Panel Decision for dispute CAC-ADREU-002831

Case number	CAC-ADREU-002831
Time of filing	2006-08-22 12:05:43
Domain names	sabanci.eu

Case administrator

Name	Tereza Bartošková

Complainant

Organization / Name	H.O. Sabanci Holding A.S., Elif Sen

Respondent

Organization / Name	Dimitros Galanopoulos

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

To the knowledge of the Panel, there are no other legal proceedings pending or decided that relate to the disputed Domain Name sabanci.eu.

FACTUAL BACKGROUND

The Complainant is H.O. Sabanci Holding A.S., a large Turkish company located in Istanbul, Turkey. Respondent is Mr. Dimitrios Galanopoulos, an individual with an address in Athens, Greece. The Registrar is Names 4Europe Limited, a UK company; according to the Eurid information it has a Greek telephone and fax number. Respondent registered the Domain Name <sabanci.eu> on 7 April 2006, the first day of the so-called Land Rush period.

A. COMPLAINANT

According to Complainant, Complainant was founded in 1967 by the Sabanci family and it is the parent company of Sabanci Group, one of Turkey's leading industrial and financial conglomerates. Complainant is the owner of many trademark registrations in Turkey and throughout the world, for marks consisting of the word SABANCI, of the SABANCI device mark (stylized script of the word SABANCI).In particular the SABANCI device mark is a registered Community Trademark CTM before the OHIM for the Complainant's name being under protection in all 25 member states of the European Union, with no. 000263236 since November 26, 1998 for services of class 35, 35, 38, 41 and 42. Apart from being a registered trademark for Complainant for almost 10 years and the trade name of Complainant for almost 40 years, the SABANCI trademark is a famous mark per article 6 bis 1 of Paris Convention, fulfilling well-known mark criteria set by WIPO.The Domain Name <sabanci.eu> is identical with the registered and well-known SABANCI trademark of Complainant. The <sabanci.eu> Domain Name of Respondant is confusingly similar with Complainant's trademarks. According to Complainant, the Respondent has no rights or legitimate interests in respect of the Domain Name and the Domain Name is being used in bad faith. Among other reasons, Complainant mentions the following. The disputed Domain Name <sabanci.eu> was registered on April 7, 2006 for the Respondent, who did not identify itself and who cited only its e-mail address as "Galanopoulos@casual.gr". Checking the EURid's Whois database, it is noted that there are no other relevant and identifying information for the Respondent, apart from its e-mail address. When visited the website belonging to the disputed Domain Name before applying to ADR Procedure, it is seen and documented with Annex 1 that the Domain Name which was created on April 7, 2006, was last updated on May 17, 2006, and ever since it was and still is not displaying any content in the related web site. Copy of the website with the notice of "unreachable site" is provided in Annex 8 .
The Complainant is the holder of registered rights on SABANCI trademarks and has been using the SABANCI trade name, which is also the family name of the Complainant's founders and major shareholders, for almost 40 years now. Further, SABANCI is not a generic name that is being widely used. Therefore Respondent cannot have rights in respect of the disputed Domain Name nor can it be commonly known by the disputed Domain Name.

Complainant request the Arbitration Board (the Panel) to revoke the registration by Respondent of the <sabanci.eu> Domain Name.

B. RESPONDENT

Respondent did not file a response.

DISCUSSION AND FINDINGS

The Panel finds the facts as presented by Complainant and not disputed by Respondent (who did not file a response) a typical example of “Domain Name grabbing”. The Panel has considered the statements and evidence as presented by Complainant with respect to the registration of the Domain Name by Respondent. The Domain Name <sabanci.eu> is identical and confusingly similar to the Community Trademark of Complainant. In addition, the Domain Name has been registered by Respondent without legitimate interest in the name and has been registered in bad faith in order to prevent Complainant from reflecting its Community Trademark in a corresponding Domain Name while the Domain Name has not been used by Respondent in a relevant way from the date of registration. The registration by Respondent is considered speculative and abusive. Therefore, the Panel decides that the Domain Name <sabanci.eu> of Respondent shall be revoked.

DECISION

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

PANELISTS

Name	**Dinant Oosterbaan**

DATE OF PANEL DECISION 2006-11-20

Summary

ENGLISH SUMMARY OF THIS DECISION IS HEREBY ATTACHED AS ANNEX 1

The Panel finds the facts as presented by Complainant and not disputed by Respondent (who did not file a response) a typical example of “Domain Name grabbing”. The Panel has considered the statements and evidence as presented by Complainant with respect to the registration of the Domain Name by Respondent. The Domain Name <sabanci.eu> is identical and confusingly similar to the Community Trademark of Complainant. In addition, the Domain Name has been registered by Respondent without legitimate interest in the name and has been registered in bad faith in order to prevent Complainant from reflecting its Community Trademark in a corresponding Domain Name while the Domain Name has not been used by Respondent in a relevant way from the date of registration. The registration by Respondent is considered speculative and abusive. Therefore, the Panel decides that the Domain Name <sabanci.eu> of Respondent shall be revoked.