Panel Decision for dispute CAC-ADREU-008816

Case number	CAC-ADREU-008816
Time of filing	2025-09-30 18:02:17
Domain names	indect-project.eu

Case administrator

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

Complainant

Organization	DS Corporate Finance

Respondent

Name	Steven Horn

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

Complainant claims defamatory content on the website under the disputed domain name as well as the publication of photos subject to copyright.

A. COMPLAINANT

The Complainant claims being the subject of a defamatory blog post published under the disputed domain name, which contains a number of false, misleading and harmful statements targeting the Complainant. In addition to this, the site shall use two photographs of the Complainant without his permission and without a licence. The Complainant is the exclusive rights holder to both images. The unauthorised use of these images constitutes a clear infringement of his intellectual property and personality rights. Furthermore, the domain provides no valid contact or identification information, and attempts to contact the website operator directly have failed. This violates Article 5 of the EU eCommerce Directive, EURid's WHOIS accuracy obligations, and the transparency requirements set forth in the .eu Domain Name Policy. The domain is being used in bad faith, within the meaning of Article 21 of Regulation (EC) No 874/2004, as it was registered and is maintained for the primary purpose of harming the Complainant's reputation, while evading accountability through anonymity. The Complainant has submitted formal takedown and abuse notices to the hosting provider, the domain registrar and EURid, but no corrective action has been taken. In view of all that the Complainant requests that the domain <indect-project.eu> be revoked or, alternatively, transferred to the Complainant, in accordance with the ADR Rules.

B. RESPONDENT

The Respondent did not file a response.

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 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.

In the present case, the Panel cannot identify any of the above requirements in the complaint filed.

Complainant did not show any **name** right such as a Trademark, personal name, company name or other identifier being similar to the disputed domain name <indect-project.eu>. The EU-alternative dispute resolution system is not a general resolution system for all Intellectual property rights disputes, but only for those disputes being domain name related where the claimed right is in a relation to the disputed domain name itself and not only to the content available under the disputed domain name.

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 alleged use of copyrighted photos or alleged infringement of other intellectual property rights may be subject to infringement courts, but not to the above-mentioned regulation on .eu domain names.

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 2025-09-30

Summary

ENGLISH SUMMARY OF THIS DECISION IS HEREBY ATTACHED AS ANNEX 1

I. Disputed domain name: indect-project.eu

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

III. Date of registration of the domain name: 8 April 2020

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. Domain name neither identical nor confusingly similar to the protected right/s of the Complainant

VII. Rights or legitimate interests of the Respondent (B(11)(f) ADR Rules):
1. Yes
2. No indication to the contrary:

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

IX. Other substantial facts the Panel considers relevant: None

X. Dispute Result: Complaint denied

XI. Procedural factors the Panel considers relevant: None

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