# Panel Decision for dispute CAC-ADREU-004723

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| Case number | CAC-ADREU-004723 |
| Time of filing | 2007-10-17 10:17:44 |
| Domain names | videx.eu |

## Case administrator

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| Name | Josef Herian |

## Complainant

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| Organization / Name | BRISTOL-MYERS SQUIBB BELGIUM S.A., . |

## Respondent

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| Organization / Name | Aphrodite Ventures, Ltd., Aphrodite Ventures, 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

None.

FACTUAL BACKGROUND

The Complainant, Bristol-Meyers Squibb Belgium S.A., is part of a major pharmaceutical group which possesses trademarks in many countries for an anti-viral product denominated as Videx that is sold worldwide for treatment of HIV infection. The Complainant submitted voluminous evidence of the trademarks it holds.

The Respondent is a UK company to whom videx.eu was registered at the beginning of the "landrush" period. This was the point when .eu domain names not applied for by claimants of prior rights during a "sunrise" period became available to any eligible applicant on a first-come, first-served basis.

Following submission of the Complaint, the Respondent in its Response stated that it was "willing to transfer the domain name without due delay if the claimant withdraws the ADR".

The Czech Arbitration Court then intervened to point out a procedural defect in the Response, namely the absence of assurance that a hard copy of the Response was being sent to the Court. The Respondent amended its Response to provide that assurance.

On 20 December 2007 the Court informed the Parties that the expected latest date for decision in this case was Sunday 20 January 2008.

No further communication was made by either Party.

A. COMPLAINANT

The Complainant invoked Art. 21 of Commission Regulation (EC) No. 874/2004 (speculative and abusive registrations), denying the Respondent had any right or legitimate interest in the name "videx" and supporting this contention with screenshot evidence of the Respondent's www.videx.eu website that showed no particular connection between the website's content and the name "videx". Various other contentions were also made, but these do not require consideration in light of the main contention being uncontested.

B. RESPONDENT

The Respondent took no position on the Complainant's contentions.

DISCUSSION AND FINDINGS

The Panel takes note of the Respondent's willingness for the domain name videx.eu to be transferred to the Complainant. It still remains for the Panel to determine whether the Complainant has made out its case.

1. The Complainant has shown in the evidence it submitted that it has a right which is recognised or established by national and/or Community law in the sense of Art. 21 of Commission Regulation (EC) No. 874/2004.

2. It has also proved in its evidence that:

(i) the domain name is identical to its registered denomination "Videx"; and
(ii) the domain name has been registered by the Respondent without rights or legitimate interest in the name, as shown by the absence of any particular connection between the content of the Respondent's www.videx.eu website and the name "videx".

Such proof therefore meets the requirements of Art. B11(d) of the ADR Rules.

The Panel lastly notes that the Complainant submitted extensive evidence as to its eligibility for eu registration but that this is not an issue on which the Panel is called upon to decide.

DECISION

For the foregoing reasons, and in accordance with Arts. B11 (d) and 12 of the Rules, the Panel orders that the domain name videx.eu be transferred to the Complainant.

## PANELISTS

| Name | **Dr Kevin Madders** |
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DATE OF PANEL DECISION 2008-01-18

## Summary

ENGLISH SUMMARY OF THIS DECISION IS HEREBY ATTACHED AS ANNEX 1

The Complainant is part of a pharmaceutical group having trademarks for an anti-HIV treatment sold around the world. The Respondent obtained videx.eu after the end of the .eu "sunrise" period.

Following the Complaint in this case, the Respondent stated that it would transfer the domain name if the Complainant withdrew the claim.

No further communication was made by either Party.

The Complaint denied the Respondent had any right or legitimate interest in the sense of Art. 21 of Commission Regulation (EC) No. 874/2004, substantiating its own right and interest in the name "videx" with extensive evidence as well as a screenshot of www.videx.eu showing no special feature linked to that name.

The Panel took the view that the Complainant’s other contentions did not require consideration since this main contention was uncontested.

The Panel took due note of the Respondent's willingness to transfer the domain name. Nevertheless, the Panel considered itself obliged still to examine whether the Complainant had made out its case.

The Panel found that the Complainant’s evidence had shown a right which is recognised or established by national and/or Community law and that, for the purposes of Art. B11(d) of the ADR Rules:

(i) the domain name is identical to the Complainant's registered denomination "Videx"; and

(ii) the domain name has been registered by the Respondent without rights or legitimate interest in the name.

The Panel also noted evidence the Complainant had submitted as to its eligibility for .eu registration but found that this was not an issue on which the Panel was called upon to decide under the ADR Rules.

The Panel ordered the domain name videx.eu to be transferred to the Complainant.