Panel Decision for dispute CAC-ADREU-008539

Case number	**CAC-ADREU-008539**
Time of filing	**2023-10-13 10:08:39**
Domain names	**starinteriors.eu**

Case administrator

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

Complainant

Name	**Pavle Milovanovic**

Respondent

Name	**Dragan Miculovic**

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

Not applicable / Ma japplikax

FACTUAL BACKGROUND

Jeżisti d-dominju www.starinteriors.eu li għadu aċċessibbli u li jidher li jintuża biex jippromwovi is-servizzi ta' kumpanija li tagħmel xoghol ta' "turnkey contracting", "interior design" u "final finishing" f'Malta. Mill-evidenza ippreżentata jidher li tilwima bejn l-azzjonisti f'din il-kumpanija ġiet riżolta permezz ta' xiri tal-ishma tar-Rispondent Dragan Miculovic fl-istess kumpanija mill-Lmentatur Pavle Miolvanovic.

A. COMPLAINANT

L-ilmentatur iddikjara u ppreżenta evidenza dokumentarja li xtara l-ishma tal –kumpanija Star Interiors Limited, kumpanija irreġistrata Malta bin-numru C-86406 u dan permezz ta' kuntratt magħmul fil-preżenza tal-Avukat Gianfranco Gauci, Birkirkara, Malta, nhar it-tmintax ta' Mejju 2023 bejn l-ilmentatur Pavle Milovanovic u r-Rispondent Dragan Miculovic. Gie ippreżentat ukoll dokument separat li jġib l-istess data tat-tmintax ta' Mejju 2023 izda li mhux iffirmat u li ma jidhirx li jaghmel parti formali mill-istess kuntratt, iżda li ghandu sura ta' rċevuta mogħtija mill-Lmentatur Pavle Milovanovic lir-Rispondent Dragan Miculovic u li tinkludi espliċitament id-dominju www.starinteriors.eu. L-ilmentatur qiegħed jgħid li l-assi diġitali kienu inklużi meta xtara l-ishma fil-kumpanija Star Interiors Limited.

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B. RESPONDENT

ir-Rispondent naqas milli jibgħat risposta u dan minkejja li gie mfakkar.

DISCUSSION AND FINDINGS

Teżisti ftit ambigwita' jekk it-trasferiment tad-drittijiet fuq' l'ishma kienx jinkludi wkoll l-assi kollha tal-kumpanija inkluż dawk diġitali msemmija espliċitament fl-irċevuta mhux iffirmata annessa bħala parti mill-evidenza, iżda fl-assenza ta' kontroprova, hu verosimili li wara li ffirmaw kuntratt magħmul quddiem l-Avukat Gianfranco Gauci, il-partijiet marru lura fl-uffiċċju tal-kumpanija Star Interiors fejn ghamlu trasferiment ta' xoghol u assi li kienu jinkludu l-assi diġitali imsemmija fl-istess irċevuta.

DECISION

Deċiżjoni tal-Panel fil-każ CAC-ADREU-008539

Rat ir-rikors tal-ilmentatur.

Rat li r-Rispondent naqas milli jibgħat risposta u għaldaqstant ma jidherx li qiegħed jikkuntesta l-evidenza ippreżentata mill-ilmentatur.

Ghaldaqstant, in vista tal-provvedimenti applikabbli u speċjalment

The transfer or revocation of the disputed .eu domain name may be ordered if the following requirements stipulated by article 4 of EU Regulation 2019/517 are met:

The name is identical or confusingly similar to a name in respect of which a right is established by Union or national law, and where it:

(a) has been registered by its holder without rights or legitimate interest in the name; or

(b) has been registered or is being used in bad faith.

U jidher li huwa probabbli li l-lmentatur akkwista d-drittijiet fuq id-dominju www starinteriors.eu permezz tal-kuntratt tat-tmintax ta' Mejju 2023, jordna li dan id-domijnu jiġi trasferit lill-ilmentatur Pavle Milovanovic.

-- English summary -------------------------------------

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

the domain name <starinteriors.eu> be transferred to the Complainant

PANELISTS

Name	**Joseph Cannataci**

DATE OF PANEL DECISION 2023-10-13

Summary

ENGLISH SUMMARY OF THIS DECISION IS HEREBY ATTACHED AS ANNEX 1

I. Disputed domain name: <starinteriors.eu>

II. Country of the Complainant: Malta, country of the Respondent: Malta

III. Date of registration of the domain name: 27 April 2018

IV. Rights relied on by the Complainant (B(11)(f) ADR Rules) on which the Panel based its decision:
other: contract submitted as evidence of transfer of shares in a company with an identical name to the disputed domain name and probable inclusion of digital assets in those covered by share transfer

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

VIII. Bad faith of the Respondent (B(11)(e) ADR Rules):
1. No

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: non-response

XII. Is Complainant eligible? Yes