Decision for dispute CAC-UDRP-107662

Case number	CAC-UDRP-107662
Time of filing	2025-06-19 15:11:54
Domain names	thenorthdna.com

Case administrator

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

Complainant

Organization	15HG

Respondent

Organization	Domain sales- (expired domain by auction winner)

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

It results from the Registrar Verification Response, that the Respondent registered the disputed domain name on 13 June 2025.

FACTUAL BACKGROUND

It results from the Registrar Verification Response, that the Respondent registered the disputed domain name on June 13, 2025.

The disputed domain name is listed for sale to the public at the price of USD 1,999.

PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.

No administratively compliant Response has been filed.

RIGHTS

To succeed, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied. In particular, the Complainant must first demonstrate that the disputed domain name is identical or confusingly similar to a trademark or service mark in which it holds rights, as required under paragraph 4(a)(i) of the Policy.

The Complaint is based exclusively on pending EUTMA no. 019202431. According to the Panel's own limited factual research, conducted in its discretion (see section 4.8 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition

("WIPO Overview 3.0")), this EUTMA was published on 18 June 2025 and the opposition period is scheduled to expire on 18 September 2025.

It is well established in UDRP precedent that a pending trademark application does not by itself establish trademark rights within the meaning of UDRP paragraph 4(a)(i), see section 1.4.1. of WIPO Overview 3.0. This also applies to EU trademarks, since only the registration of such an EU trade mark that shall confer on the proprietor exclusive rights therein, see Art. 9(1) of REGULATION (EU) 2017/1001 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 June 2017 on the European Union trade mark.

Moreover, the case file contains no evidence to support a finding that the Complainant holds unregistered or common law trademark rights in the sign “The North DNA” (see section 1.3 of WIPO Overview 3.0 for the requirements that a Complainant needs to show to successfully assert such unregistered or common law trademark rights).

In the light of the above, in the absence of any registered, unregistered, or common law trademark or service mark, the Complainant has failed to establish the first element of the Policy.

NO RIGHTS OR LEGITIMATE INTERESTS

Having determined that the Complainant has failed to establish the first element, the Panel finds it unnecessary to address the second element under paragraph 4(a)(ii) of the Policy.

BAD FAITH

Having determined that the Complainant has failed to establish the first element, the Panel finds it further unnecessary to address the third element under paragraph 4(a)(iii) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Rejected

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

1. **thenorthdna.com**: Remaining with the Respondent

PANELLISTS

Name	**Tobias Malte Müller**

DATE OF PANEL DECISION 2025-07-29

Publish the Decision