Panel Decision for dispute CAC-ADREU-003748

Case number	**CAC-ADREU-003748**
Time of filing	**2006-11-10 13:01:35**
Domain names	**endothil.eu, formula9.eu, hylexin.eu, idebenol.eu, kleinbecker.eu, lipexplosion.eu, oxydrene.eu, relacore.eu, retiva.eu, sovage.eu, strivectin.eu, zantrex.eu**

Case administrator

Name	**Josef Herian**

Complainant

Organization / Name	**International NC I B.V., Arnold van der Heide**

Respondent

Organization / Name	**03748 Ovidio Ltd**

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 names.

FACTUAL BACKGROUND

According to Complainant it acts as licensee within the European Union of certain intellectual property rights owned by various US companies. The license agreements relate to Benelux or Community trademarks. The trademarks are identical to the 12 Domain Names which were obtained by Respondent during the so-called Land Rush period and which are the subject of the Complaint.

A. COMPLAINANT

According to Complainant in its lengthy complaint, it is licensee of various intellectual property rights, including Community and Benelux trademarks, which are owned by US companies. These names and trademarks have been extensively used in various countries worldwide by those US companies and its licensees for products and services in the field of cosmetics and wellbeing. Based on its rights as a licensee, and with the knowledge and consent of the licensor US companies, Complainant has tried to register a number of .eu domain names corresponding to those names in which it holds the rights. It succeeded in registering eight domain names; another twelve had already been registered by Respondent. According to Complainant those twelve .eu domain names, identical or nearly identical to the names in which Complainant has rights, have all been registered in obvious bad faith by the Ovidio group of companies, which operates out of Cyprus. According to Complainant the Ovidio group of companies is known for its domain name “warehousing” activities. Complainant requests the transfer of the domain names which are the subject of the Complaint, because the Complainant qualifies as a right owner. Complainant requests the Arbitration Board (the Panel) to decide that the Domain Names are transferred to Complainant. Complainant concludes by requesting a transfer of the Domain Names to Complainant.

B. RESPONDENT

Respondent has filed a 23-page response including several Annexes. Respondent stipulates without admission that it agrees with the requested transfer of the Domain Names to Complainant. According to Respondent such stipulation constitutes a settlement within the meaning of Paragraph 4(a) of the ADR rules. As the Respondent primarily agrees with the requested transfer, the subsidiary arguments of Respondent that it contests the various statements and arguments of Respondent are not mentioned in this summary of the contentions of Respondent.

DISCUSSION AND FINDINGS

In the unanimous opinion of the Panel, in the event a Respondent explicitly agrees with a transfer of the Domain Names as requested by Complainant, the Panel is able to order the requested relief. If a Complainant requests a transfer of the Domain Names and such request is agreed to Respondent, the Panel recognizes the requests of the two parties. The Panel does not make any other findings of fact, but

will make the only order that is appropriate in the circumstances which is an order for the transfer of the Domain Name to Complainant. For the avoidance of doubt, the Panel does not decide whether the stipulation by Respondent that it agrees with the requested transfer can be considered a settlement within the meaning of Paragraph (4a) of the ADR Rules, nor does it decide the question whether the registration by Respondent of the Domain Names was without rights or legitimate interest or made in bad faith.

DECISION

For all the foregoing reasons, in accordance with Paragraphs B12 (b) and (c) of the Rules, the Panel orders that the domain name ENDOTHIL, FORMULA9, HYLEXIN, IDEBENOL, KLEINBECKER, LIPEXPLOSION, OXYDRENE, RELACORE, RETIVA, SOVAGE, STRIVECTIN, ZANTREX be transferred to the Complainant.

PANELISTS

Name	**Thomas Johann Hoeren**

DATE OF PANEL DECISION 2007-02-13

Summary

ENGLISH SUMMARY OF THIS DECISION IS HEREBY ATTACHED AS ANNEX 1

In the unanimous opinion of the Panel, in the event a Respondent explicitly agrees with a transfer of the Domain Names as requested by Complainant, the Panel is able to order the requested relief. If a Complainant requests a transfer of the Domain Names and such request is agreed to Respondent, the Panel recognizes the requests of the two parties. The Panel does not make any other findings of fact, but will make the only order that is appropriate in the circumstances which is an order for the transfer of the Domain Name to Complainant. For the avoidance of doubt, the Panel does not decide whether the stipulation by Respondent that it agrees with the requested transfer can be considered a settlement within the meaning of Paragraph (4a) of the ADR Rules, nor does it decide the question whether the registration by Respondent of the Domain Names was without rights or legitimate interest or made in bad faith.