Decision for dispute CAC-UDRP-100103

Case number	CAC-UDRP-100103
Time of filing	2009-09-30 10:00:07
Domain names	pokecik.com

Case administrator

Name	Tereza Bartošková (Case admin)

Complainant

Organization	Azet.sk, a.s.

Complainant representative

Organization	Vojčík & Partners - law firm

Respondent

Organization	Business Corporation INC.

OTHER LEGAL PROCEEDINGS

On January 9, 2009 the Complainant as the owner of a word mark “pokec” has filed a proposal for preliminary injunction at Slovak Court together with a proposal for a judgment on the merit seeking an order directing Robert Sadiv who was at that time the owner of domain names “pokecik.net” and “pokecik.com” to cease and desist from trademark and other infringements. District Court Košice I - Court of First Instance has refused to issue a preliminary injunction. The Complainant has filed an appeal and the County Court (Court of Appeal) issued the preliminary injunction against Robert Sadiv. This preliminary injunction decision is final without the right of appeal.

However, during the proceedings which have taken five months Robert Sadiv transferred all disputed domains of which “pokecik.net” and “pokecik.com” were transferred to Respondent, a legal entity seated in Seychelles, which is outside Slovak jurisdiction.

FACTUAL BACKGROUND

The Complainant is a long time user of the domain name incorporating the trademark “POKEC” – “www.pokec.sk”. Such website of the Complainant counts over 400.000 visitors per day.

In the beginning of the year 2008 the Complainant noticed that numerous domain names using name “pokecik” were registered under various TLDs and used for operating websites with on-line communication services. At that time the owner of all of these domain names was recognized via respective WHOIS searches as Robert Sadiv (natural person), Tolstého 23,

Košice, Slovak Republic. Domain names “pokecik.sk”, “pokecik.cz”, “pokecik.eu”, and “pokecik.net” were used by Robert Sadiv to redirect the visitors of the respective web sites automatically to “www.pokecik.com”. The Complainant seeks the transfer of the domain name “pokecik.com” and “pokecik.net” to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **POKECIK.COM**: Transferred
2. **POKECIK.NET**: Transferred

PANELLISTS

Name	**Vít Horáček**

DATE OF PANEL DECISION 2009-11-18

Publish the Decision