Decision for dispute CAC-UDRP-101493

Case number	CAC-UDRP-101493
Time of filing	2017-04-03 12:27:38
Domain names	volunteeractivists.org, volunteeractivists.com, volunteeractivists.net

Case administrator

Organization	Iveta Špiclová (Czech Arbitration Court) (Case admin)

Complainant

Organization	Volunteer Activists Institute

Respondent

Organization	Iran Security Team

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings regarding the disputed domain names.

IDENTIFICATION OF RIGHTS

The Complainant does not identify any trademark rights.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

Volunteer Activists Institute (VA) is a non-profit, non-governmental, non-political and independent institute, whose primary aim is capacity building among activists and civil society organizations; facilitation of information exchange among civil society activists, and advocacy and expansion of democracy, human rights and peace building within Iranian society and communities in the MENA region.

The Complainant used to own the domain names volunteeractivists.org, volunteeractivists.com, and volunteeractivists.net, these domain names served as part of the online presence of Complainant ´s institute, however, couple of years ago, previous staff who were in charge of the domains took over the domain names and demanded absurd amounts of money to return them. As a non-profit, the Complainant did not have such requested funds, and did not know of any solution to this situation, including the domain dispute process, so it moved to a new domain name, volunteeractivists.nl.

The disputed domain names still show old websites of the Complainant, with outdated information, and the Complainant has absolutely no control over the websites or domain names. The Complainant fears that having these domain names out of its control, may be used to defame Complainant´s institute.

PARTIES CONTENTIONS

PARTIES' CONTENTIONS:

COMPLAINANT:

The Complainant explains that it did register the disputed domain names in the past and that someone of its staff did hijack them a couple of years ago.

It further explains that the disputed domain names resolve to an old websites.

RESPONDENT:

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has not shown the disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of UDRP Policy).

The Complainant failed to identify any trademark right.
It has even not provided any pieces of evidence to support its claims.
Therefore it has not met the first condition provided by the UDRP Policy.

The Panel reminds that, according to Par.3 of the UDRP Rules:

"(b) The complaint including any annexes shall be submitted in electronic form and shall:
(...)
"(viii) Specify the trademark(s) or service mark(s) on which the complaint is based and, for each mark, describe the goods or services, if any, with which the mark is used (Complainant may also separately describe other goods and services with which it intends, at the time the complaint is submitted, to use the mark in the future.);

(ix) Describe, in accordance with the Policy, the grounds on which the complaint is made including, in particular,

(1) the manner in which the domain name(s) is/are identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and

(2) why the Respondent (domain-name holder) should be considered as having no rights or legitimate interests in respect of the domain name(s) that is/are the subject of the complaint; and

(3) why the domain name(s) should be considered as having been registered and being used in bad faith

The Complainant did obviously not comply with these provisions.

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has not shown the Respondent to have no rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a)(ii)of UDRP Policy).

Given the fact that the first condition was not met, the Panel does not need to further analyse the case.

Furthermore, the Complainant did not provide any pieces of evidence to support its claims.

Therefore, the further conditions concerning the bad faith registration and use do not need to be examined.

PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

The Panel reminds that, according to Par.3 of the Rules:

"(b) The complaint including any annexes shall be submitted in electronic form and shall:
(...)
"(viii) Specify the trademark(s) or service mark(s) on which the complaint is based and, for each mark, describe the goods or services, if any, with which the mark is used (Complainant may also separately describe other goods and services with which it intends, at the time the complaint is submitted, to use the mark in the future.);

(ix) Describe, in accordance with the Policy, the grounds on which the complaint is made including, in particular,

(1) the manner in which the domain name(s) is/are identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and

(2) why the Respondent (domain-name holder) should be considered as having no rights or legitimate interests in respect of the domain name(s) that is/are the subject of the complaint; and

(3) why the domain name(s) should be considered as having been registered and being used in bad faith

The Complainant explained what happened and asked the domain names to be transfered without relying on the UDRP Policy.

Therefore the Panel has to reject the Complaint.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Rejected

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

1. **VOLUNTEERACTIVISTS.ORG**: Remaining with the Respondent
2. **VOLUNTEERACTIVISTS.COM**: Remaining with the Respondent
3. **VOLUNTEERACTIVISTS.NET**: Remaining with the Respondent

PANELLISTS

Name	**Marie Marie-Emmanuelle Haas, Avocat**

DATE OF PANEL DECISION 2017-05-16

Publish the Decision