

Decision for dispute CAC-UDRP-105393

Case number	CAC-UDRP-105393
Time of filing	2023-04-27 11:06:37
Domain names	NARACAMICIEBARCELONA.COM

Case administrator

Name	Olga Dvořáková (Case admin)
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Complainant

Organization	Passaggio Obbligato S.p.A.
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Complainant representative

Organization	Perani Pozzi Associati
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Respondent

Organization	A/C GRAF SCP
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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.

PARTIES CONTENTIONS

The registration agreement of the disputed domain name is in Spanish. The complaint was filed in English, with the request to change the language of the proceedings to English. The request was substantiated with general thoughts on fairness based on the fact that it was the Respondent who registered and used in bad faith the disputed domain name without rights or legitimate interests.

PROCEDURAL FACTORS

For change of language requests, the panelists have over the years developed and established a non-exhaustive list of circumstances or scenarios which may support such a request.

The WIPO Jurisprudential overview 3.0 explains that „such scenarios include (i) evidence showing that the respondent can understand the language of the complaint, (ii) the language/script of the domain name particularly where the same as that of the complainant's mark, (iii) any content on the webpage under the disputed domain name, (iv) prior cases involving the respondent in a particular language, (v) prior correspondence between the parties, (vi) potential unfairness or unwarranted delay in ordering the complainant to translate the complaint, (vii) evidence of other respondent-controlled domain names registered, used, or corresponding to a particular language, (viii) in cases involving multiple domain names, the use of a particular language agreement for some (but not all) of the disputed domain names, (ix) currencies accepted on the webpage under the disputed domain name, or

(x) other indicia tending to show that it would not be unfair to proceed in a language other than that of the registration agreement.”

None of these elements are given in the present case. The initial website only shows two English words, namely (Venta)“Online“ and „Outlet“, which are, however, so general and common that they do not provide a sufficient indication that the Respondent is capable of understanding the complaint in English. The Panel also does not see any specific unfairness for the Complainant to translate the complaint into the language of the proceedings.

The request for change of language is accordingly rejected. Since the complaint is not filed in the language of the proceedings, also the complaint is only rejected for this reason and no indication or prejudice as to the potential merits of the complaint is connected with this. The Complainant may refile the complaint in Spanish any time, or in other language if there are then enough indications that the language of the proceedings can be changed.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Rejected

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

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

PANELLISTS

Name	Dietrich Beier
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DATE OF PANEL DECISION **2023-06-14**

Publish the Decision
