Panel Decision for dispute CAC-ADREU-008870

Case number	CAC-ADREU-008870
Time of filing	2025-12-30 01:44:10
Domain names	cost-gemstone.eu

Case administrator

	Olga Slanařová (Case admin)

Complainant

Organization	UM SOPRO DE ALEGRIA LDA

Complainant representative

Organization	UM SOPRO DE ALEGRIA - LDA

Respondent

Organization	Erasmus MC

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 decided legal proceedings related to the disputed domain name.

FACTUAL BACKGROUND

The Complainant is UM SOPRO DE ALEGRIA LDA of Portugal.

The domain name <cost-gemstone.eu> was originally registered on behalf of the Complainant and used for a website promoting an EU funded project.

Due to a failure in the renewal process, the domain name expired and was registered by the Respondent on September 17, 2025. It resolves to a website with pornographic content.

The Complainant filed a Complaint on November 13, 2025, and filed an Amended Complaint on November 21, 2025.

A. COMPLAINANT

The Complainant states that the disputed domain name was originally registered and used as the official website for the EU-funded COST Action GEMSTONE project (Grant CA18139 – Genomic Research and Information Management in Animal Health).

The domain name was actively used for several years as the main public-facing communication channel of the Action, and it was referenced in project materials, publications, and communication with stakeholders.

Due to an unexpected failure in the automatic renewal payment, the domain name expired and was subsequently registered by an unrelated third party. Immediately after registration, the new holder began using the domain name to host pornographic and inappropriate content, which is entirely unrelated to the project and severely damaging to the reputation of an official European research initiative.

According to the .eu Domain Name Registration Policy, this constitutes abusive registration (misleading use of a previously legitimate project domain name); bad-faith use (publication of inappropriate material intended to attract traffic from the original domain name's audience); and violation of the public interest and good faith principles applicable to EU-funded projects.

The current use of the domain name is clearly intended to exploit the prior reputation and established identity of the COST Action, misleading users who continue to search for the project under its previous domain name.

Given the previous legitimate rights and the demonstrable misuse by the current registrant, the Complainant respectfully requests that the domain name be transferred back to the project's representatives, or revoked if transfer is not possible.

B. RESPONDENT

The Respondent did not file any response to the complaint and was found in default on December 17, 2025.

DISCUSSION AND FINDINGS

Article 4.4 of Reg. (EU) 2019/517 provides:

4. 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:

- has been registered by its holder without rights or legitimate interest in the name; or
- has been registered or is being used in bad faith.

The Complainant has provided no evidence of the "prior reputation and established identity of the COST Action". The Panel understands that, in context, COST stands for "European Cooperation in Science & Technology" and the relevant Action is "GEnomics of MusculoSkeletal traits TranslatiOnal Network ("GEMSTONE").

The Complainant does not contend that "Cost Action Gemstone" is recognized under EU or Portuguese law as a trademark and the Panel understands that registration is necessary for any such recognition. Nor has the Complainant contended that "Cost Action Gemstone" is a name in respect of which a right is otherwise established by Union or national law.

Accordingly, although the Panel finds the Respondent's <cost-gemstone.eu> domain name to be confusingly similar to the name of the EU-funded project, "Cost Action Gemstone", the Complainant has not shown that "Cost Action Gemstone" is a name in respect of which a right is established by Union or national law.

In light of this finding, it is unnecessary to consider whether the Respondent has rights or legitimate interest in the disputed domain name nor whether the disputed domain name was registered or is being used in bad faith.

The Panel finds that the requirements for the transfer or revocation of the disputed domain name (B (11) (d) ADR Rules) are not satisfied.

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	**Alan Limbury**

DATE OF PANEL DECISION 2025-12-30

Summary

ENGLISH SUMMARY OF THIS DECISION IS HEREBY ATTACHED AS ANNEX 1

I. Disputed domain name: <cost-gemstone.eu>

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

III. Date of registration of the domain name: September 17, 2025.

IV. Rights relied on by the Complainant (B(11)(f) ADR Rules) on which the Panel based its decision: The claimed reputation of the Cost Action Gemstone project.

V. Response submitted: No.

VI. Domain name is neither identical nor confusingly similar to the protected right of the Complainant.

VII. Rights or legitimate interests of the Respondent (B(11)(f) ADR Rules): Unnecessary to consider.

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

IX. Other substantial facts the Panel considers relevant: None.

X. Dispute Result: Complaint denied.

XI. Procedural factors the Panel considers relevant: None.

XII. Is Complainant eligible? Unnecessary to consider.