Panel Decision for dispute CAC-ADREU-008490

Case number	**CAC-ADREU-008490**
Time of filing	**2023-02-27 12:37:38**
Domain names	**chroot.eu**

Case administrator

Organization	**Iveta Špiclová (Czech Arbitration Court) (Case admin)**

Complainant

Organization	**Chroot Network SRL**

Respondent

Name	**Abou Zakhm Bernadette Selim**

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 is not aware of any other legal proceedings relating to the disputed domain name.

FACTUAL BACKGROUND

The Complainant is the owner of the trademark CHROOT registered in Romania under number 186913 as of 14 April 2022. The Complainant had registered <chroot.eu> but failed to renew it in time due to an error and it was registered by the Respondent. The Complainant has also registered <chroot.ro>, <chroot.fr> and <chroot.it>.

The Complainant has received an e-mail apparently from someone at Sedo stating: "On behalf of Sedo I am monitoring the negotiations for chroot.eu. I was wondering if I can assist you in acquiring this domain? The last offer from the owner of the domain was 12500 EUR, which is probably still negotiable. I'd be happy to speak to the owner to find out, if they are interested in selling the domain for a price within your budget. Would you be willing to share your budget with me?"

The domain name does not currently locate any web page.

A. COMPLAINANT

The Complainant contends that the disputed domain name is identical or similar to its registered brand. The Complainant further contends that the domain name can create confusion among consumers and negatively affect its reputation and business, that the Respondent does not have any right to use the Complainant's brand name and that the domain name is being used illegally and without the Complainant's permission.

The Complainant observes that according to the terms and conditions of registering domain names, registering a domain name speculatively and contrary to public interest and morality is forbidden.

B. RESPONDENT

The Respondent has not submitted any response to the Complaint.

DISCUSSION AND FINDINGS

The Panel finds that the disputed domain name is identical to a mark in which the Complainant has a registered right under the law of Romania, an EU Member State. The Panel further finds that the disputed domain name has been registered by the Respondent without any rights or legitimate interests and also in bad faith. The disputed domain name does not correspond to the Respondent’s name and it appears that the Respondent has not made any active use of it or of any corresponding name for any offering of goods or services or any other fair or legitimate use. Moreover, the circumstances indicate that it was registered for the purpose of sale to the Complainant. The Respondent has not answered

the Complainant's evidence that it was previously registered by the Complainant, but its registration lapsed, and the Complainant was invited to pay a substantial sum to recover it.

The Complainant satisfies the eligibility criteria to register a .eu domain since it is an undertaking established in the EU.

DECISION

For all the foregoing reasons, in accordance with Paragraphs B12 (b) and (c) of the Rules, the Panel orders that the domain name <chroot.eu> be transferred to the Complainant.

PANELISTS

Name	**Jonathan Turner**

DATE OF PANEL DECISION 2023-05-28

Summary

ENGLISH SUMMARY OF THIS DECISION IS HEREBY ATTACHED AS ANNEX 1

I. Disputed domain name: chroot

II. Country of the Complainant: Romania, country of the Respondent: France

III. Date of registration of the domain name: 13 March 2017

IV. Rights relied on by the Complainant (B(11)(f) ADR Rules) on which the Panel based its decision:
1. word trademark registered in Romania, reg. No. 186913, for the term of 10 years, filed on 14 April 2022, registered on [12 October 2022 in respect of goods and services in classes 38 and 42

V. Response submitted: No

VI. Domain name is identical to the protected right of the Complainant

VII. Rights or legitimate interests of the Respondent (B(11)(f) ADR Rules):
1. No
2. Why: No use and no connection. Complainant's statement accepted in absence of any response.

VIII. Bad faith of the Respondent (B(11)(e) ADR Rules):
1. Yes
2. Why: Circumstances indicating registration for purpose of sale.

IX. Other substantial facts the Panel considers relevant: None

X. Dispute Result: Transfer of the disputed domain name

XI. Procedural factors the Panel considers relevant: None

XII. Is Complainant eligible? Yes