Decision for dispute CAC-UDRP-100766

Case number	CAC-UDRP-100766
Time of filing	2014-02-26 16:11:01
Domain names	kaufmanbroad.com

Case administrator

Name	Lada Válková (Case admin)

Complainant

Organization	KAUFMAN & BROAD EUROPE

Complainant representative

Organization	Nameshield (Anne Morin)

Respondent

Organization	Fundacion Private Whois

OTHER LEGAL PROCEEDINGS

N/A

IDENTIFICATION OF RIGHTS

N/A

FACTUAL BACKGROUND

N/A

PARTIES CONTENTIONS

N/A

RIGHTS

N/A

NO RIGHTS OR LEGITIMATE INTERESTS

N/A

BAD FAITH

N/A

PROCEDURAL FACTORS

N/A

PRINCIPAL REASONS FOR THE DECISION

The Complaint was filed on February 26, 2014, naming as the Respondent “Fundacion Private Whois.” On the same date, the Czech Arbitration Court (CAC) submitted a “Request for Registrar Verification” to the Registrar, Internet.bs Corp., which replied on March 4, 2014, stating: “The domains [sic] KAUFMANBROAD.COM expired on the 29 Dec. 2013 and is in redemption period since the 10 February 2014 as such we are unable to lock it. It will be naturally deleted by the Registry after the redemption period aproximatively [sic] on the 13 March 2014.” CAC informed Complainant of same on March 5, 2014, to which Complainant responded on the same date: “We confirm to you that we maintain the proceedings.” The proceeding was therefore commenced on March 6, 2014. On March 27, 2014, CAC notified the parties of the Respondent’s default. CAC appointed the undersigned as panelist on March 28, 2014. On April 17, 2014, CAC notified the panelist that “the domain name was not renewed by the Complainant /although he was informed by the Registrar in its verification that the domain name will expire on 13 March 2014/. Therefore, it seems that the disputed domain expired during the proceeding and was newly registered on 19 March 2014 by other registrant than the Respondent.” The panelist has confirmed that the domain name is currently registered to “Domain Admin / HugeDomains.com” and is advertised for sale for $1,295.

In light of the foregoing – namely, that the domain name expired during (if not prior to) the course of this proceeding and is currently registered to an entity other than the entity named as the Respondent – the panelist finds it inappropriate to render a decision on the merits and therefore exercises its power pursuant to Rule 10(a) of the UDRP (to “conduct the administrative proceeding in such manner as it considers appropriate”) to dismiss the Complaint.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Rejected

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

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

PANELLISTS

Name	**Douglas M. Isenberg**

DATE OF PANEL DECISION 2014-04-22

Publish the Decision