Panel Decision for dispute CAC-ADREU-005776

Case number	**CAC-ADREU-005776**
Time of filing	**2010-07-30 08:02:23**
Domain names	**russellathletic.eu**

Case administrator

Name	**Tereza Bartošková**

Complainant

Organization / Name	**Fruit of the Loom Ltd, Brian Peacock**

Respondent

Organization / Name	**Mohammed Ali**

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

The Panel has not been informed of any legal proceedings related to the disputed domain name.

FACTUAL BACKGROUND

The Complainant is “Fruit of the Loom Limited, Brian Peacock” with an address at Accounts Payable Department, Halesfield 10G,Telford, Shropshire, TF7 4QP, United Kingdom.

The Respondent is Mr. Mohammed Ali of 21 Waterhouse Moor, Harlow, CM18 6BA, United Kingdom.

The disputed domain name – russellathletic.eu – was initially registered with Hostbasket n.v. which has an address in Belgium.

The Complaint was filed on July 13, 2010. Initially it was deficient but, after EURid had provided its verification on July 29, 2010, the Complainant was notified of the deficiencies, and the Complaint was immediately rectified. On the same day, July 29, 2010, the Respondent was notified of the Complaint.

An e-mail from the Respondent was received by the Center on August 11, 2010.

Replies from the Complainant were received on August 11 and 25, 2010.

On September 13, 2010 the Center notified the Respondent that he had failed to comply with the deadline for submitting a Response and that the dispute would therefore proceed.

A. COMPLAINANT

The name RUSSELL ATHLETIC is a registered trade mark.

The Complainant has several wholly owned subsidiaries, including Russell Europe and Russell Holdings Europe b.v. On February 1, 2007 the latter company had agreed to purchase the disputed domain name <russellathletic.eu> from its owner, Mr. Mohammed Ali who is the Respondent in this Complaint and a sale was agreed. However it did not subsequently chase up the transfer of it from the Respondent.

On discovering that no transfer had taken place, the Complainant filed this Complaint.

B. RESPONDENT

In his only response to the Complaint, namely a short e-mail, the Respondent confirms that he had originally received payment for the

disputed domain name and that he thought that the transfer had been completed at the time. He believed that he had performed all the necessary steps and stated that he was happy for the disputed domain name to be transferred.

Nothing more was heard from the Respondent directly, but the Complainant forwarded copies of correspondence it had exchanged with him after the filing of the Complaint, which confirmed his willingness to resolve the matter. However the Complainant subsequently stated that further communication with the Respondent had been unsuccessful.

Two weeks later the Complainant stated that the owner details of the disputed domain name still showed the Respondent's details.

DISCUSSION AND FINDINGS

This is a case of faulty communications. A sale of the disputed domain name had been agreed between the Respondent and one of the Complainant's subsidiaries in February 2007. The Respondent received the amount he had agreed as the purchase price, and he was under the impression that he had done everything necessary to effect a transfer of the name.

However it would seem that somewhere along the line the purchaser failed to pursue the transfer and the mistake only came to light in 2010, at which stage the parent company of the purchaser filed this Complaint.

The Respondent is quite happy to allow the transfer to proceed, the Complainant wishes it, and the Panel can see no reason why this should not occur.

DECISION

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

the domain name RUSSELLATHLETIC be transferred to the Complainant

PANELISTS

Name	**David Tatham**

DATE OF PANEL DECISION 2010-10-01

Summary

ENGLISH SUMMARY OF THIS DECISION IS HEREBY ATTACHED AS ANNEX 1

One of the Complainant's subsidiary companies agreed with the Respondent to purchase the disputed domain name <russellathletic.eu> in 2007 but failed to follow up the agreed transfer.

When the Complainant became aware that the domain name was still registered in the name of the Respondent, a Complaint was filed.

In correspondence, the Respondent expressed surprise as he believed he had done everything necessary to effect a transfer of the name. He also expressed his willingness for the transfer to proceed and accordingly the Panel ordered the transfer of the disputed domain name <russellathletic> to the Complainant.