Panel Decision for dispute CAC-ADREU-004393

Case number	**CAC-ADREU-004393**
Time of filing	**2007-03-29 12:04:11**
Domain names	**cias.eu**

Case administrator

Name	**Tereza Bartošková**

Complainant

Organization / Name	**Česká inženýrská a.s., Karel Götz**

Respondent

Organization / Name	**Ovidio Limited, Domain Name: CIAS.eu Ovidio Limited**

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

N/A

FACTUAL BACKGROUND

The Complainant asked the domain name “CIAS” to be transferred to the Complainant because of his priority right based on the national combined trademark “CIAS” registered in the Czech Republic.

The Respondent did not provide its standard response to the Complaint but from the documents delivered to the Panel it is clear, that the Respondent has not registered any trademark “CIAS”, neither did he prove any other priority right.

Both Parties finally concluded on April 20, 2007 an agreement on transfer of the domain name to the Complainant (herein as “the Agreement”) and based on this Agreement, namely Article 2, they requested the Panel only to do the following: (i) acknowledging the settlement contained in the Agreement; (ii) issuing an instruction directed to EURid’s stating that the domain name .eu “CIAS” shall be transferred to the Complainant, and (iii) thereafter ordering that the proceeding be concluded.

A. COMPLAINANT

The Complainant argued that he has legitimate interest because of his priority rights – registered trademarks.

No further details are necessary because of the settlement of the Parties.

B. RESPONDENT

The Respondent has not responded to the Complaint.

The main reason was that there was a settlement agreement between the Parties.

DISCUSSION AND FINDINGS

1. All procedure requirements for .eu dispute resolution (ADR) were met.

2. The main question for the decision is whether the Respondent was a rightful holder of the domain name “CIAS” taking into consideration the priority rights of the Complainant in accordance with the Commission Regulation (EC) No. 874/2004.

3. The Panel/the Panelist carefully reviewed contentions of both Parties and rights and obligations of the Parties according to the ADR

Rules, the Commission Regulation (EC) No. 874/2004 and the Regulation (EC) No. 733/2002.

4. When deciding the case, the Panel/the Panelist have carefully reviewed and respected non-standard communications of both Parties, the Complainant's non-standard communication dated May 4, 2007, including annex dated April 20, 2007, and non-standard communication of the Respondent dated May 4, 2007 without annexes but referring to the annex presented by the Complainant which is a letter – Agreement between the Parties on the transfer of the domain name.

5. Because of the fact that the Parties have instructed in the Agreement the Court/the Panel/the Panelist to do only specific things based on the Agreement, the Panel/the Panelist respected the wish of the Parties and decided only on the issues which the Parties wanted to be part of the decision.

6. It was proven by the Complainant and from public sources that the Complainant satisfied the general criteria for registration set out in § 4 (2) (b) of the Regulation (EC) No. 733/2002.

7. The Panel/the Panelist is, however, of the opinion that the Agreement between the Parties corresponds to the factual background of the case and to the expected decision if the decision had to be awarded without the settlement (Agreement) of the Parties.

DECISION

For all the foregoing reasons, in accordance with Paragraphs B12 and B11 (b) of the ADR Rules, the Panel/the Panelist orders that the domain name "CIAS" be transferred to the Complainant, i.e. the company Česká inženýrská a.s., with its seat in Prague, Ve Střešovičkách 43/166, Czech Republic, Identification No.: 25086880. The decision shall be implemented by the Registry within thirty (30) days after the notification of the decision to the Parties, unless the Respondent initiates court proceedings in a Mutual Jurisdiction.

PANELISTS

Name	**Vit Horacek**

DATE OF PANEL DECISION 2007-05-18

Summary

ENGLISH SUMMARY OF THIS DECISION IS HEREBY ATTACHED AS ANNEX 1

The Complainant requested disputed domain name "CIAS" to be transferred to the Complainant. It was proven that the Complainant has registered and is owner of different trademarks used mainly in the Czech Republic. The Respondent did not provide any response to the Complaint but rather negotiated with the Complainant on the transfer of the domain name. Finally, in the ADR proceedings itself, the Parties came to the conclusion that there is a right of the Complainant disputed name to be registered in its favour and executed an agreement on the transfer of the domain name to the Complainant. This agreement contained an instruction to the Panel/the Panelist based on a wish of both Parties the disputed domain name to be transferred to the Complainant. This agreement was provided within non-standard communication to the Panel/the Panelist. The Panel/the Panelist verified all the claim, agreement and also public sources and eligibility to transfer domain name "CIAS" to the Complainant.

Based on the evidence of the Complainant and namely on the Agreement of the Parties made in the ADR proceedings, the Panel/the Panelist decided that the domain name "CIAS" is transferred to the Complainant, the company Česká inženýrská a.s.