding the domain name <blox.pl>;
- a printout of the blox.pl website;
- a printout of a record of the WHOIS database regarding the domain name <blox.pl>.

Futhermore, the Complainant contends that the registration of the domain name <blox.eu> in the name of any other than the Complainant qualifies as an act of unfair competition.

A.8. Domain name <edziecko.eu>
The Complainant contends that the decision to refuse the registration of the domain name <edziecko.eu> conflicts with the Regulation because at the time of the registration the Complainant had a prior right. The Complainant contends that it has prior rights in the business identifier "edziecko". In this regard, the Complainant points out that it has registered the press title "Dziecko", that it is the editor of the journal Dziecko and that it has registered the Polish domain name <edziecko.pl>. The letter "e" in front of the domain name accents the internet content character of the name "Dziecko".

To substantiate these contentions the Complainant has annexed to the Complaint the following documentary evidence:
- a copy of the Dziecko press title registration certificate;
- a printout of a record from the WHOIS database on the domain name <edziecko.pl>;
- an invoice from NASK regarding the domain name <edziecko.pl>;
- a printout of the <edziecko.pl> website;
- a printout of the first page of the "Dziecko"-magazine;
- a barter agreement between the Complainant and its clients, involving the domain name <edziecko.pl>.

Futhermore, the Complainant contends that the registration of the domain name <edziecko.eu> in the name of any other than the Complainant qualifies as an act of unfair competition.

B. RESPONDENT

B.1. Domain name <automoto.eu>
The Respondent contends that the decision to refuse the registration of the domain name <automoto.eu> did not conflict with the Regulation because at the time of the application (February 7, 2006) the Complainant did not prove it had a prior right in the name "automoto". According to the Respondent, the documentary evidence received at the time of the application shows that the semi-figurative trademark "auto-moto gazeta" was registered on May 25, 1995. Pursuant to Article 13(3) of the Polish Law on Trademarks of January 13, 1985, the right deriving from registration of a trademark shall last for 10 years. The Complainant did not bring forth any evidence regarding the renewal of the trademark "auto-moto gazeta". Consequently, the Complainant did not prove that its rights in the trademark "auto-moto gazeta" were still valid after May 25, 2005.

The Respondent further contends that the domain name applied for (<automoto.eu>) does not constitute the complete name for which the prior right exists ("auto-moto gazeta"). Pursuant to Article 10.2 of the Regulation, the registration on the basis of a prior right shall consist of the registration of the complete name for which the prior right exists, as written in the documentation which proces that such a right exist. Therefore, the trademark "auto-moto gazeta" could only serve as a prior right for the domain name <auto-moto-gazeta.eu> or <auto-motogazeta.eu>, but not for <automoto.eu> alone.

B.2. Domain names <gazetapraca.eu> and <gazeta-praca.eu>
The Respondent contends that the decision to refuse the registration of the domain name <gazetapraca.eu> and <gazeta-praca.eu> did not conflict with the Regulation because at the time of the application (February 7, 2006) the Complainant did not prove it had a prior right in the name "gazeta praca". According to the Respondent, the documentary evidence received at the time of the application shows that the semi-figurative trademark "praca gazeta" was registered on May 25, 1995. Pursuant to Article 13(3) of the Polish Law on Trademarks of January 13, 1985, the right deriving from registration of a trademark shall last for 10 years. The Complainant did not bring forth any evidence regarding the renewal of the trademark "praca gazeta". Consequently, the Complainant did not prove that its rights in the trademark "praca gazeta" were still valid after May 25, 2005.

The Respondent further contends that the documentary evidence annexed to the Complaint regarding the press title registration of "Gazeta Praca" and the registration of the Polish domain name <gazeta-praca.pl>, was not received at the time of the application for the domain names. Therefore, this information may not be taken into consideration in the present proceedings. For the sake of completeness, the Respondent notes that the registration of a domain name may not be considered as a prior right in the meaning of Article 10 of the Regulation.

B.3. Domain names <nieruchomoscigazeta.eu> and <nieruchomosci-gazeta.eu>
The Respondent contends that the decision to refuse the registration of the domain names <nieruchomoscigazeta.eu> and <nieruchomosci-gazeta.eu> did not conflict with the Regulation because at the time of the application (February 7, 2006) the Complainant did not prove it had a prior right in the name "Nieruchomosci Gazeta". According to the Respondent, the Complainant argues that it is the holder of a prior right on the name "Gazeta Nieruchomosci". Pursuant to Article 10.2 of the Regulation, the registration on the basis of a prior right shall consist of the registration of the complete name for which the prior right exists, as written in the documentation which proces that such a right exist. Therefore, a prior right on the name "Gazeta Nieruchomosci " could only serve as a prior right for the domain name <gazetanieruchomosci.eu> or <gazeta-nieruchomosci.eu>, but not for <nieruchomoscigazeta.eu> of <nieruchomosci-gazeta.eu>. Respondent contends that the Complainant already has applied for both the domain names <gazetanieruchomosci.eu> and <gazeta-nieruchomosci.eu>, which applications were accepted by the Respondent.

Regarding Complainant's argument that the registration of the domain names <nieruchomoscigazeta.eu> and <nieruchomosci-gazeta.eu> in the name of any other than the Complainant would qualify as an act of unfair competition, the Respondent responds that the argument is irrelevant for the present proceedings. According to the Respondent, the question here is whether the documentary evidence submitted by the Complainant clearly established a valid prior right for the domain names applied for.

B.4. Domain name <wyborcza.eu>
The Respondent contends that the decision to refuse the registration of the domain name <wyborcza.eu> did not conflict with the Regulation because at the time of the application (February 7, 2006) the Complainant did not prove it had a prior right in the name "Wyborcza". The Respondent contends that the documentary evidence annexed to the Complaint regarding the press title registration of "Wyborcza" was not received at the time of the application for the domain names. Therefore, this information may not be taken into consideration in the present proceedings.

The Respondent notes that the documentary evidence received by the validation agent before the 19 March 2006 deadline only established the registration of the Polish domain name <wyborcza.pl>. This may not be considered as a prior right in the meaning of Article 10 of the Regulation.

The Respondent also points out that a prior right on the name "wyborcza.pl" could only be considered as a prior right for the domain name <wyborcza.pl.eu>, not for just <wyborcza.eu> as the complete name "wyborcza.pl" includes the domain name suffix "pl".

B.5. Domain names <aaaby.eu> and <blox.eu>
The Respondent contends that the decision to refuse the registration of the domain name <aaaby.eu> did not conflict with the Regulation because at the time of the application (February 7, 2006) the Complainant did not prove it had a prior right in the names "aaaby" and "blox". The Respondents contends to have received documentary evidence consisting of letters, invoices and other documents showing that the Complainant is the holder of the Polish domain names <aaaby.pl> and <blox.pl>, and a trademark application for a semi-figurative trademark "AAABY.PL" and a trademark "blox.pl"

Firstly, the Respondent argues that an application for a trademark is not considered a Prior Right, pursuant to Section 13.1.(ii) of the Sunrise Rules. According to the Respondent, the documentary evidence did not establish that the trademarks "AAABY.PL" and "blox.pl" were registered at the time of the application for the domain names.

Secondly, the Respondent remarks that, even if the documentary evidence had established that the trademarks "AAABY.PL" and "blox.pl" had been registered. the Complainant's application should still be rejected pursuant to Article 10.2 of the Regulation and section 19.5 of the Sunrise Rules because "AAABY.PL" and "blox.pl" are not the complete names of the domain names applied for (<aaaby> and <blox>, without the suffix "pl").

Finally, regarding Complainant's argument that the registration of the domain names <aaaby.eu> and <blox.eu> in the name of any other than the Complainant would qualify as an act of unfair competition, the Respondent responds that the argument is irrelevant for the present proceedings. According to the Respondent, the question here is whether the documentary evidence submitted by the Complainant clearly established a valid prior right for the domain names applied for.

B.6. Domain names <avantimoda.eu> and <edziecko.eu>
The Respondent contends that the decision to refuse the registration of the domain name <avantimoda.eu> did not conflict with the Regulation because at the time of the application (February 7, 2006) the Complainant did not prove it had a prior right in the names "avantimoda" and "edziecko". The Respondent received documentary evidence consisting of letters, invoices and other documents showing that the Complainant is the holder of the Polish domain names <avantimoda.pl> and <edziecko.pl>, commercial agreements and the front covers of the magazines Avanti and Dziecko.

The Respondent states that a domain name registration cannot be considered as a prior right in the meaning of Article 10 of the Regulation. Furthermore, the Respondent points out that Complainant has not provided evidence of a prior right in a business identifier or a trade name, such as a registration certificate (article 14 Regulation) or, if registration is not possible, an affidavit signed by a competent authority or a final judgment stating that the name for which the prior right is claimed meets the conditions provided for in the law of Poland (Section 16.5 Sunrise Rules).

Regarding Complainant's argument that the registration of the domain names <avantimoda.eu> and <edziecko.eu> in the name of any other than the Complainant would qualify as an act of unfair competition, the Respondent responds that the argument is irrelevant for the present proceedings. According to the Respondent, the question here is whether the documentary evidence submitted by the Complainant clearly established a valid prior right for the domain names applied for.

DISCUSSION AND FINDINGS

GENERAL

Pursuant to Article 10 of the Regulation, during the period of phased registration it was possible for holders of prior rights to apply to register domain names. Such a registration shall consist of the complete name for which the prior right exists, as written in the documentation which proves that such a right exists (Article 10, para. 2). In addition, Article 11 contains a limited number of exceptions to this principle, as far as spaces, special characters and punctuation are concerned.

Pursuant to Article 14 of the Regulation, the applicant for a domain name bears the burden of proof to demonstrate that it is the holder of a prior right, identical to the domain name applied for.

The purpose of an ADR proceeding against the Registry is to verify whether a decision made by the Registry conflicts with the Regulation (Article 22(1) of the Regulation). Article 14 of the Regulation provides that the Validation Agent examines whether the documentary evidence substantiates a prior right to the documentary evidence received with the application or within 40 days from the application. The decision of the Registry is based on this view. Therefore, the test to determine whether the decision taken by the Registry conflicts with the Regulations should in principle be based on the documentary evidence received with the application or within 40 days from the application (see also: Case 219 (ISL) and Case 1071 (ESSENCE)).

The Complainant requested the Czech Arbitration Court to require EURid to disclose the Documentary Evidence as defined in the Sunrise Rules. The Czech Arbitration Court subsequently requested EURid to disclose this information, which EURid has done, and the Panel has reviewed the documentary evidence for each specific domain name, as submitted by the Complainant when applying for the domain names.

1. Domain name <automoto.eu>
The Panel finds that the decision of the Registry to refuse the registration of the domain name <automoto.eu> does not conflict with the Regulation. The complete name of the prior right "auto-moto gazeta" is not identical to the domain name applied for <automoto.eu>, nor shall it be deemed identical pursuant to Article 11 of the Regulation.

2. Domain names <gazetapraca.eu> and <gazeta-praca.eu>
The Panel finds that the decision of the Registry to refuse the registration of the domain name <gazetapraca.eu> and <gazeta-praca.eu> does not conflict with the Regulation. The complete name of the prior right ("praca gazeta") is not identical to the domain names applied for (<gazetapraca.eu> and <gazeta-praca.eu>), nor shall it be deemed identical pursuant to Article 11 of the Regulation.

Although the Complainant annexed documentary evidence regarding the registration of the name "Gazeta Praca" as a press title to the Complaint, the Panel finds that the Complainant did not submit such documentary evidence within 40 days of its application. In view of Article 14 of the Regulation, the Panel will not take these documents in account in its decision.

3. Domain names <nieruchomoscigazeta.eu> and <nieruchomosci-gazeta.eu>
The Panel finds that the decision of the Registry to refuse the registration of the domain names <nieruchomoscigazeta.eu> and <nieruchomosci-gazeta.eu> does not conflict with the Regulation. The complete name of the prior right ("Gazeta Nieruchomosci") is not identical to the domain names applied for (<nieruchomoscigazeta.eu> and <nieruchomosci-gazeta.eu>), nor shall it be deemed identical pursuant to Article 11 of the Regulation.

This Panel only decides whether the decision taken by the Registry conflicts with the Regulations. Whether a third party by registering a domain name would act unfairly toward the Complainant is not the subject of these ADR proceedings.

4. Domain name <wyborcza.eu>
This Panel finds that the decision of the Registry to refuse the registration of the domain name <wyborcza.eu> does not conflict with the Regulation. The documentary evidence submitted by the Complainant within 40 days of the application comprises invoices regarding the Polish domain name <wyborcza.pl>. The Panel is of the opinion that a domain name registration can be considered a prior right in the meaning of Article 10 of the Regulation, as it may constitute a business identifier. This is supported by Article 19.5 of the Sunrise Rules which provides that in case of “a name that includes an internet top-level domain (such as, but not limited to, .com, .net or .eu), the complete name for which a Prior Right exists includes that domain name suffix”. However, this article at the same time seals the fate of this application since the prior right concerns wyborcza.pl and the ‘.pl’ suffix is not included in the domain name. Therefore, the complete name of the prior right is not identical to the domain name. The documentary evidence regarding the registration of the name "Gazeta Wyborcza" as a press title, annexed to the Complaint, was not submitted within 40 days of the application and can therefore not be considered in this case. Moreover, such documentation may only provide evidence of rights to the name “Gazeta Wyborcza” which is not identical to the domain name. Consequently, the Panel finds that the Complainant has failed to prove the existence of a prior right in the name "wyborcza".

5. Domain names <aaaby.eu> and <blox.eu>
The Panel finds that the decision of the Registry to refuse the registration of the domain names <aaaby.eu> and <blox.eu> does not conflict with the Regulation. The documentary evidence submitted by the Complainant within 40 days of the application consists of letters, invoices and other documents regarding the Polish domain names <aaaby.pl> and <blox.pl> and (what according to Respondent are trademark applications for) a Polish device mark "AAABY.PL" and "blox.pl". Article 13.1.(ii) of the Sunrise Rules states explicitly that a trade mark application shall not be considered a Prior Right. A domain name registration can be considered as a prior right in the meaning of Article 10 of the Regulation, as set out above. However, the prior rights to "aaaby.pl" and "blox.pl" are not identical to the

domain names <aaaby> and <blox>. As the Complainant has failed to prove the existence of a prior right in the names "aaaby" and "blox", the Complaint is denied.

6. Domain names <avantimoda.eu> and <edziecko.eu>
The Panel finds that the decision of the Registry to refuse the registration of the domain names <avantimoda.eu> and <edziecko.eu> does not conflict with the Regulation. The documentary evidence submitted by the Complainant within 40 days of the application consists of letters, invoices and other documents regarding the Polish domain names <avantimoda.pl> and <edziecko.pl> commercial agreements and the front covers of the magazines Avanti and Dziecko. A domain name registration can be considered as a prior right in the meaning of Article 10 of the Regulation, as set out above. However, the prior rights to "avantimoda.pl" and "edziecko.pl" are not identical to the domain names <avantimoda> and <edziecko>.

The Panel rejects Complainant's argument regarding its prior right in other business identifiers. The Complainant did not submit documentary evidence within 40 days of its application consisting of either an extract from an official register mentioning the date on which the trade name was registered, as provided by Article 16.5 of the Sunrise Rules, or an affidavit signed by a competent authority, a relevant final judgment by a court or an arbitration decision Article, as provided by Article 12.3 of the Sunrise Rules.

DECISION

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

PANELISTS

Name	**Wolter Wefers Bettink**

DATE OF PANEL DECISION 2006-10-30

Summary

ENGLISH SUMMARY OF THIS DECISION IS HEREBY ATTACHED AS ANNEX 1

The Complainant contested the rejection made by the Respondent (EURid) to the Complainant's application for the domain names <automoto.eu>, <gazetapraca.eu>, <gazeta-praca.eu>, <nieruchomoscigazeta.eu>, <nieruchomosci-gazeta.eu>, <wyborcza.eu>, <aaaby.eu>, <avantimoda.eu>, <blox.eu> and <edziecko.eu>. The Panel orders that the Complaint is Denied.

The Panel finds that, in the cases where the Complainant demostrates a prior right in a name, the complete names of the prior rights are not identical to the domain names applied for, nor shall they be deemed identical pursuant to Article 11 of the Regulation.

The Panel disregards the additional documentary evidence, annexed to the Complaint.