Panel Decision for dispute CAC-ADREU-008734

Case number	CAC-ADREU-008734
Time of filing	2025-04-11 13:28:07
Domain names	sutton.eu

Case administrator

Olga Slanařová (Case admin)

Complainant

Name	Nicholas Robert Sutton

Respondent

Organization	Sutton Services

Respondent representative

Organization	Sutton Services

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 pending or related legal proceedings.

FACTUAL BACKGROUND

The disputed domain name, <sutton.eu> was registered in 2006 by a company established in the UK, when the UK was a member state of the EU.

A. COMPLAINANT

The Complainant states that the current EURid WHOIS data shows the disputed domain name has been registered to "Sutton Services" which is a UK based company without any operation in the EU. Further the WHOIS data shows the Registrant email as info@toltech.co.uk, which is a UK based Digital Marketing Company offering domain registration services. This WHOIS record incorrectly lists address details of Paris, France. The URL "https://sutton.eu" redirects to "https://www.sutton-services.co.uk/" and this website lists no EU based operational locations. There is no active use of the domain "sutton.eu."

The Complainant claims rights to the ownership of <sutton.eu> domain registration due to my family name of Sutton, my French nationality, and residence in France.

B. RESPONDENT

The Respondent contends it registered the disputed domain name, "sutton.eu" in 2006 when the UK was a member state of the EU. The Respondent claims that the registration was conducted in good faith and with a legitimate interest. The disputed domain name has been used continuously since registration, primarily as a redirect to Respondent´s primary website. It does work in the EU, in Ireland and it also does business internationally in the UAE, KSA, and Oman but the EU is a main market and there are expansion plans.

The Respondent contends it registered and uses the disputed domain name in good faith before Brexit. There is no evidence of speculative or abusive registration of "sutton.eu." The domain has always been used for legitimate business purposes and it does business in the EU and plans to expand in the EU.

DISCUSSION AND FINDINGS

The Respondent registered the domain name in good faith before Brexit and it remains in use.

The Panels note that pre-Brexit holders rights are expressly saved by art. 19 of the 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

See: "Article 19 Transitional provisions

1. Domain name holders that have domain names that were registered pursuant to point (b) of Article 4(2) of Regulation (EC) No 733/2002 shall retain their rights in relation to the existing registered domain names. "

point (b) of Article 4(2) of Regulation (EC) No 733/2002 provided:

2. The Registry shall:

(b) register domain names in the.eu TLD through any accredited.eu Registrar requested by any:

(i) undertaking having its registered office, central administration or principal place of business within the Community, or

(ii) organisation established within the Community without prejudice to the application of national law, or

(iii) natural person resident within the Community;

The disputed domain name was validly registered when the Respondent was eligible and the regulations expressly provide that such rights are retained.

The other grounds relied on are rejected.

The Complainant appears to be motivated by opportunism here, they would like the disputed domain name without paying for it.

The Panel denies the complaint.

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	Victoria McEvedy

DATE OF PANEL DECISION 2025-04-11

Summary

ENGLISH SUMMARY OF THIS DECISION IS HEREBY ATTACHED AS ANNEX 1

I. Disputed domain name: [sutton.eu]

II. Country of the Complainant: [France], country of the Respondent: [UK]

III. Date of registration of the domain name: [2006]

IV. Rights relied on by the Complainant (B(11)(f) ADR Rules) on which the Panel based its decision:
10. family name:
11. other:

V. Response submitted: [Yes]

VI. Other substantial facts the Panel considers relevant: Brexit case putting eligibility of owner in issue

X. Dispute Result: [Complaint denied]

XI. Procedural factors the Panel considers relevant:

XII. [If transfer to Complainant] Is Complainant eligible? [Yes/No]