Decision for dispute CAC-UDRP-100095

Case number	CAC-UDRP-100095
Time of filing	
Domain names	leros-boatyard.com

Case administrator

Name	Tereza Bartošková (Case admin)

Complainant

Organization	LEROS ISLAND'S MARINA, EVROS S.A.

Complainant representative

Name	MRS CHARIKLEIA MAMALI

Respondent

Organization	AGMAR MARINE S.A./ ANGELOS GAITANIDES

OTHER LEGAL PROCEEDINGS

The Panel is not aware of other legal proceedings which are pending or decided and which relate to the disputed domain name.

FACTUAL BACKGROUND

The Complainant is „LEROS ISLAND'S MARINA, EVROS MARINE S.A.“, a Greek company duly established and registered in 1997. The Complainant moors and maintains boats and yachts in Lakki of Leros, the main gulf of Leros, Greek. “Leros” is an island in Greece, the Complainant is located on. The Complainant has purchased land property and constructed a boat yard as well as a private port in the cove of Lakki of Leros. Administrative licenses for the construction of a harbour and a boat yard were gained in 2000 and 2006 from the respective authorities. The company name is registered with the competent authorities and the Complainant has filed for the registration of 2 Greek trademarks “Leros Marina, EVROS M.S.A.” and “Marina Leros, EVROS M.S.A.” (numbers 190211 and 190212) with the competent national authorities. It is unclear, if the trademarks have been registered, as the translated copies of the documents provided in this respect only state “Declaration of National Trademark”, but do not prove a registration or give any other information that the trademark is valid and enforceable under Greek law without such.

The Greek term “Marina“ translates “the place at which services like mooring of boats are provided”.

The Respondent is also a Greek company, established in 1998 and situated in the golf of Lakki Leros as well. The

Respondent operates in the same business as the Complainant.

The Complainant mentions another domain name “lerosmarina.com” in its Complaint, but did not list it in the respective column of its Complaint. Neither did the Complainant respond to the registrar’s verification of the domain name in dispute executed by the Czech Arbitration Court (CAC) only with respect to the domain name “leros-boatyard.com”.

The Respondent did not file a Response in the form required by the UDRP Rules, e.g. its response does not conclude with a statement acc. to § 5. b) (viii) UDRP Rules.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Rejected

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. **LEROS-BOATYARD.COM**: Remaining with the Respondent

PANELLISTS

Name	**Dominik Eickemeier**

DATE OF PANEL DECISION 2009-10-07

Publish the Decision