

ADR Center for .eu attached to the Czech Arbitration Court attached to the Economic Chamber of the Czech Republic and Agricultural Chamber of the Czech Republic (Czech Arbitration Court)

## PANEL DECISION RELATED TO THE REQUEST TO CHANGE THE LANGUAGE OF ADR PROCEEDING (DECISION)

§ A3 (b)(6) of the .eu Dispute Resolution Rules (ADR Rules)

**Case No.:** *05818*

**Administrative Contact:** *Tereza Bartoskova*

**Complainant:** *Koudsi Graphics V.O.F.*

**Respondent:** *Zheng Qingying*

**Domain Name(s):** *koudsi.eu*

**English summary of the decision:** English summary of this Decision is hereby attached as Annex 1

### Factual Background:

The Complainant, Koudsi Graphics V.O.F., would like to start an ADR proceeding regarding the "koudsi.eu" domain name registered by the Respondent.

On January 21, 2011, the Complainant filed a request before the Czech Arbitration Court (hereafter "CAC") to change the language of the ADR proceeding from English into Dutch.

On February 22, 2011, the CAC notified the acknowledgment of receipt of this request to the Complainant.

On February 22, 2011, the CAC communicated the information provided by Eurid regarding the disputed domain name, particularly the language of the registration agreement used by the registrant, namely, English.

On February 22, 2011, the CAC notified to the Respondent the request and the commencement of language trial. The Respondent did not submit a response to the CAC within 12 days from the delivery of the notification and did not submit any response after this date.

On April 4, 2011, the appointed Panelist, Mr. Paul Van den Bulck, submitted his statement of acceptance and declaration of impartiality and independence.

**Parties' Contentions:**

**Complainant:**

The Complainant is a Dutch company run by Mr. Koulsi.

The Complainant's request to change the language of the ADR proceeding from English into Dutch is based on the fact that the Complainant and its representative are Dutch residents and therefore native Dutch speakers.

**Respondent:**

The Respondent did not submit any observations in reply.

**Discussion and Findings:**

Under article 3 (a) (1) of the ADR Rules, "in the absence of an agreement between the Parties, the Panel may in its sole discretion, having regard to the circumstances of the ADR Proceeding, decide on the written request of a Complainant, filed before initiating a Complaint, that the language of the ADR Proceeding will be different than the language of the Registration Agreement for the disputed domain name".

The Panelist is not aware of any agreement between the Complainant and the Respondent.

In this case, the language of the registration agreement for the disputed domain name is English.

- the Complainant submitted its request in English;
- the Complainant did not demonstrate that the Respondent is familiar with the Dutch language and that the Respondent would be fully able to use this language in an ADR proceeding;
- the Respondent's address is in London;
- the only fact that the Complainant and its representative are Dutch residents and therefore native Dutch speakers cannot be considered as a valid reason for a change of language of the ADR proceeding;
- as a consequence, having regard to the circumstances of the ADR proceeding, the Panel decides that there is no reason not to apply in the ADR proceeding the general rule that the language of the ADR proceeding shall be the language of the registration agreement for the disputed domain name.

**Decision:**

For all the foregoing reasons, in accordance with Paragraphs A3 (b) (6) of the ADR Rules, the Panel orders that the Request is denied.

**Paul Van den Bulck**

**Date:** April 5, 2011

**Annex 1:**

The Complainant filed a request to change the language of the ADR proceeding from English into Dutch pursuant to article 3 of the ADR Rules.

This request is exclusively based on the fact that the Complainant and its representative are Dutch residents and therefore native Dutch speakers.

The respondent did not submit any response to the request.

The Panelist dismisses the Complainant's request as having regard to the circumstances of the ADR proceeding, there is no valid reason to change the language of the ADR proceeding.