Decision for dispute CAC-UDRP-100101

Case number	CAC-UDRP-100101
Time of filing	2009-09-17 16:59:37
Domain names	citydating.com

Case administrator

Name	Tereza Bartošková (Case admin)

Complainant

Name	Jolanta Skevington

Respondent

Organization	Vertical Axis Inc

OTHER LEGAL PROCEEDINGS

The Complainant commenced proceedings with number D2009-0931 in the WIPO Arbitration and Mediation Center (“WIPO”) against the Respondent by way of Complaint under the Uniform Domain Name Dispute Resolution Policy (“the UDRP”) seeking the transfer of the domain name <citydating.com> from the Respondent to the Complainant (“the first proceeding”). On September 3, 2009 WIPO issued to the parties a notice to the effect that the Complainant had, on August 31, 2009 requested termination of the first proceeding, that, in accordance with the Rules for the UDRP, the first proceeding was terminated as of September 3, 2009 and that the termination was without prejudice to the submission of a new Complaint or the Complainant’s right to commence any other legal proceeding.

FACTUAL BACKGROUND

The Complainant is a United Kingdom resident who trades as an international dating agency in several countries and she has done so since 23 June 2000. To that end, she owns a series of domain names with names similar to the disputed Domain Name such as <citydating.org> and <citydating.co.uk> and which are used to offer international dating services. The Complainant is also the owner of the United Kingdom trademark for CITYDATING.COM, being the trademark registered number 2296236 since 23 August 2002.

The Respondent is a company in Barbados that owns a large number of domain names including domain names that have the word “dating” as part of the name, such as <chatdating.com>. The disputed Domain Name was registered by the Respondent with Nameview on June 15, 2006. The Respondent hosts the disputed Domain Name with HitFarm.com, a service that places advertisements on websites for the owners of domain names.

The Complainant claims that it was previously the registrant of the disputed Domain Name with the registrar Easyspace.

The record shows that the Domain Name was first registered on March 30, 2000 in the name of CityDating.com, that the registration was updated on August 22, 2005 and set to expire on March 30, 2006.

It appears that the registration expired and that the Domain Name was sold at auction by eNom and acquired by the

Respondent which registered it on June 15, 2006.

The Complainant has exhibited a receipt from Easyspace which shows that on June 15, 2006 Easyspace accepted a payment of 117.40 pounds from the Complainant, although the receipt does not specifically say that it was for the acquisition or renewal of the registration.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Rejected

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

1. **CITYDATING.COM**: Remaining with the Respondent

PANELLISTS

Name	**Tom Heremans, The Hon. Neil Brown, QC, Flip Petillion**

DATE OF PANEL DECISION 2009-11-26

Publish the Decision