Panel Decision for dispute CAC-ADREU-008894

Case number	CAC-ADREU-008894
Time of filing	2026-02-14 19:20:16
Domain names	sleepindustry.eu

Case administrator

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

Complainant

Organization	Sleep Industry

Respondent

Name	Gerhard Dibra

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

FACTUAL BACKGROUND

The Complainant is an Albanian company with registered office in Shkozet, Albania. The Complainant owns rights over the company name "Sleep Industry" dating back to 4 December 2017.

The Respondent is an individual with address in Padua, Italy. The disputed domain name was registered on 26 April 2023.

A. COMPLAINANT

Firstly, the Complainant maintains that the disputed domain name is identical to its Albanian company name and trade name "Sleep Industry".

Secondly, the Complainant maintains that the Respondent acquired the disputed domain name for use in connection with the Complainant's business activities while the Respondent was a shareholder and director of the Complainant. However, the Respondent has since sold his shares to the other shareholders and no longer serves as the director of the company. Therefore, the Respondent lacks any rights or legitimate interest in the disputed domain name. Accordingly, the Respondent is not commonly known by the disputed domain name and is not making any legitimate or fair use of it.

Thirdly, the Complainant contends that the Respondent's behavior constitutes bad faith as the Respondent is intentionally disrupting the Complainant's professional activities after leaving the company. The Respondent is effectively holding the disputed domain name hostage. Having left the company, the Respondent has no good faith-basis to retain control over its primary digital asset. The continued retention of the disputed domain name is causing consumer confusion, as it suggests an affiliation with the company of which the Respondent is no longer part.

For the aforementioned reasons, the Complainant requests the Panel to order the transfer of the disputed domain name to the Complainant.

B. RESPONDENT

The Respondent did not file a Response.

DISCUSSION AND FINDINGS

Pursuant to Para. 11 (d) of the .EU Alternative Dispute Resolution Rules (hereinafter, the "ADR Rules"), in order to grant the remedies requested by the Complainant under the Procedural Rules, the Complainant shall prove, inter alia, that the disputed domain name "is identical or confusingly similar to a name in respect of which a right is recognized or stablished by the national law of a Member State and/or European law (…)".

The Panel notes that in these proceedings the Complainant relies on an Albanian company name and trade name. However, Albania is not an EU Member State. Accordingly, the Respondent fails to satisfy the first requirement under the ADR Rules.

It is therefore unnecessary for the Panel to assess whether the Respondent has rights or legitimate interests in the disputed domain name, or whether the disputed domain name was registered or is being used in bad faith.

DECISION

For all the foregoing reasons, in accordance with Paragraphs B12 (b) and (c) of the Rules, the Complaint is Denied. The Panel nevertheless observes that the Complainant was filed without legal representation and that its overall preparation reveals an insufficient understanding of the remedies available to a non-EU-based complainant in a ".EU" ADR proceeding, as well as of the burden of proof and of the arguments and evidence required to meet the standard set out in Para. 11 (d) of the ADR Rules. Accordingly, and given that the Panel has not examined the merits of the case, the Complaint is denied without prejudice to the Complainant's right to refile the Complaint on the basis of a valid right within the meaning of Para. 11(d) of the ADR Rules.

PANELISTS

Name	**Angelica Lodigiani**

DATE OF PANEL DECISION 2026-02-14

Summary

ENGLISH SUMMARY OF THIS DECISION IS HEREBY ATTACHED AS ANNEX 1

I. Disputed domain name: <sleepindustry.eu>

II. Country of the Complainant: Albania, country of the Respondent: Italy

III. Date of registration of the domain name: 26 April 2023

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

1. business identifier: Sleep Industry
2. company name: Sleep Industry

V. Response submitted: No

VI. Domain name is identical to the protected right/s of the Complainant. However, the protected rights of the Complainant are not valid in the European Union and therefore are not an acceptable basis for this ADR proceeding.

VII. Rights or legitimate interests of the Respondent (B(11)(f) ADR Rules):
1. Not Assessed
2. Why: because the Complainant failed to satisfy the first requirement under the ADR Rules.

VIII. Bad faith of the Respondent (B(11)(e) ADR Rules):
1. Not Assessed
2. Why: because the Complainant failed to satisfy the first requirement under the ADR Rules.

IX. Other substantial facts the Panel considers relevant: None

X. Dispute Result: Complaint denied without prejudice

XI. Procedural factors the Panel considers relevant: The Complainant is denied without prejudice as the Panel has noted that the Complaint was filed without representation and the Complainant has shown an insufficient knowledge of the ADR Rules. Moreover, the Panel has denied the Complaint without entering into the merits of the case.

XII. [If transfer to Complainant] Is Complainant eligible? Not applicable