Panel Decision for dispute CAC-ADREU-008547

Case number	CAC-ADREU-008547
Time of filing	2023-10-27 16:18:44
Domain names	globalmaritimegroup.eu

Case administrator

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

Complainant

Organization	Global Maritime Group LLC

Respondent

Name	Schuhmacher Markus

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 pending or decided proceedings which relate to the disputed domain name.

FACTUAL BACKGROUND

The Complainant is a company registered in the Seychelles, claims that he had the disputed domain name registered for itself for many years. A Mr. Sverre Dokken is the director of the Complainant, with an address in Monaco. Complainant generally claims to had the domain name registered „with a few of our services and project“. Complainant states that the disputed domain name got lost for the Complainant when related fees were not paid. No further information was provided.

A. COMPLAINANT

The Complainant wants the disputed domain name transferred to him.

B. RESPONDENT

Respondent did not respond.

DISCUSSION AND FINDINGS

In accordance to Article 4 (4) of Regulation (EU) 2019/517 of the European Parliament and of the Council of 19 March 2019 on the implementation and functioning of the .eu top-level domain name and amending and repealing Regulation (EC) No 733/2002 and repealing Commission Regulation (EC) No 874/2004 (hereinafter referred to as: ‘Regulation’) a domain name may also be revoked, and where necessary subsequently transferred to another party, following an appropriate ADR or judicial procedure, in accordance with the principles and procedures on the functioning of the .eu TLD laid down pursuant to Article 11, where that 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.

The Panel cannot identify any of the above requirements in the complaint filed. The only right being mentioned is a company name right Complainant may have for his company which is registered in the Seychelles. It was neither claimed nor was related information provided why this could be a right established by the European Union or a national law of the member states.

It is not claimed nor evident that Respondent may have no rights or a legitimate interest in the disputed domain name.

It is not claimed nor evident that Respondent may have registered or used the disputed domain name in bad faith.

The Panel shall decide the Complaint on the basis of the statements and documents submitted and in accordance with the Procedural Rules (Art 11 ADR Rules). Although, the Panel, in accordance with Art 7 of the ADR Rules may permit at its sole discretion, to conduct its own investigations on the circumstances of the case, he is not obliged to, and can in no event build the entire case for the Complainant, in particular since the Panel shall ensure that the Parties are treated fairly and equally.

DECISION

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

PANELISTS

Name	**Dietrich Beier**

DATE OF PANEL DECISION 2023-10-27

Summary

ENGLISH SUMMARY OF THIS DECISION IS HEREBY ATTACHED AS ANNEX 1

I. Disputed domain name: globalmaritimegroup.eu

II. Country of the Complainant: Seychelles (Complainant´s director´s address in Monaco), country of the Respondent: Germany

III. Date of registration of the domain name: 27 March 2023

IV. Rights relied on by the Complainant (B(11)(f) ADR Rules) on which the Panel based its decision:None

V. Response submitted: No

VI. No right was substantiated.

VII. Rights or legitimate interests of the Respondent (B(11)(f) ADR Rules):
It is not claimed nor evident that Respondent may have no rights or a legitimate interest in the disputed domain name.

VIII. Bad faith of the Respondent (B(11)(e) ADR Rules):

It is not claimed nor evident that Respondent may have registered or used the disputed domain name in bad faith.

IX. Other substantial facts the Panel considers relevant: None

X. Dispute Result: Complaint denied

XI. Procedural factors the Panel considers relevant: None