

Decision for dispute CAC-UDRP-100093

Case number	CAC-UDRP-100093
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Time of filing	2009-08-27 10:16:04
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Domain names	asia-airfrance.com
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Case administrator

Name	Josef Herian (Case admin)
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Complainant

Organization	société Air France
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Complainant representative

Organization	Meyer & Partenaires
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Respondent

Organization	VALUE-DOMAIN COM / DIGIROCK, INC.
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OTHER LEGAL PROCEEDINGS

The Panel is not aware of other legal proceedings with regard to the disputed domain name.

FACTUAL BACKGROUND

1.
The Complainant is an airline carrier company with seat in France. With its Complaint the Complainant requests the transfer of the disputed domain name “asia-airfrance.com” (“the Domain Name”).
2.
The Domain Name is registered through Key-Systems GmbH, a corporation located in Germany, as ICANN accredited registrar (“the Registrar”). The Who-Is entry for the Domain Name shows “Value-Domain.Com” as “owner-organization”, “admin-organization”, “tech-organization” and “billing-organization”, combined with the entry “Privacy Proxy”. The Complaint named “VALUE-DOMAIN COM” as the Respondent.
3.
On 27 August 2009 the Complainant filed its Complaint in English with the Czech Arbitration Court (“CAC”) against “VALUE-DOMAIN COM” as registered holder of the Domain Name.

3.1

On 27 August 2009 the CAC sent a Request for Registrar Verification to the Registrar. With Nonstandard Communication of 8 September 2009 the CAC informed the parties to the dispute of the Registrar's answer, confirming that the Domain Name is registered with the Registrar through its reseller DIGIROCK and that the current Who-Is entry is up to date and reflects the domain holder, but that, according to the information of the Registrar, the contact is a domain proxy service and that the Registrar has no further information about the real owner. The Registrar, furthermore, confirmed that the Domain Name is and will remain locked during the administrative proceedings. However, the Registrar's answer stated that "the language of the Registration Agreement is Japanese, not English".

3.2

With Notification of Deficiencies in Complaint of 8 September 2009 the CAC informed the Complainant that its complaint had not been filed in the language of the proceedings and informed the Complainant that it had the possibility to submit an amended complaint within 5 days of receiving the notification.

On 10 September 2009 the Complainant filed its Amended Complaint, again in English. In asserting that English, and not Japanese, was the true language of the proceedings, the Complainant asked the CAC to forward its Amended Complaint to the Panel. The Amended Complaint named "DIGIROCK, INC." as Respondent in addition to "VALUE-DOMAIN COM".

3.3

On 11 September 2009 the CAC admitted the Amended Complaint to proceed further in the Administrative Proceeding.

The Respondent was informed – in English – that an administrative proceeding had commenced against it and that the Respondent was invited to submit its Response by 4 October 2009. The Respondent has not submitted a Response to date.

On 6 October 2009 the Panel was appointed.

3.4

With Procedural Order of 19 October 2009 the Panellist invited the Registrar to forward a sample of its Japanese registration agreement, preferably together with an English translation and an explanation of how it is used, to the CAC.

On 22 October 2009 the Registrar wrote to the CAC that the Domain Name was registered via an automated backend system by the Registrar's reseller DIGIROCK (on their platform value-domain.com) for their customer. DIGIROCK's retail platform was Japanese only, so it would be safe to assume that the agreement would also be in Japanese. The Japanese registration agreement of the Registrar's reseller could be found under <http://www.value-domain.com/agreement.php>, but the Registrar were unable to provide an English translation. For more information about the privacy service DIGIROCK offers to its customers, the Registrar referred to the internet site <http://www.value-domain.com/aboutus.php>. The Registrar, furthermore, stated that it would be unable to determine the real registrant behind the privacy service, as its reseller did not keep the registrant data in escrow with the Registrar.

3.5

With its Procedural Order of 19 October 2009 the Panel had invited the Parties to comment on any statements submitted by the Registrar by 9 November 2009 the latest. On 6 November 2009 the Complainant submitted a Nonstandard Communication with which it upheld its claim that the language of the proceedings were English not Japanese.

The Respondent did not submit any comments.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **ASIA-AIRFRANCE.COM**: Transferred

PANELLISTS

Name	Dr. Uli Foerstl
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DATE OF PANEL DECISION	2009-11-16
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Publish the Decision
