

Decision for dispute CAC-UDRP-104281

Case number CAC-UDRP-104281

Time of filing 2022-04-11 08:40:54

Domain names golawien.at

Case administrator

Organization Denisa Bilík (CAC) (Case admin)

Complainant

Organization D. Jacobson & Sons Limited

Complainant representative

Organization TLT LLP

Respondent

Name Thomas Ackermann

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant relies on the following registrations of the mark GOLA:

- UK no. 1097140 in class 18 with registration date 14 June 1978
- UK no. 272980 in class 25 with registration date 22 May 1905
- EU no. 1909936 in classes 18, 25 and 28 with registration date 4 October 2000
- EU no. 3399681 in classes 5, 10, 12 and 35 with registration date 2003

as well as goodwill in the UK and EU for footwear and bags.

FACTUAL BACKGROUND

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

The Complainant designs and sells footwear and bags under the mark GOLA. It sells these products under this mark throughout the world, including through a series of domain names such as gola.co.uk and golausa.com.

The disputed domain name was registered on 19 August 2021 and locates a website that purports to offer for sale footwear and bags bearing the GOLLA mark accompanied by descriptions in German. The Respondent is not connected with the Complainant in any way, but there is no indication on the web page located by the disputed domain name that it is not connected with the Complainant.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

In view of the fundamental procedural issue described below, the Panel abstains from expressing any view on the substantive merits of the Complaint.

NO RIGHTS OR LEGITIMATE INTERESTS

In view of the fundamental procedural issue described below, the Panel abstains from expressing any view on the substantive merits of the Complaint.

BAD FAITH

In view of the fundamental procedural issue described below, the Panel abstains from expressing any view on the substantive merits of the Complaint.

PROCEDURAL FACTORS

The UDRP does not apply to the .at country code top level domain and the Czech Arbitration Court has no authority to determine a dispute relating to a .at domain name in the absence of agreement by all parties. Neither the Respondent nor the Registry has agreed to the determination of this dispute. This complaint based on the UDRP must therefore be rejected.

PRINCIPAL REASONS FOR THE DECISION

The UDRP does not apply to the disputed domain name in the .at country code top level domain.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Rejected

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

1. GOLAWIEN.AT: Remaining with the Respondent

PANELLISTS

Name	Jonathan Turner
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DATE OF PANEL DECISION 2022-05-20

Publish the Decision
