

THE ICANN CYBERSQUATTING DECISIONS

January 16, 2001 through February 15, 2001

© 2001

M. Scott Donahey
Tomlinson Zisko Morosoli
& Maser LLP
200 Page Mill Rd.
Second Floor
Palo Alto, CA 94306
Tel.: (650) 325-8666
Fax.: (650) 324-1808
email: msd@tzmm.com
web site: www.tzmm.com

Christine Watson
Santa Clara University
School of Law
Santa Clara, California
Tel.: (650) 941-5323
Fax: (408) 554-4191
Email: Christine.Watson@jhu.edu

Julia Wei
Santa Clara University
School of Law
Santa Clara, California
Tel.: (650) 616-6835
Fax: (650) 616-6510
Email: jmwei@scu.edu

Mr. Donahey is a member of the panel of neutrals of the World Intellectual Property Organization, eResolution, and the CPR Institute for Dispute Resolution, three of the four providers currently certified by the Internet Corporation for Assigned Names and Numbers ("ICANN") to hear cases under the Uniform Domain Name Dispute Resolution Policy. Mr. Donahey has served as a panelist in numerous cases, including *The World Wrestling Federation v. Bosman*, D99-0001, the first case to be heard under the UDRP.

Christine Watson is a J.D./M.B.A. candidate (2001) at the Santa Clara University School of Law and Leavey School of Business, where she is pursuing the High Tech Law Certificate. Ms. Watson is the Senior Production Editor of the SCU Computer and High Technology Law Journal. She is a member of the SCU Intellectual Property Association, International Law Association, and Start-up Law Group.

Julia Wei is a third-year law student at Santa Clara University School of Law, and is as an editor for their *Computer and High Technology Journal*. She completed her undergraduate education at the University of California at Berkeley, where she received a B.A. in 1995 with a major in Asian Studies. Prior to attending law school, Ms. Wei worked at Oracle Corporation based in Redwood Shores. Currently, she divides her time between her studies and the legal department at Epinions, Inc. Epinions.com is a Web site for trusted consumer advice, ratings, and reviews offering more than one million consumer reviews and comments, covering over 200,000 products and services.

The cases just keep coming. There seems to be no let up, and we are still awaiting the introduction of the seven new generic Top Level Domains (gTLD's.) WIPO has become the dispute resolution provider under the Uniform Domain Name Dispute Resolution Policy (the "UDRP" or the "Policy") for a number of country code top level domains (ccTLDs), and a number of cases where domain names have been registered in ccTLDs have already been submitted.¹ It has recently been announced that eResolution will provide dispute resolution services to Real Names, under a procedure that is similar to, but different in several significant respects from, the UDRP.² Rather than slacking off, the online dispute resolution caseload relative to Internet addresses simply seems to increase.

This past month we digested 216 cases. In 91% of these cases, the parties elected a single panelist. These numbers belie the number of articles that indicate that complainants and respondents are increasingly selecting panelists, which favor either the complainant or respondent, depending on the author's point of view. In all but 9% of the cases this month, the parties have left the selection of the panel entirely in the hands of the provider.

The percentage of cases in which the Respondent failed to file a response increased to 55%, above the general monthly average of 50%. However the percentage of the cases in which the complainant prevailed has declined from the general level of

¹ See, generally, information at <http://arbiter.wipo.int/domains/index.html#cctld>.

² A description of the program can be found at <http://www.eresolution.com/services/kwd/kap.htm>. The Keyword Dispute Resolution Policy ("KDRP") can be found at http://web.realnames.com/Virtual.asp?page=Eng_Policy_DisputeResolution

90% to 85%. Thus, even though the percentage of default proceedings increased, the percentage of decisions in favor of complainants decreased.

In sixty-eight percent of the cases, the Panel cited at least one prior panel decision. This percentage has remained fairly constant over the last few months.

Last week I featured two cases in which the same complainant on similar sets of facts prevailed in one case, and lost in the other. This week, I focus on two cases in which the same effective respondent, on almost identical facts, prevails in one case and is forced to transfer the domain name in the other. Both cases are “fan site” cases. One, decided by the majority of a three-person panel, received significant press coverage. The other, decided by a sole panelist, received no mention. You decide.

The first case is that which has received some notoriety, *Bruce Springsteen v. Jeff Burgar and Bruce Springsteen Club*, ICANN Case No. D2000-1532. In that case Jeff Burgar had registered the domain name <brucespringsteen.com> under the name “Bruce Springsteen Club.” Burgar owned approximately 1,500 names, many of which resolved to a web site maintained by Burgar at <celebrity1000.com>. A disclaimer at the site indicated it was not the official Bruce Springsteen web site. Respondent seems to have admitted that he was engaged in a commercial undertaking, but indicated that like “companies such as Amazon and Infospace,” Respondent “lose[s] money.”

After expressing some reservation as to whether the UDRP was meant to apply to proper names and after stating that Complainant had produced no evidence that “Bruce Springsteen” had acquired secondary meaning, the majority elected to proceed on the assumption that the domain name at issue was identical to a mark in which the complainant had rights.

The majority found that prior to any notice of a dispute, the Respondent had used the domain name at issue in connection with a bona fide offering of goods and services, namely to resolve to a web site at <celebrity1000.com>. The majority declined to find that the fact that a user entering the domain name at issue would arrive at the <celebrity1000.com> web site meant that the Respondent had “an intent, for commercial gain, to misleadingly divert consumers.” The majority went on to imply that no tarnishment of the BRUCE SPRINGSTEEN mark had occurred, since there was no link to pornographic or “other regrettable material.”

Indeed, the majority noted that the Respondent was sophisticated in “the ways of the Internet.” Thus, if Respondent had really wanted to block Complainant from the Internet, he could have registered <brucespringsteen.net> and <brucespringsteen.com> as well. This Respondent did not do.

The majority went out of its way to distinguish or to criticize prior fan site Panel decisions that had awarded the transfer of the name to the Complainant. The majority found no likelihood of confusion and found that none of the examples of paragraph 4(b) of the Policy had been met. “It may be that there is some element of bad faith in the conduct of Mr. Bugar in registering in the name of 'Bruce Springsteen Club.' However, on reflection, the Panel does not believe that it is sufficient to satisfy the necessary burden under the UDRP.” “Users fully expect domain names incorporating the names of well-known figures in any walk of life to exist independently of any connection with the figures themselves, but having been placed there by admirers or critics as the case may be.”

The dissent believed that the evidence was such that the majority should have concluded, rather than assumed, that the BRUCE SPRINGSTEEN mark had acquired significant secondary meaning and was protectable as a mark under common law. The dissent would find that the resolution of the domain name <brucespringsteen.com> to a web site located at <celebrity1000.com> is misleading. The failure of Respondent to produce any evidence of rights or legitimate interests in respect of the domain name at issue, after Respondent had alleged that Respondent had none, meant that Complainant had made a sufficient showing under 4(a)(ii).

The dissent would have found bad faith under paragraph 4(b)(iv) of the Policy. “Respondent states in his Response that: ‘...given the hundreds of millions of dollars presently lost by companies such as Amazon and Infospace on the Internet, we are not ashamed to say, we do not have any commercial gain. We lose money.’ The test of a commercial undertaking is not that the enterprise turns a profit. From Respondent’s statements, the Dissenting Panelist infers that the activities of respondent are commercial.”

The second case, *Julie Brown v. Julie Brown Club*, ICANN Case No. D2000-1628, received far less attention, perhaps because the Complainant, while famous, was less of an icon than Bruce Springsteen. Decided just two weeks after the first case, the Panel in *Julie Brown* found that Respondent, operated by Jeff Burgar, had violated the Policy and was obligated to transfer the domain name at issue to Respondent.

In *Julie Brown*, the Respondent used <juliebrown.com> to resolve to Burgar’s web site at <celebrity1000.com>. The Panel found that Complainant had established that as a famous performer video producer, and author she had achieved the requisite

secondary meaning as to warrant protection against passing off. Accordingly, the Panel found that the domain name at issue was identical to a mark in which Complainant had rights.

Respondent argued that it had a legitimate interest in the domain name, since it was using the domain name before notice of the dispute to resolve to <celebrity1000.com>. At the same time, Respondent argued that, because of the advertising present at the <celebrity1000.com> site, Respondent created an unauthorized <juliebrown.com> site. Respondent also contended that it was making a fair or legitimate non-commercial use of the domain name.

The Panel rejected these arguments. Rather, it found that Respondent had used the domain name at issue as one of at least seventy-five which Respondent had admitted to originally resolve to a web site where the user was exposed to commercial advertising. The Panel also found that in no case of Burgar's domain name registration had he indicated in the name itself that the name was connected with a fan club. The Panel found that Respondent had no rights or legitimate interests in respect of the domain name.

The Panel found that the Respondent had registered the domain name in order to prevent the mark owner from reflecting the mark in a corresponding domain name and that Respondent had been engaged in a pattern of such conduct. The Panel interpreted the phrase "reflecting the mark in a corresponding domain name" to mean not **any** domain name, but the **particular** domain name at issue. "The question is thus what is meant by the phrase 'reflecting the mark in a corresponding domain name' and above all what is mean by 'a.' Does 'a' mean 'any' or does it mean 'a particular?' If the meaning is

the former, as Respondent asserts, then this form of bad faith can scarcely ever be established. There are many choices of suffix, just as there are of variations in hyphenation, spelling, added words and so on. On the Respondent's construction, there would only be bad faith if the domain squatter had sought to register them all."

The Panel expressly criticized the decision in *Bruce Springsteen, supra*. "It has been clearly demonstrated, partly through the Respondent's admissions, that the Billing Correspondent, Jeff Bugar, obtained a succession of celebrity .com domain names, and this gives rise to a pattern of conduct in which he stockpiled similar registrations. These prevented the celebrities concerned from securing the straightforward .com registration for their name." The Panel ordered the transfer of the domain name at issue to Complainant.

The following is the digest of this month's cases:

1864. The Author's Guild, Inc. v. Old Barn Studios, Ltd., Nos. AF-0582a; AF-0582b; AF-0582c; AF-0582d; AF-0582e; AF-0582f; AF-0582g; AF-0582h; AF-0582i

- a. Date: January 8, 2001
- b. Panelist(s): Richard Hill, Edward Chiasson, David Perkins
- c. Domain Name(s) at Issue: <rlstine.com; johnberendt.com; charlesfrazier.com; thomasfriedman.com; johannalindsey.com; louissachar.com; billieletts.com; elizabethstrout.com; susanelizabethphillips.com>
- d. Response?: Yes
- e. Principle(s):
 - 1) "Multiple domain names may be contested in a single ICANN proceeding, in accordance with clause 3(c) of the ICANN Rules."
 - 2) "[I]t is clear that the intent of the Policy is to allow related domain name disputes to be handled by a single panel, as in the present proceedings."
 - 3) "[I]t is commonly accepted that there are situations in which passive use (that is, mere registration without an active web site) can lead to a conclusion of bad faith use."
 - 4) Block registration, registering a large number of authors' names as domain names, is indicative of bad faith intent to profit from names in which the respondent has no rights.

- f. Result: Name transfer
- g. Policy cited: 3(a), 3(b)(ii), 3(c), 4(a), 4(a)(iii), 4(b)(i), 4(b)(ii), 4(b)(iv), 4(f)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: *Jeanette Winterson v. Mark Hogarth*, Case No. D2000-0235; *Julia Fiona Roberts v. Russell Boyd*, Case No. D2000-0210; *Salvatore Ferragamo Italia S.P.A. v. Ashot Rostomian*, Case No. D2000-1187; *Telstra*, Case No. D2000-0003.
- j. Judicial decisions and statutes cited: None

1865. Daydream Island Resort Investments Pty Ltd. v. Alessandro Sorbello, No. AF-0586

- a. Date: January 12, 2001
- b. Panelist(s): John V. Swinson
- c. Domain Name(s) at Issue: <daydreamisland.com>
- d. Response?: Yes
- e. Principle(s):
 - 1) “It is not a requirement for the Complainant to prove that the Complainant has the exclusive rights to the Trademark in relation to all types of goods and services in all countries in the world. There is no requirement that the trademark be a registered trademark.”
 - 2) “[J]ust because another person has a trademark right involving a word does not prevent a Complainant proving that that the Complainant also has trademark rights to that or a similar word.”
 - 3) “The ‘use’ requirement has been found not to require positive action, inaction being within the concept.”
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(b)(i)-(iv), 4(c), 4(c)(i)
- h. Uniform Rules cited: 14
- i. Panel Decisions cited: *Burlington Coat Factory Warehouse Corporation v. Naiyer Imam*, Case No. D2000-0485; *Cabela’s Incorporated v. John Zuccarini*, Case No. FA0007000095233; *Web2You Inc. v. MyDotCom*, Case No. AF-0268; *Madonna Ciccone, p/k/a Madonna v. Dan Parisi and “Madonna.com”*, Case No. D2000-0847; *TPI Holdings Inc. v. JB Designs*, Case No. D2000-0216; *Park Place Entertainment Corporation v. Mike Gorman*, Case No. D2000-0699; *Excelentísimo Ayuntamiento de Barcelona v. Barcelona.com Inc.*, Case No. D2000-0505; *Melbourne IT Limited v. Grant Matthew Stafford*, Case No. D2000-1167; *Oceanwalk Properties, Ltd. v. Virtual Reality Mall Inc.*, Case No. FA006000095044; *Glenmaura v. American Distribution Systems, Inc.*, Case No. AF-0114; *Australian Stock Exchange Limited and ASX Operations Pty Limited v. Community Internet (Australia) Pty Ltd*, Case No. D2000-1384; *Sydney Opera House Trust v. Trilynx Pty Limited*, Case No. D2000-1224; *The Board of Governors of the University of Alberta v. Michael Katz d.b.a. Domain Names for Sale*, Case No. D2000-0378; *Burgernetzverein Bamberg e. V. v. Marcel Stenzel*, Case No. AF-0267; *Maui Land and Pineapple Co., Inc. v. Kapalua Land Co., Ltd.*, Case No. FA0008000095544; *Bayshore Vinyl Compounds Inc. v. Michael Ross*, Case No. AF-0187; *Telstra Corporation Limited v. Nuclear Marshmallows*,

- Case No. D2000-0003; *Barney's, Inc. v. BNY Bulletin Board*, Case No. D2000-0059; *CBS Broadcasting, Inc. v. Dennis Toeppen*, Case No. D2000-0400; *Video Networks Limited v. Larry Joe King*, Case No. D2000-0487; *Recordati S.P.A. v. Domain Name Clearing Company*, Case No. D2000-0194; *Revlon Consumer Products Corporation v. Yoram Yosef aka Joe Goldman*, Case No. D2000-0468; *Estate of Tupac Shakur v. Shakur Info Page*, Case No. AF-0346; *Sydney Opera House Trust v. Trilynx Pty Limited*, Case No. D2000-1224; *SportSoft Golf, Inc. v. Hale Irwin's Golfers' Passport*, Case No. NAF FA 94956; *Marriott International, Inc. v. John Marriott*, Case No. NAF FA 94737; *Canada Inc. v. Sandro Ursino*, Case No. AF-0211; *Centeon L.L.C./Aventis Behring L.L.C. v. Ebiotech.com*, Case No. NAF FA 95037; *Pest Control of Stockton, Inc. v. Mike Rogers*, Case No. AF-0216; *Bayshore Vinyl Compounds Inc. v. Michael Ross*, Case No. AF-0187.
- j. Judicial decisions and statutes cited: None

1866. Marcor International v. Len Langevin, No. FA0012000096317

- a. Date: January 12, 2001
 b. Panelist(s): Robert R. Merhige
 c. Domain Name(s) at Issue: <worldmusicawards.com>
 d. Response?: Yes
 e. Principle(s): None
 f. Result: Name transfer
 g. Policy cited: 4(a), 4(c)(i), 4(c)(ii), 4(b), 4(b)(i)-(iv)
 h. Uniform Rules cited: 15(a)
 i. Panel Decisions cited: *North Coast Medical, Inc. v. Allegro Medical*, Case No. FA 95541; *Taco Bell Corp. v. Tango Bella*, Case No. D2000-1229.
 j. Judicial decisions and statutes cited: None

1867. Volkswagen of America, Inc. v. Compugraphic, No. FA0012000096265

- a. Date: January 16, 2001
 b. Panelist(s): Ralph Yachnin
 c. Domain Name(s) at Issue: <vwbeetles.com>
 d. Response?: No
 e. Principle(s): None
 f. Result: Name transfer
 g. Policy cited: 4(a), 4(a)(i), 4(c)(i)-(ii)
 h. Uniform Rules cited: 5(e), 14(a), 15(a)
 i. Panel Decisions cited: *Kelson Physician Partners, Inc. v. Mason*, CPR003; *Treeforms, Inc. v. Cayne Industrial Sales Corp.*, Case No. FA 95856; *Hartford Fire Ins. Co. v. Webdeal.com, Inc.*, Case No. FA 95162; *Boeing Co. v. Bressi*, Case No. D2000-1164; *Wrenthead.com, Inc. v. Hammersla*, Case No. D2000-1222; *World Wrestling Fed'n. Entertainment, Inc. v. Bosman*, Case No. D0099-0001; *America Online, Inc. v. Xianfeng Fu*, Case No. D2000-1374.
 j. Judicial decisions and statutes cited: None

**1868. National Geographic Society v. Stonybrook Investments, Ltd.,
No. FA0012000096263**

- a. Date: January 11, 2001
- b. Panelist(s): Ralph Yachnin
- c. Domain Name(s) at Issue: <nationalgeographics.com>
- d. Response?: No
- e. Principle(s):
 - 1) "The addition of the letter 's' does not detract from the similarity of the marks, and actually adds to the potential for confusion."
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(a)(i), 4(a)(ii)
- h. Uniform Rules cited: 5(e), 14(a), 15(a)
- i. Panel Decisions cited: *Bank of American Corp. v. InterMos*, Case No. FA 95092; *Universal City Studios, Inc. v. HarperStephens*, Case No. D2000-0716; *The Boeing Co. v. Bressi*, Case No. D2000-1164; *Samsonite Corp. v. Colony Holding*, Case No. FA 94313; *Dr. Karl Albrecht v. Eric Natale*, Case No. FA 95465; *State Farm Mut. Auto. Ins. Co. v. Northway*, Case No. FA 95464.
- j. Judicial decisions and statutes cited: None

**1869. Hewlett-Packard Company v. World Wide Web Home Player,
No. FA0012000096267**

- a. Date: January 8, 2001
- b. Panelist(s): Ralph Yachnin
- c. Domain Name(s) at Issue: <wwwwhp.com>
- d. Response?: No
- e. Principle(s):
 - 1) Respondent's constructive knowledge of Complainant's well-known trademark is evidence of bad faith registration.
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(b)(iv), 4(c)(i)-(iii)
- h. Uniform Rules cited: 5(e), 14(a), 15(a)
- i. Panel Decisions cited: *Bank of American Corp. v. InterMos*, Case No. FA 95092; *MSNBC Cable, LLC v. Tsysys.com*, Case No. D2000-1204; *Computer Doctor Franchise Systems, Inc. v. The Computer Doctor*, Case No. FA 95396; *Nokia Corp. v. Private*, Case No. D2000-1271; *Encyclopaedia Britannica Inc. v. Shedon.com*, Case No. D2000-0753; *ESPN, Inc. v. Danny Ballerini*, Case No. FA 95410; *The London Metal Exchange Ltd. v. Syed Hussain*, Case No. D2000-1388; *Samsonite Corp. v. Colony Holding*, Case No. FA 94313; *Exxon Mobil Corporation v. Fisher*, Case No. D2000-1412.
- j. Judicial decisions and statutes cited: None

1870. Enron Corp. v. Kirk Merrikh, No. FA0012000096260

- a. Date: January 10, 2001
- b. Panelist(s): Henry W. Blizzard
- c. Domain Name(s) at Issue: <enrononline.tv>
- d. Response?: Yes

- e. Principle(s): None
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(b)
- h. Uniform Rules cited: 15(a)
- i. Panel Decisions cited: *Sony Kabushiki Kaisha v. Inja II*, Case No. D2000-1409; *Hartford Fire Ins. Co. v. Webdeal.com, Inc.*, Case No. FA 95162; *Samsonite Corp. v. Colony Holding*, Case No. FA 94313; *Home Interiors*, Case No. D2000-0010.
- j. Judicial decisions and statutes cited: None

1871. Lush LTD v. Lush Environs, No. FA0012000096217

- a. Date: January 13, 2001
- b. Panelist(s): James A. Carmody
- c. Domain Name(s) at Issue: <lush.net>
- d. Response?: No
- e. Principle(s): None
- f. Result: Decision for Respondent
- g. Policy cited: 4(a), 4(a)(i), 4(b)(i)
- h. Uniform Rules cited: 5(e), 14(a), 15(a)
- i. Panel Decisions cited: *Kabushiki Kaisha Toshiba v. Shan Computers*, Case No. D2000-0325; *Rollerblade, Inc. v. McCrady*, Case No. D2000-0429; *Woolworths plc v. David Anderson*, Case No. D2000-1113; *The Body Shop International PLC v. CPIC NET and Syed Hussain*, Case No. D2000-1214.
- j. Judicial decisions and statutes cited: None

1872. Lush Ltd. v. Technology Education Center, No. FA0012000096215

- a. Date: January 13, 2001
- b. Panelist(s): James A. Carmody
- c. Domain Name(s) at Issue: <lushcosmetics.com>
- d. Response?: No
- e. Principle(s):
 - 1) “The fact that Respondent offered to sell the domain name to Complainant evidences Respondent’s registration and use of the domain name in bad faith.”
 - 2) “Respondent’s passive holding of the domain name further indicates his bad faith in holding the domain name.”
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(a)(i), 4(b)(i), 4(c)(ii)
- h. Uniform Rules cited: 5(e), 14(a), 15(a)
- i. Panel Decisions cited: *Quixtar Investments, Inc. v. Smithberger and QUIXTAR-IBO*, Case No. D2000-0138; *America Online, Inc. v. iDomain Names.com*, Case No. FA 93766; *Croatia Airlines v. Kwen Kijong*, Case No. AF 0302; *Busy Body, Inc. v. Fitness Outlet, Inc.*, Case No. D2000-0127; *Winterson v. Hogarth*, Case No. D2000-0235; *Bibbero Systems, Inc. v. Tseu & Assoc.*, Case No. FA 94416; *Nokia Corp. v. Private*, Case No. D2000-1271; *Ziegenfelder Co. v. VMH Enterprises, Inc.*, Case No. D2000-0039; *State Fair of Texas v. State Fair*

Guides, Case No. FA 95066; *American Anti-Vivisection Society v. "Info dot Net" Web Services*, Case No. FA 95685; *Banca Popolare Friuladria S.p.A. v. Giovanni Zago*, Case No. D2000-0793; *DCI S.A. v. Link Commercial Corp.*, Case No. D2000-1232; *Clerical Medical Investment Group Ltd. v. Clericalmedical.com*, Case No. D2000-1228.

j. Judicial decisions and statutes cited: None

1873. Bloomberg L.P. v. Kevin Scharf, No. FA0012000096264

- a. Date: January 13, 2001
- b. Panelist(s): James A. Carmody
- c. Domain Name(s) at Issue: <bloombergchannel.com>
- d. Response?: No
- e. Principle(s):
 - 1) Offering to sell a domain name at an auction site, with a starting bid of \$10,000 is not a bona fide offering of goods or services under the ICANN Policy.
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(b)(i)
- h. Uniform Rules cited: 5(e), 14(a), 15(a)
- i. Panel Decisions cited: *Chase Manhattan Corp. et al. v. Whitely*, Case No. D2000-0346; *Inter-IKEA Systems B.V. v. McLaughlin Mobility*, Case No. D2000-0499; *Cruzeiro Licenciamentos Ltda. v. Sallen*, Case No. D2000-0715; *America Online Inc. v. Shenzhen JZT Computer Software Co. Ltd.*, Case No. D2000-0809; *Wrenchhead.com, Inc. v. Hammersla*, Case No. D2000-1222.
- j. Judicial decisions and statutes cited: None

1874. HyperGalaxy, Inc. v. Doug Sooley DBA CG Designs, No. FA0011000096169

- a. Date: January 10, 2001
- b. Panelist(s): Karl V. Fink
- c. Domain Name(s) at Issue: <hypergalaxy.net>
- d. Response?: Yes
- e. Principle(s):
 - 1) "The identical services offered and the nearly identical business names and logos will create likelihood of confusion."
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(a)(ii), 4(b), 4(b)(iii), 4(b)(iv)
- h. Uniform Rules cited: 15(a)
- i. Panel Decisions cited: *Fanuc Ltd. v. Machine Control Services*, Case No. FA 93667.
- j. Judicial decisions and statutes cited: *Dial-A-Mattress Operating Corp. v. Mattress Madness, Inc.*, 841 F.Supp. 1339 (E.D.N.Y. 1994).

1875. Caterpillar, Inc. v. Colony Holding Ent., Inc., No. FA0012000096252

- a. Date: January 4, 2001
- b. Panelist(s): Herman D. Michels
- c. Domain Name(s) at Issue: <caterpillar.org>

- d. Response?: Yes
- e. Principle(s):
 - 1) Registering a domain name primarily for the purpose of reselling it to the Complainant is evidence of bad faith registration.
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(i)
- h. Uniform Rules cited: 15(a)
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

1876. Stussy, Inc. v. Body & Fitness, No. FA0012000096253

- a. Date: January 13, 2000
- b. Panelist(s): James P. Buchele
- c. Domain Name(s) at Issue: <stussy.net>
- d. Response?: No
- e. Principle(s):
 - 1) “Respondent’s constructive knowledge of the Complainant’s trademark evidences his registration and use of domain name in bad faith.”
 - 2) Offering to sell, rent or otherwise transfer the domain name registration to Complainant two days after registration demonstrates bad faith in registration.
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(a)(i), 4(b)(i), 4(c)(i)-(iii)
- h. Uniform Rules cited: 5(e), 14(a), 15(a)
- i. Panel Decisions cited: *Nike, Inc. v. Coleman*, Case No. D2000-1120; *Rollerblade, Inc. v. McCrady*, Case No. D2000-0429; *American Anti-Vivisection Society v. “Infa do Net” Web Services*, Case No. FA 95685; *The Body Shop International PLC v. CPIC NET and Syed Hussain*, Case No. D2000-1214; *Charles Jourdan Holding AG v. AAIM*, Case No. D2000-0403; *Samsonite Corp. v. Colony Holding*, Case No. FA 94313; *Exxon Mobil Corporation v. Fisher*, Case No. D2000-1412; *Deutsche Bank AG v. Diego-Arturo Bruckner*, Case No. D2000-0277.
- j. Judicial decisions and statutes cited: None

1877. Agri-Cover, Inc. v. Shur-Co, No. FA0012000096246

- a. Date: January 4, 2001
- b. Panelist(s): Ralph Yachnin
- c. Domain Name(s) at Issue: <agricover.com>
- d. Response?: No
- e. Principle(s):
 - 1) “Respondent has registered and used the domain name at issue in bad faith because it has made no use of the domain name since registration, which constitutes ‘passive holding’.”
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(a)(i), 4(c)(i)-(iii)
- h. Uniform Rules cited: 5(e), 14(a), 15(a)

- i. Panel Decisions cited: *The Ritz-Carlton Hotel Co. v. Club Car Executive Transportation and Dennis Rooney*, Case No. D2000-0611; *Dollar Financial Group, Inc. v. Advanced Legal Systems, Inc.*, Case No. FA 95102; *Hartford Fire Ins. Co. v. Webdeal.com, Inc.*, Case No. FA 95162; *Pavillion Agency, Inc., Cliff Greenhouse and Keith Greenhouse v. Greenhouse Agency Ltd., and Glenn Greenhouse*, Case No. D2000-1221; *Clerical Med. Inv. Group Ltd. v. Clericalmedical.com*, Case No. D2000-1228; *Telstra Corp. v. Nuclear Marshmallows*, Case No. D2000-0003; *Reuters Ltd. v. Teletrust IPR Ltd.*, Case No. D2000-0471.
- j. Judicial decisions and statutes cited: None

1878. Wellness International Network, LTD v. Richard Sharif, No. FA0012000096187

- a. Date: January 12, 2001
- b. Panelist(s): John A. Bender, Jr.
- c. Domain Name(s) at Issue: <wellness-international.net>
- d. Response?: Yes
- e. Principle(s): None
- f. Result: Name transfer
- g. Policy cited: 4(a)
- h. Uniform Rules cited: 15(a)
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

1879. National Cable Satellite Corporation v. Gearwood.com, No. FA0012000096194

- a. Date: January 8, 2001
- b. Panelist(s): Howard C. Buschman, II
- c. Domain Name(s) at Issue: <cspan2.org; c-span2.org; cspan2.com>
- d. Response?: Yes
- e. Principle(s): None
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(a)(iii), 4(b), 4(b)(iv)
- h. Uniform Rules cited: 15(a)
- i. Panel Decisions cited: *Distinctive Designs Int'l, Inc. v. distinctivedesigns.com*, Case No. FA 95478; *Methodist Urology, LLC v. Urology of Indiana*, Case No. FA 95609.
- j. Judicial decisions and statutes cited: None

1880. www.VALIDSites.com v. Grace English and Martiza Nanasca, No. FA0012000096177

- a. Date: January 16, 2001
- b. Panelist(s): Carolyn Marks Johnson
- c. Domain Name(s) at Issue: <validsites.com>
- d. Response?: No
- e. Principle(s):

- 1) A domain name that is merely a combination of Complainant's pending service mark application and the common URL suffix '.com' is identical to the Complainant's trade name and service marks, for purposes of the Policy.
 - 2) Attempting to extort benefits and privileges from Complainant by using the domain as leverage and threatening to transfer the domain name to a competitive company for personal profit, demonstrates bad faith registration under the Policy.
- f. Result: Name transfer
 - g. Policy cited: 4(a), 4(a)(i), 4(a)(ii), 4(b)(i)
 - h. Uniform Rules cited: 5(e), 14(a), 15(a)
 - i. Panel Decisions cited: *Bibbero Sys., Inc. v. Tseu & Assoc.*, Case No. FA 94416; *Nike, Inc. v. Coleman*, Case No. D2000-1120; *Phone-N-Phone Services (Bermuda) Ltd. v. Shlomi (Salomon) Levi*, Case No. D2000-1120; *Boeing Co. v. Bressi*, Case No. D2000-1164; *Hartford Fire Ins. Co. v. Webdeal.com, Inc.*, Case No. FA 95162; *Metallica v. Schnieder*, Case No. FA 95636.
 - j. Judicial decisions and statutes cited: None

1881. Dollar Financial Group, Inc. v. Patrick Bishop, No. FA0012000096207

- a. Date: January 3, 2000
- b. Panelist(s): Ralph Yachnin
- c. Domain Name(s) at Issue: <money-mart.com>
- d. Response?: None
- e. Principle(s):
 - 1) Passive holding of a domain name demonstrates bad faith use.
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(a)(i), 4(c)(i), 4(c)(iii)
- h. Uniform Rules cited: 5(e), 14(a), 15(a)
- i. Panel Decisions cited: *CBS Broadcasting, Inc. v. LA-Twilight-Zone*, Case No. D2000-0397; *General Electric Co. v. Bakhit*, Case No. D2000-0386; *Hartford Fire Insurance Co. v. Webdeal.com, Inc.*, Case No. FA 95162; *Pavillion Agency, Inc., Cliff Greenhouse and Keith Greenhouse v. Greenhouse Agency, Ltd., and Glenn Greenhouse*, Case No. D2000-1221; *Clerical Medical Investment Group, Ltd. v. Clericalmedical.com*, Case No. D2000-1228; *The Caravan Club v. Mrgsale*, Case No. FA 95314.
- j. Judicial decisions and statutes cited: None

1882. Patricia Cobe & Ellen Parlapiano v. SHE.E.O and B Aware Nation, No. FA0011000096103

- a. Date: January 8, 2001
- b. Panelist(s): Howard C. Buschman, III
- c. Domain Name(s) at Issue: <mompreneur.com; mompreneur.net; mompreneur.org; mompreneurs.com; mompreneurs.net; mompreneurs.org>
- d. Response?: Yes
- e. Principle(s):

1) Every coined derivative of a generic term is not automatically generic itself, so as to preclude exclusivity as a trade or service mark.

- f. Result: Decision for Respondent
- g. Policy cited: 4(a), 4(a)(iii), 4(b)(i)-(iv)
- h. Uniform Rules cited: 15(a)
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

1883. Paws, Incorporated v. Dulles Nokes, No. FA0012000096204

- a. Date: January 8, 2001
- b. Panelist(s): James A. Carmody
- c. Domain Name(s) at Issue: <garfield-online.com; garfieldonline.net; garfield-online.net>
- d. Response?: No
- e. Principle(s):
 - 1) “Adding a broad word to the Complainant’s mark does not terminate the Complainant’s right in the mark nor create a separate and distinct mark. Adding a generic word to a mark does not alter the fact that the domain names are confusingly similar to the Complainant’s marks.”
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(a)(i), 4(a)(ii), 4(c)(i)-(iii)
- h. Uniform Rules cited: 5(e), 14(a), 15(a)
- i. Panel Decisions cited: *The Body Shop International PLC v. CPIC NET and Syed Hussain*, Case No. D2000-1214; *Sony Kabushiki Kaisha v. Inja, Kil*, Case No. D2000-1409; *Pharmacia & Upjohn AB v. Romero*, Case No. D2000-1273; *Nokia Corp. v. Private*, Case No. D2000-1271; *Nintendo of America Inc. v. Pokemon*, Case No. D2000-1230; *The London Metal Exchange Ltd. v. Syed Hussain*, Case No. D2000-1388; *Samsonite Corp. v. Colony Holding*, Case No. FA 94313; *Telstra Corp. v. Nuclear Marshmallows*, Case No. D2000-0003; *Alitalia Linee Aeree Italiane S.p.A v. Colour Digital*, Case No. D2000-1260; *Nike, Inc. v. Coleman*, Case No. D2000-1120; *E & J. Gallo Winery v. Oak Investment Group*, Case No. D2000-1213.
- j. Judicial decisions and statutes cited: None

1884. Paws, Incorporated v. WORLD, No. FA0012000096208

- a. Date: January 8, 2001
- b. Panelist(s): James A. Carmody
- c. Domain Name(s) at Issue: <garfield.net>
- d. Response?: No
- e. Principle(s):
 - 1) “The Panel notes that the word ‘use’ in this context does not require a positive act on the part of the Respondent; passively holding a domain name can constitute use in bad faith.”
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(a)(ii), 4(c)(i)-(iii)
- h. Uniform Rules cited: 5(e), 14(a), 15(a)

- i. Panel Decisions cited: *Nike, Inc. v. Coleman*, Case No. D2000-1120; *Pharmacia & Upjohn AB v. Romero*, Case No. D2000-1273; *Nokia Corp. v. Private*, Case No. D2000-1271; *Nintendo of America Inc. v. Pokemon*, Case No. D2000-1230; *The London Metal Exchange Ltd. v. Syed Hussain*, Case No. D2000-1388; *Telstra Corp. v. Nuclear Marshmallows*, Case No. D2000-0003; *Alitalia Linee Aeree Italiane S.p.A v. Colour Digital*, Case No. D2000-1260; *E&J Gallo Winery v. Oak Investment Group*, Case No. D2000-1213.
- j. Judicial decisions and statutes cited: None

1885. Paws, Incorporated v. Odie, No. FA0012000096206

- a. Date: January 8, 2001
- b. Panelist(s): James A. Carmody
- c. Domain Name(s) at Issue: <odie.com>
- d. Response?: No
- e. Principle(s):
 - 1) “The Panel notes that the word ‘use’ in this context does not require a positive act on the part of the Respondent; passively holding a domain name can constitute use in bad faith.”
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(a)(ii), 4(c), 4(c)(i)-(iii)
- h. Uniform Rules cited: 5(e), 14(a), 15(a)
- i. Panel Decisions cited: *Nike, Inc. v. Coleman*, Case No. D2000-1120; *Pharmacia & Upjohn AB v. Romero*, Case No. D2000-1273; *Nokia Corp. v. Private*, Case No. D2000-1271; *Nintendo of America Inc. v. Pokemon*, Case No. D2000-1230; *The London Metal Exchange Ltd. v. Syed Hussain*, Case No. D2000-1388; *Telstra Corp. v. Nuclear Marshmallows*, Case No. D2000-0003; *Alitalia Linee Aeree Italiane S.p.A v. Colour Digital*, Case No. D2000-1260; *E&J Gallo Winery v. Oak Investment Group*, Case No. D2000-1213.
- j. Judicial decisions and statutes cited: None

1886. Clipper Magazine, Inc. v. Advanced Internet Marketing, No. FA0012000096180

- a. Date: January 11, 2001
- b. Panelist(s): James P. Buchele
- c. Domain Name(s) at Issue: <couponclipper.com>
- d. Response?: Yes
- e. Principle(s):
 - 1) “Using a domain name to infringe upon another’s established mark and business rights is not a valid or bona fide use of a domain name.”
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(a)(ii), 4(a)(iii), 4(b), 4(b)(iv), 4(c)(i)-(iii)
- h. Uniform Rules cited: 5(e), 14(a), 15(e)
- i. Panel Decisions cited: *Croatia Airlines v. Kwen Kijong*, Case No. AF-0302; *North Coast Medical, Inc. v. Allegro Medical*, Case No. FA 95541; *Luck’s Music Library v. Stellar Artist Management*, Case No. FA 95650.
- j. Judicial decisions and statutes cited: None

1887. Brown & Bigelow, Inc. v. Site Ads Inc., No. FA0011000096127

- a. Date: January 11, 2001
- b. Panelist(s): James P. Buchele
- c. Domain Name(s) at Issue: <hoylecasino.com>
- d. Response?: No
- e. Principle(s):
 - 1) “Respondent has tarnished the Complainant’s mark by associating its mark with pornographic web site links, which also substantiates bad faith.”
 - 2) “Respondent has registered at least fifty domain names not related to its business, constituting a pattern of conduct, which also shows bad faith.”
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(a)(i), 4(b)(ii), 4(c)(i)-(iii)
- h. Uniform Rules cited: 5(e), 14(a), 15(a)
- i. Panel Decisions cited: *The Body Shop Int’l PLC v. CPIC NET and Syed Hussain*, Case No. D2000-1214; *Space Imaging LLC v. Brownwell*, Case No. AF 0298; *Woolworths plc v. David Anderson*, Case No. D2000-1113; *America Online, Inc. v. Xianfeng Fu*, Case No. D2000-1374; *MatchNet plc. v. MAC Trading*, Case No. D2000-0205; *Youtv, Inc. v. Mr. Erkan Alemdar*, Case No. FA 94243; *Harcourt, Inc. v. Jeff Fadness*, Case No. FA 95247; *Armstrong Holdings, Inc. v. JAZ Assoc.*, Case No. FA 95234.
- j. Judicial decisions and statutes cited: None

1888. High Speed Productions, Inc. v. Thrasher Magazine, Ltd., No. FA0011000096099

- a. Date: January 8, 2001
- b. Panelist(s): Daniel Banks
- c. Domain Name(s) at Issue: <thrashermagazine.net>
- d. Response?: Yes
- e. Principle(s):
 - 1) When Respondent and Complainant hold registered trademarks for the same mark in separate countries, past UDRP decisions indicate that whether Respondent’s knowledge of Complainant’s mark at the point of registration is the key element in determining if there is registration and use in bad faith.
- f. Result: Decision for Respondent
- g. Policy cited: 4(a), 4(c)(i), 4(c)(ii)
- h. Uniform Rules cited: 15(a)
- i. Panel Decisions cited: *Rollerblade, Inc. v. CBNO and Ray Redican Jr.*, Case No. D2000-0427; *DFJ Associates, Inc. v. AIB Communications*, Case No. FA 95612; *Nokia Corp. v. Nokiagirls.com*, Case No. D2000-0102; *Marbil Co. Inc. “DBA” Insol v. Sangjun Choi*, Case No. D2000-1275.
- j. Judicial decisions and statutes cited: None

**1889. Pressmaster, Inc. v. Quixotic Internet Consultants,
No. FA0011000096168**

- a. Date: January 11, 2001
- b. Panelist(s): Irving H. Perluss
- c. Domain Name(s) at Issue: <pressmaster.com>
- d. Response?: Yes
- e. Principle(s): None
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(c)
- h. Uniform Rules cited: 15(a)
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: *Anticybersquatting Consumer Protection Act*, 15 U.S.C. 1125(d)(1)(A), (1)(B)(i)(iv); *Panavision Int'l L.P., v. Toepfen*, 141 F.3d 1316 (9th Cir. 1998).

**1890. Holt Lloyd International Ltd. v. Wilmington International, Inc.,
No. FA0011000096126**

- a. Date: January 11, 2000
- b. Panelist(s): James P. Buchele
- c. Domain Name(s) at Issue: <carrdaymartin.com>
- d. Response?: No
- e. Principle(s):
 - 1) Respondent's failure to submit a response entitles the Panel to conclude that Respondent has no rights or legitimate interests in relation to the domain name at issue.
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(a)(i), 4(c)(i)-(iii)
- h. Uniform Rules cited: 5(e), 14(a), 15(a)
- i. Panel Decisions cited: *Universal City Studios, Inc. v. HarperStephens*, Case No. D2000-0716; *Treeforms, Inc. v. Cayne Industrial Sales Corp.*, Case No. FA 95856; *Pavillion Agency, Inc., Cliff Greenhouse and Keith Greenhouse v. Greenhouse Agency Ltd., and Glenn Greenhouse*, Case No. D2000-1221; *Wembley National Stadium Ltd. v. Thomson*, Case No. D2000-1233; *World Wrestling Fed. Entertainment, Inc. v. Bosman*, Case No. D99-0001.
- j. Judicial decisions and statutes cited: None

**1891. Wharfedale International Limited v. Alpha Sound & Vision,
No. FA0011000096117**

- a. Date: January 2, 2001
- b. Panelist(s): Harold Kalina
- c. Domain Name(s) at Issue: <wharfedale.com>
- d. Response?: No
- e. Principle(s): None
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(a)(ii), 4(a)(iii), 4(b), 4(b)(iii), 4(b)(iv)
- h. Uniform Rules cited: 5(e), 14(a), 15(a)

- i. Panel Decisions cited: *Wembley National Stadium Limited v. Thomson*, Case No. D2000-1233; *Fossil Inc. v. NAS*, Case No. FA 92525; *Identigene, Inc. v. Genetest Laboratories*, Case No. D2000-1100.
- j. Judicial decisions and statutes cited: None

1892. Los Angeles County Bar Association v. J.D. Barnett Law Offices, No. FA0011000096113

- a. Date: January 2, 2001
- b. Panelist(s): Edmund P. Karem
- c. Domain Name(s) at Issue: <smartlaw.com>
- d. Response?: Yes
- e. Principle(s):
 - 1) “[W]hether the identical nature of the names gives the Complainant rights requires the resolution of the issue as to whether the domain name is composed of generic terms over which Complainant can not exercise exclusive control unless it has established a strong secondary meaning.”
- f. Result: Decision for Respondent
- g. Policy cited: 4(a)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: *Technology Properties, Inc. v. Burris*, Case No. FA 94424; *PetWarehouse v. Pets.com, Inc.*, Case No. D2000-0105; *SOCCKERPLEX, INC. v. NBA, INC.*, Case No. FA 94361.
- j. Judicial decisions and statutes cited: None

1893. Gene Autry Survivors Trust v. Old Records, No. FA0011000096121

- a. Date: January 11, 2001
- b. Panelist(s): Karl V. Fink
- c. Domain Name(s) at Issue: <geneautry.com>
- d. Response?: Yes
- e. Principle(s):
 - 1) The addition of the suffix “.com” to Complainant’s trademark is not sufficient to avoid a finding of identity or confusing similarity.
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(b)(i), 4(b)(ii), 4(c)(i)-(iii)
- h. Uniform Rules cited: 15(a)
- i. Panel Decisions cited: *BMW AG v. Loophole*, Case No. D2000-1156; *World Wrestling Federation Entertainment v. Bosman*, Case No. D99-0001; *Neuberger Berman Inc. v. Alfred Jacobson*, Case No. D2000-0323.
- j. Judicial decisions and statutes cited: None

1894. Dollar Financial Group, Inc. v. Business Solutions of Texas, No. FA0011000096111

- a. Date: January 3, 2001
- b. Panelist(s): Paul A. Dorf
- c. Domain Name(s) at Issue: <moneymart.net>
- d. Response?: Yes

- e. Principle(s): None
- f. Result: Name transfer
- g. Policy cited: 4(a)
- h. Uniform Rules cited: 15(a)
- i. Panel Decisions cited: *Blue Sky Software Corp. v. Digital Sierra Inc.*, Case No. D2000-0165; *Hartford Fire v. Webdeal.com, Inc.*, Case No. FA 95162; *Toyota Jidosha Kabushiki Kaisha d/b/a Toyota Motor Corp. v. S&S Enterprises Ltd.*, Case No. D2000-0802; *The Caravan Club v. Mrgsale*, Case No. FA 95314.
- j. Judicial decisions and statutes cited: None

1895. Garth Brooks v. Commbine.com, LLC, No. FA0011000096097

- a. Date: January 12, 2001
- b. Panelist(s): R. Glen Ayers, Jr.
- c. Domain Name(s) at Issue: <garthbrooks.com>
- d. Response?: Yes
- e. Principle(s):
 - 1) “If Respondent had registered and was using ‘garthbrooks.com’ in good faith and the use of the domain name in question could be confined to the promotion of Complainant, in a non-commercial capacity, then there would be no ‘bad faith.’”
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(b)(iv)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: *Hormel Foods Corp. and Hormel Foods, LLC v. Spotted Cow Media*, Case No. FA 95067; *Blue Sky Software Corp. v. Digital Sierra, Inc.*, Case No. D2000-0165; *Hartford Fire Ins. Co. v. Webdeal.com, Inc.*, Case No. FA 95162; *IG Index PLC v. Index Trade*, Case No. D2000-1124; *Reuters Ltd. v. Global Net 2000, Inc.*, Case No. D2000-0441; *Perot Systems Corporation v. Perot.net*, Case No. FA 95312; *Eddy’s (Nottingham) Ltd. v. Smith*, Case No. D2000-0789.
- j. Judicial decisions and statutes cited: None

1896. Gallup, Inc. v. Heejo Kim aka Gallupgeorgehorace.com aka georgehoracegallup.com, No. FA0011000096081

- a. Date: January 4, 2001
- b. Panelist(s): James Alan Crary, James Carmody, M. Kelly Tillery
- c. Domain Name(s): <gallupgeorgehorace.com; georgehoracegallup.com>
- d. Response?: No
- e. Principle(s): None
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(i)
- h. Uniform Rules cited: 14(a), 15(a)
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

1897. CMG Worldwide, Inc. v. Lombardi, No. FA0011000095966

- a. Date: January 4, 2001
- b. Panelist(s): Nelson A. Diaz
- c. Domain Name(s) at Issue: <vincelombardi.com>
- d. Response?: Yes
- e. Principle(s):
 - 1) “[T]he addition of the ‘.com’ is not significant in determining similarity.”
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(b), 4(b)(i), 4(b)(iv), 4(c)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: *CMG Worldwide, Inc. v. Naughty Page*, Case No. FA 95641; *CMG Worldwide, Inc. v. Steve Gregory*, Case No. FA 95645; *CMG Worldwide v. James Dean Internet Club*, Case No. FA 94187; *Daniel C. Marino, Jr. v. Video Images Productions*, Case No. D2000-0598.
- j. Judicial decisions and statutes cited: None

1898. SR Motorsports v. Rotary Performance, No. FA0010000095859

- a. Date: January 4, 2001
- b. Panelist(s): Carolyn Marks Johnson
- c. Domain Name(s) at Issue: <srmotorsports.com; sr-motorsports.com>
- d. Response?: No
- e. Principle(s):
 - 1) “The addition of a hyphen does not create a mark that is distinguishable from a Complainant’s mark. It remains identical to or confusingly similar to a Complainant’s mark.”
 - 2) “[M]erely registering a domain name and then passively holding it are not sufficient to establish rights in or legitimate interests to a domain name or mark under paragraph 4(a)(ii) of the Policy.”
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(a)(i)-(iii), 4(b)(iii)
- h. Uniform Rules cited: 5(e), 14(a), 15(a)
- i. Panel Decisions cited: *InfoSpace.com v. Tenenbaum Ofer*, Case No. D2000-0075; *Ronson plc v. Unimetal Sanayai ve Tic.A.S., Retail Florist’s Business*, Case No. D2000-0011; *Parfums Christian Dior v. QTR Corp.*, Case No. D2000-0023; *N.C.P. Marketing Group, Inc. v. Entredomains*, Case No. D2000-0387; *Vestel Elektronik Sanayi ve Ticaret AS v. Mehmet Kahveci*, Case No. D2000-1244; *Southern Exposure v. Southern Exposure, Inc.*, Case No. FA 94864.
- j. Judicial decisions and statutes cited: None

1899. H2 Design Group, Inc. v. Summertime Ent., No. FA0011000096079

- a. Date: January 2, 2001
- b. Panelist(s): James A. Crary
- c. Domain Name(s) at Issue: <h2design.com>
- d. Response?: Yes
- e. Principle(s):

- 1) “The ‘.com’ suffix denoting second-level domain status in Respondent’s domain name does not affect the fact that the name is identical to Complainant’s mark.”
 - 2) “The Uniform Domain Name Dispute Resolution Policy does not impose any registration obligation on trademark owners. Rather the Policy imposes an obligation on those who register domain names not to register for an unlawful purpose or use of the domain name in violation of any applicable laws or regulations.”
- f. Result: Name transfer
- g. Policy cited: 2(c), 2(d), 4(a), 4(b)(i), 4(b)(iv)
- h. Uniform Rules cited: 15(e)
- i. Panel Decisions cited: *Julia Fiona Roberts v. Russell Boyd*, Case No. D2000-0210.
- j. Judicial decisions and statutes cited: None

1900. Ken Done, Ken Done & Associates Pty Limited, and Ken Done Down Under Pty Limited v. Ted Gibson, No. AF-0638

- a. Date: January 25, 2001
- b. Panelist(s): Joel R. Reidenberg
- c. Domain Name(s) at Issue: <kendone.com>
- d. Response?: Yes
- e. Principle(s):
 - 1) “While the Respondent has the right to specify a preferred means of communication in the answer to the complaint, this does not affect the legitimacy of the means used to initiate a proceeding.”
 - 2) “[A] complaint may be submitted by multiple related parties where there are common interests in a single domain name,” but the Joint Complainants must present their claim adequately, without obscuring the trademark ownership interests among each of the parties, requesting an ambiguous remedy, or avoiding the identification of each party’s stake in the remedy.”
- f. Result: Decision for Respondent
- g. Policy cited: 4(a)
- h. Uniform Rules cited: 2(a), 3(b)(viii)-(ix), 3(b)(xv), 3(c), 4(c), 5(a), 5(b)(iii), 5(d), 10(b), 10(c), 14(b)
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

1901. Marine Expert Inc. v. Major Cormier & Associés Inc., No. AF-0538

- a. Date: January 17, 2001
- b. Panelist(s): Jacques A. Léger
- c. Domain Name(s) at Issue: <marinexpert.com>
- d. Response?: Yes
- e. Principle(s):
 - 1) “Of course, the Policy does not require the Complainant to prove rights into a ‘registered’ trademark, as a proof of a common law trademark is

sufficient....It is trite law that rights in a trademark can be acquired through use, and such rights exist even though the trademark may not be registered.”

- 2) “However, the mere incorporation of a trade name does not confer rights into a trademark or service mark; to establish such rights, a party has to demonstrate, for instance, that it has been using the trade name to distinguish its enterprise, products or services from those of others and that it has been using said trade name to distinguish itself for instance on company brochures, publicity, stationary, etc.”
- 3) “As to the issue of redirecting, the Panel adopts the finding made by previous panels that redirection (under certain circumstances) might be considered as legitimate use, if such redirection is not misleading to consumers.”

- f. Result: Decision for Respondent
- g. Policy cited: 4(a)(i)-(iii), 4(b), 4(c)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: *Diageo p.l.c. v. John Zuccarini*, Case No. D2000-0541; *Film Council v. Boolean Consulting Limited*, Case No. AF-0505; *Shirmax Retail Ltd./Détailants Shirmax Ltée v. CES Marketing Group Inc.*, Case No. AF-0104.
- j. Judicial decisions and statutes cited: None

1902. WPP Group Plc v. WPP, Nos. AF-0530a; AF-0530b

- a. Date: January 21, 2001
- b. Panelist(s): Nicolò Bellotto
- c. Domain Name(s) at Issue: <wppinternational.com; wppmultimedia.com>
- d. Response?: Yes
- e. Principle(s):
 - 1) Where Respondent’s and Complainant’s domain names both are composed by the name of the mark and a generic word and none of the parties have proved to be known on the market exactly with the names included on the domain names, the principle applicable to solve the issue of whether Respondent has any rights or legitimate interests in the domain name is the principle of first come first served.
- f. Result: Decision for Respondent
- g. Policy cited: 4(a), 4(a)(iii), 4(i)
- h. Uniform Rules cited: 15
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

1903. Matériaux à Bas Prix Ltée v. Philippe Gauthier, Nos. AF-0581a; AF-0581b

- a. Date: January 22, 2001
- b. Panelist(s): David Lametti
- c. Domain Name(s) at Issue: <materiauxabasprix.com; bargainbuildingmaterials.com>
- d. Response?: No

- e. Principle(s):
 - 1) The sum of \$50,000 asked for the transfer of two domain names is exorbitant, and well above any out-of-pocket costs for registration and handling of a domain name, and is strong evidence of bad faith.
 - 2) “While the mere failure to file a Response in a proceeding under the Policy is not in and of itself indicative of bad faith, disappearance from the scene even before this proceeding was commenced, as well as failing to respond to any communication from the Clerk’s Office, indicates in this case that the Respondent probably has never had any other motive except to see what amount of money he could extract from the Complainant.”
- f. Result: Name transfer
- g. Policy cited: 4(a)(i), 4(a)(iii), 4(b), 4(b)(i), 4(i)
- h. Uniform Rules cited: 14(b), 15
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

**1904. Select Medical Corporation v. Frederick Coppola a/k/a MDFC,
No. FA0012000096307**

- a. Date: January 22, 2001
- b. Panelist(s): James P. Buchele
- c. Domain Name(s) at Issue: <selectspecialty.com>
- d. Response?: No
- e. Principle(s):
 - 1) “Respondent’s use of the domain name to create a web site for the purpose of advertising the domain name for lease and linking to the web sites of Complainant’s competitors is neither a legitimate use in connection with a bona fide offering of goods or services, nor a legitimate noncommercial or fair use.”
 - 2) Respondent’s placing of direct hyperlinks on Respondent’s web site to two of Complainant’s competitors proves bad faith in using the domain name.
 - 3) Respondent’s refusal of Complainant’s offer to reimburse Respondent’s out-of-pocket expenses related to the registration of the domain name in exchange for the transfer of the domain name demonstrates bad faith in registration.
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(b)(i), 4(b)(iii), 4(c)(i)-(iii)
- h. Uniform Rules cited: 5(e), 14(a), 15(a)
- i. Panel Decisions cited: *Croatia Airlines v. Kwen Kijong*, Case No. AF-0302; *Rollerblade, Inc. v. McCrady*, Case No. D2000-0429; *Cruzeiro Licenciamentos Ltda v. Sallen*, Case No. D2000-0715; *Wal-Mart Stores, Inc. v. Walmarket Canada*, Case No. D2000-0150; *Nokia Corp. v. Private*, Case No. D2000-1271; *Dynojet Research, Inc. v. Norman*, Case No. AF-0316; *Southern Exposure v. Southern Exposure, Inc.*, Case No. FA 94864; *Puckett, Individually and d/b/a Nature’s Window v. Miller*, Case No. D2000-0297.
- j. Judicial decisions and statutes cited: None

**1905. Cable News Network LP v. Stonybrook Investments LTD,
No. FA0012000096282**

- a. Date: January 22, 2001
- b. Panelist(s): James P. Buchele
- c. Domain Name(s) at Issue: <wwwcnn.com>
- d. Response?: No
- e. Principle(s):
 - 1) “Complainant has correctly pointed out that numerous Panel decisions have determined that domain names, which add ‘www’ to a protectable mark, are confusingly similar.”
 - 2) “Respondent’s use of the domain name is designed to intentionally profit from a typographical error. Such use is not ‘in connection with a bona fide offering of goods or services’.”
 - 3) “Typosquatting involves the registration and use of domain names that are the result of common typographical errors of well-known domain names.”
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(a)(i), 4(b)(iv)
- h. Uniform Rules cited: 5(e), 14(a), 15(a)
- i. Panel Decisions cited: *ABC Distributing, Inc. v. Alex Fedorev*, Case No. FA 94787; *Bank of America Corp. v. Cybersquare.com*, Case No. FA 95113; *Bank of America Corp. v. Micah Abrams*, Case No. FA 95479; *Geoffrey, Inc. v. S Rus*, Case No. D2000-1008; *Marriott Int’l, Inc. v. Momm Amed Ia*, Case No. FA 95573; *World Wrestling Fed’n Entertainment, Inc. v. Matthew Bessette*, Case No. D2000-0256; *Fanuc Ltd. v. Machine Control Services*, Case No. 93667; *Household Int’l, Inc. v. Cyntom Enterprises*, Case No. FA 95784; *Bama Rags, Inc. v. Zuccarini*, Case No. FA 94381; *Encyclopedia Britannica Inc. v. Shedon.com*, Case No. D2000-0753.
- j. Judicial decisions and statutes cited: *PaineWebber, Inc. v. WWWPAINWEBBER.COM*, 1999 U.S. Dist. LEXIS 6552 (E.D. Va., April 9, 1999).

**1906. Industry Forums International, Inc. v. Cambridge Capital Investments Ltd,
No. FA0012000096300**

- a. Date: January 22, 2001
- b. Panelist(s): Henry W. Blizzard, Jr.
- c. Domain Name(s) at Issue: <b3.org>
- d. Response?: Yes
- e. Principle(s):
 - 1) “The only difference between the Complainant’s mark and the domain name in question is the addition of a top level domain identifier. This difference is of no significance in that the practical effect of confusing the public is present despite the difference.”
 - 2) Holding a domain name passively is an implied offer to sell the name. Passive holding coupled with an offer to sell is an act of bad faith.
- f. Result: Name transfer
- g. Policy cited: 4(a)

- h. Uniform Rules cited: 15(a)
- i. Panel Decisions cited: *Rollerblade, Inc. v. McCrady*, Case No. D2000-0429; *Hartford Fire Ins. Co. v. Webdeal.com Inc.*, Case No. FA 95162; *Cruzeiro Licenciamentos Ltda v. Sallen*, Case No. D2000-0715.
- j. Judicial decisions and statutes cited: None

1907. New Life Church and Literary Foundation v. Private Business a/k/a Virgil Howard, No. FA0012000096280

- a. Date: January 19, 2001
- b. Panelist(s): Charles K. McCotter, Jr.
- c. Domain Name(s) at Issue: <vernonhoward.com; vernonhoward.net; vernonhoward.org>
- d. Response?: Yes
- e. Principle(s):
 - 1) Respondent's direct-link to Complainant's web site and disclaimer do not evidence a lack of bad faith where Respondent's use diminishes the reputation and goodwill associated with the Complainant's marks.
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(i)
- h. Uniform Rules cited: 15(a)
- i. Panel Decisions cited: *Football Assoc. Ltd. v. UKIP*, Case No. D2000-1359; *Wembley National Stadium Ltd. v. Thomson*, Case No. D2000-1233; *Samsonite Corp. v. Colony Holding*, Case No. FA 94313; *Reuters Ltd. v. Teletrust IPR Ltd.*, Case No. D2000-0471; *Drs. Foster & Smith, Inc. v. Jaspreet Lalli*, Case No. FA 95284.
- j. Judicial decisions and statutes cited: None

1908. Hollywood Casino Corporation v. Wallace Nakano Mike, No. FA0012000096182

- a. Date: January 16, 2001
- b. Panelist(s): Harold Kalina
- c. Domain Name(s) at Issue: <betahollywood.com>
- d. Response?: No
- e. Principle(s):
 - 1) Respondent's registering and using the contested domain name, without differentiating Respondent's web site and business from that of Complainant, creates a likelihood of confusion with the Complainant's mark.
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(a)(i)
- h. Uniform Rules cited: 5(e), 14(a), 15(a)
- i. Panel Decisions cited: *Smart Design LLC v. Carolyn Hughes*, Case No. D2000-0993; *Caterpillar Inc. v. Matthew Quin*, Case No. D2000-0314; *Treeforms, Inc. v. Cayne Industrial Sales Corp.*, Case No. FA 95856; *Nintendo of America Inc. v. Pokemon*, Case No. D2000-1230; *America Online, Inc. v. Xianfeng Fu*, Case No. D2000-1374; *Charles Jourdan Holding AG v. AAIM*, Case

No. D2000-0403; *Kosmea Pty Limited v. Carmel Krpan*, Case No. D2000-0948; *Busy Body, Inc. v. Fitness Outlet, Inc.*, Case No. D2000-0127; *Identigene v. Genetest Lab.*, Case No. D2000-1100.

j. Judicial decisions and statutes cited: None

1909. Wellness International Network, Ltd. v. Gail Dunlop, No. FA0012000096188

- a. Date: January 22, 2001
- b. Panelist(s): John A. Bender, Jr.
- c. Domain Name(s) at Issue: <biolean.com>
- d. Response?: Yes
- e. Principle(s): None
- f. Result: Name transfer
- g. Policy cited: 4(a)
- h. Uniform Rules cited: 15(a)
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

1910. Hartford Fire Insurance Company v. Luis Manuel Ardura Gancedo, No. FA0011000096123

- a. Date: January 16, 2001
- b. Panelist(s): Harold Kalina
- c. Domain Name(s) at Issue: <the-hartford.com; the-hartford.net; the-hartford.org>
- d. Response?: No
- e. Principle(s):
 - 1) “While offering domain names for sale may be a bona fide offering of goods or services, such an offering can never be bona fide when the domain names are identical or confusingly similar to another’s valid trademark.”
 - 2) “In situations...where Respondent fails to submit a response, the panel draws two inferences. First, Respondent does not deny the facts asserted by Complainant. Second, Respondent does not deny conclusions which Complainant asserts can be drawn from the undisputed facts.”
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(a)(ii), 4(a)(iii), 4(c), 4(c)(i)-(iii)
- h. Uniform Rules cited: 5(e), 14(a), 15(a)
- i. Panel Decisions cited: *Clerical Med. Inv. Group Ltd. v. Clericalmedical.com*, Case No. D2000-1228; *Fifty Plus Media Corp. v. Digital Income, Inc.*, Case No. FA 94924; *America Online, Inc. v. Xianfeng Fu*, Case No. D2000-1374; *Hewlett-Packard Co. v. Martineau*, Case No. FA 95359; *Ziegenfelder Co. v. VMH Enterprises, Inc.*, Case No. D2000-0039; *Labrada Bodybuilding Nutrition, Inc. v. Garrett*, Case No. FA 94293.
- j. Judicial decisions and statutes cited: None

1911. Wellness International Network, Ltd. v. Webfrogs, No. FA0012000096191

- a. Date: January 16, 2001

- b. Panelist(s): Harold Kalina
- c. Domain Name(s) at Issue: <win-ltd>
- d. Response?: No
- e. Principle(s): None
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(c)(i), 4(c)(ii)
- h. Uniform Rules cited: 5(e), 14(a), 15(a)
- i. Panel Decisions cited: *Treeforms, Inc. v. Cayne Indus. Sales Corp.*, Case No. FA 95856; *Hartford Fire Ins. Co. Webdeal.com, Inc.*, Case No. FA 95162; *Boeing Co. v. Bressi*, Case No. D2000-1164; *World Wrestling Fed'n Entertainment, Inc. v. Bosman*, Case No. D0099-0001; *Perot Sys. Corp. v. Perot.net*, Case No. FA 95312.
- j. Judicial decisions and statutes cited: None

1912. Colgate-Palmolive Company v. Domains For Sale, No. FA0012000096248

- a. Date: January 18, 2001
- b. Panelist(s): Paul A. Dorf
- c. Domain Name(s) at Issue: <colgatenavigator.com>
- d. Response?: Yes
- e. Principle(s): None
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(b)(i)
- h. Uniform Rules cited: 15(a)
- i. Panel Decisions cited: *Croatia Airlines v. Kwen Kijong*, Case No. AF-0302; *The Caravan Club v. Mrgsale*, Case No. FA 95314; *Euromarket Designs, Inc. v. Domain For Sale VMI*, Case No. D2000-1195; *Deutsche Bank AG v. Diego-Arturo Bruckner*, Case No. D2000-0277
- j. Judicial decisions and statutes cited: None

1913. Moore North America, Inc. v. Carlson Marketing Group, Inc., No. FA0012000096214

- a. Date: January 18, 2001
- b. Panelist(s): Irving H. Perluss
- c. Domain Name(s) at Issue: <webtoone.com>
- d. Response?: Yes
- e. Principle(s): None
- f. Result: Decision for Respondent
- g. Policy cited: 4(a), 4(b)(i)-(iv), 4(c)(i), 4(c)(iii)
- h. Uniform Rules cited: 15(a)
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

1914. Laurence Sax DBA Cap Factory v. California Head Wear, Inc., No. FA0012000096184

- a. Date: January 16, 2001
- b. Panelist(s): Harold Kalina

- c. Domain Name(s) at Issue: <cap-factory.com>
- d. Response?: No
- e. Principle(s):
 - 1) “Without any evidence to the contrary, the panel will not accord Respondent rights in [the domain name at issue] merely because Respondent registered the domain name.”
 - 2) “By registering and using a domain name which is clearly intended to trade off Complainant’s goodwill, Respondent has demonstrated sufficient intent to warrant transfer of the domain name.”
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(a)(ii), 4(b)(iii), 4(b)(iv)
- h. Uniform Rules cited: 5(e), 14(a), 15(a)
- i. Panel Decisions cited: *General Electric Co. v. Bakhit*, Case No. D2000-0386; *Dollar Fin. Group, Inc. v. Advanced Legal Sys., Inc.*, Case No. FA 95102; *Vestal Elektronik Sanayi ve Ticaret AS v. Mehmet Kahveci*, Case No. D2000-1244; *EthnicGrocer.com, Inc. v. Unlimited Latin Flavors, Inc.*, Case No. FA 94385; *State Fair of Texas v. Granbury.com*, Case No. FA 95288.
- j. Judicial decisions and statutes cited: None

1915. Barry Reeher Jr. v. TP Productions, No. FA0012000096211

- a. Date: January 17, 2001
- b. Panelist(s): Paul A. Dorf
- c. Domain Name(s) at Issue: <teamwhitetail.com>
- d. Response?: Yes
- e. Principle(s): None
- f. Result: Name transfer
- g. Policy cited: 4(a)
- h. Uniform Rules cited: 15(a)
- i. Panel Decisions cited: *Blue Sky Software Corp. v. Digital Sierra Inc.*, Case No. D2000-0165; *Rollerblade, Inc. v. McCrady*, Case No. D2000-0429; *Hartford Fire Ins. Co. v. Webdeal.com, Inc.*, Case No. FA 95162; *Samsonite Corp. v. Colony Holding*, Case No. FA 94313; *Reuters Ltd. v. Teletrust IPR Ltd.*, Case No. D2000-0471.
- j. Judicial decisions and statutes cited: None

1916. Cara Operations Limited v. Wave Comunicaciones, C.A., No. AF-0635

- a. Date: January 30, 2001
- b. Panelist(s): Scott Donahey
- c. Domain Name(s) at Issue: <swisschalet.com>
- d. Response?: Yes
- e. Principle(s):
 - 1) “Complainant has alleged that Respondent has no rights or legitimate interests in respect of the domain name at issue. This shifts the burden to Respondent to come forward with evidence of such rights or legitimate interests.”

- 2) “Offers to rent or lease a domain name, as those set out in the unsolicited email from the owner of Respondent...constitute offers to sell, especially where, as here, they are accompanied by an offer ‘to discuss this or any other option’.”
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(b)(i), 4(c)(i)-(iii)
- h. Uniform Rules cited: 15(a)
- i. Panel Decisions cited: *Do the Hustle, LLC v. Tropic Web*, Case No. D2000-0624; *Talk City, Inc. v. Michael Robertson*, Case No. D2000-0009; *SGS Societe Generale de Surveillance S.A. v. Inspectorate*, Case No. D2000-0025; *Neuberger Berman Inc. v. Alfred Jacobsen*, Case No. D2000-0323.
- j. Judicial decisions and statutes cited: None

1917. ALS Scan, Inc. v. Saeid Yomtobian, No. AF-0616

- a. Date: January 26, 2001
- b. Panelist(s): Margaret Chon
- c. Domain Name(s) at Issue: <alscans.com>
- d. Response?: Yes
- e. Principle(s):
 - 1) “Even if the term ‘scan’ is generic, a fair number of decisions under the ICANN UDRP have found that the combination of a generic word with a protected mark can lead to confusing similarity.”
 - 2) “The purpose of the domain name panel is not to arbitrate the legitimacy of a registered mark, and a registered mark is *prima facie* evidence of that mark’s validity.”
- f. Result: Decision for Respondent
- g. Policy cited: 4(a), 4(a)(i), 4(b)(i), 4(b)(iv)
- h. Uniform Rules cited: 10(b), 10(c), Supplemental Rule 18
- i. Panel Decisions cited: *Nokia Corporation v. Nokiagirls.com aka IBCC*, Case No. D2000-0102; *Eauto, L.L.C. v. Triple S. AutoParts d/b/a Kung Fu Yea Enterprises (eautolamps.com)*.
- j. Judicial decisions and statutes cited: 15 U.S.C. § 1057(b).

1918. Max Cavallera v. 420 Gear, Inc., No. FA0012000096315

- a. Date: January 25, 2001
- b. Panelist(s): James A. Carmody
- c. Domain Name(s) at Issue: <soulfly.com>
- d. Response?: No
- e. Principle(s):
 - 1) If Respondent’s first use comes after notice of the dispute, it does not qualify as a bona fide use under the ICANN Policy.
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(a)(i)-(iii), 4(b)(i), 4(b)(iv), 4(c)
- h. Uniform Rules cited: 5(e), 14(a), 15(a)
- i. Panel Decisions cited: *Busy Body, Inc. v. Fitness Outlet Inc.*, Case No. D2000-0127; *Nike, Inc. v. Coleman*, Case No. D2000-1120; *Wal-Mart Stores, Inc.*

- v. Walmarket Canada*, Case No. D2000-0150; *J. Paul Getty Trust v. Domain 4 Sale & Co.*, Case No. FA 95262; *Kinko's Inc. v. eToll, Inc.*, Case No. FA 94447; *Metallica v. Schnieder*, Case No. FA 95636; *Identigene, Inc. v. Genetest Lab*, Case No. D2000-1100; *Eddy's (Nottingham) Ltd. v. Smith*, Case No. D2000-0789; *Madonna v. Dan Parisi*, Case No. D2000-0847.
- j. Judicial decisions and statutes cited: None

1919. RedBack Networks Inc. v. Jordan Rosen, No. FA0012000096279

- a. Date: January 25, 2001
- b. Panelist(s): Irving H. Perluss
- c. Domain Name(s) at Issue: <myredback.com; myredback.net>
- d. Response?: Yes
- e. Principle(s):
- 1) "It has been held that the addition of the generic word 'my' to a mark in which the Complainant has rights does not detract from similarity."
 - 2) "Games should not be played in this arena, and the proposed offer to sell the domain names can only be considered as serious, particularly since Respondent had sold other domain names he had registered."
 - 3) "It has been held that offering domain names for sale at prices in excess of out-of-pocket costs is evidence of bad faith registration and use."
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(b)(i), 4(i)
- h. Uniform Rules cited: 15(a)
- i. Panel Decisions cited: *Infospace.com, Inc. v. Delighters, Inc.*, Case No. D2000-0068; *NIIT Ltd. v. Parthasarathy Venkatram*, Case No. D2000-0497; *ESPN, Inc. v. MySportCenter.com*, Case No. FA 95326; *Skipton Building Society v. Colman*, Case No. D2000-1217; *Wembley National Stadium Ltd. v. Thomson*, Case No. D2000-1233.
- j. Judicial decisions and statutes cited: None

1920. Decision Software, Inc. v. Top Dog Software, No. FA0012000096259

- a. Date: January 25, 2001
- b. Panelist(s): Carolyn Marks Johnson
- c. Domain Name(s) at Issue: <topdog.com>
- d. Response?: No
- e. Principle(s): None
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(b)(i), 4(b)(iv), 4(c)(i), 4(c)(iii)
- h. Uniform Rules cited: 5(e), 14(a), 15(a)
- i. Panel Decisions cited: *BlueSky Software Corp. v. Digital Sierra Inc.*, Case No. D2000-0165; *Busy Body, Inc. v. Fitness Outlet Inc.*, Case No. D2000-0127; *Bibbero Sys., Inc. v. Tseu & Assoc.*, Case No. FA 94416; *Winterson v. Hogarth*, Case No. D2000-0235; *Cruzeiro Licenciamentos Ltda v. Sallen*, Case No. D2000-0715; *Hewlett-Packard Co. v. High Performance Networks, Inc.*, Case No. FA 95083; *Dollar Rent A Car Systems Inc. v. Jongho*, Case No. FA 95391; *General Electric Co. v. Forddirect.com, Inc.*, Case No. D2000-0394; *State Farm Mut.*

Auto. Ins. Co. v. Northway, Case No. FA 95464; *Drs. Foster & Smith, Inc. v. Jaspreet Lalli*, Case No. FA 95284.

j. Judicial decisions and statutes cited: None

1921. Evans & Sutherland v. Real Image, No. FA0011000096112

- a. Date: January 29, 2001
- b. Panelist(s): Carolyn Marks Johnson
- c. Domain Name(s) at Issue: <realimage.com>
- d. Response?: No
- e. Principle(s):
 - 1) “It is well settled that a domain name’s TLD may be ignored for the purpose of determining whether a domain name is identical to or confusingly similar to a Complainant’s mark, since all domain names must contain a TLD of some kind.”
 - 2) “Several UDRP decisions have come to the conclusion that a Complainant demonstrates sufficient right and legitimate interest in a mark by providing evidence of either a certificate registration or sufficient use to confer common law rights.”
 - 3) “If a person registers a domain name that is identical to or confusingly similar to another’s trademark and makes absolutely no use of the domain name, there is no reason to believe that the person has any good faith use for the domain name.”
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(a)(i), 4(a)(ii)
- h. Uniform Rules cited: 5(e), 14(a), 15(a)
- i. Panel Decisions cited: *BMW AG v. Loophole*, Case No. D2000-1156; *Smart Design LLC v. Carolyn Hughes*, Case No. D2000-0993; *Passion Group Inc. v. Usearch, Inc.*, Case AF-0250; *Alitalia-Linee Aeree Italiane S.p.A. v. Colour Digital*, Case No. D2000-1260; *Mondich & Amer. Vintage Wine Biscuits, Inc. v. Brown*, Case No. D2000-0004.
- j. Judicial decisions and statutes cited: *Sporty’s Farm L.L.C. v. Sportsman’s Market, Inc.*, 202 F.3d 489 (2nd Cir. 2000) cert. denied 120 S.Ct. 2719 (2000).

1922. Plaza las Americas, Inc. v. Quezada, Valenzuela & Associates, No. FA0012000096181

- a. Date: January 25, 2001
- b. Panelist(s): Carlos Rodriguez Garcia
- c. Domain Name(s) at Issue: <plazalasantiamigos.com>
- d. Response?: Yes
- e. Principle(s): None
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(a)(i)-(iii), 4(b), 4(c), 4(c)(i)-(iii)
- h. Uniform Rules cited: 15
- i. Panel Decisions cited: *Grundfos A/S v. Lokale*, Case No. D2000-1347; *Caterpillar Inc. v. Quin*, Case No. D2000-0314; *State Farm v. Kaufman*, Case No. FA 94335; *Bank of American Corp. v. InterMos*, Case No. FA 95092; *Universal*

City Studios, Inc. v. HarperStephens, Case No. D2000-0716; *Kelson Physician Partners, Inc. v. Mason*, Case No. CPR 003; *Treeforms, Inc. v. Cayne Industrial Sales Corp.*, Case No. FA 95856; *Hartford Fire Ins. Co. v. Webdeal.com, Inc.*, Case No. FA 95162; *Boeing Co. v. Bressi*, Case No. D2000-1164; *Compagnie de Saint Gobain v. Com-Union Corp.*, Case No. D2000-0020; *Chi-Chi's Inc. v. Restaurant Commentary*, Case No. D2000-0321; *America Online, Inc. v. Xianfeng Fu*; *Dr. Karl Albrecht v. Eric Natale*, Case No. FA 95465; *State Farm Mut. Auto. Ins. Co. v. Northway*, Case No. FA 95464.

j. Judicial decisions and statutes cited: None

1923. Dollar Financial Group, Inc. v. VQM NET, No. FA0011000096101

- a. Date: January 25, 2001
- b. Panelist(s): Peter L. Michaelson
- c. Domain Name(s) at Issue: <auto-loan-mart.com>
- d. Response?: Yes
- e. Principle(s):
 - 1) “[T]he Panel believes that where allegations of illegitimacy are made, particularly as here, when coupled with conduct of respondents that evidences bad faith, it is quite reasonable to shift the burden of proof to each such respondent to adequately show that its use of the contested domain name is legitimate, such as by showing that, in conjunction with the contested domain name, it is making a bona fide commercial offering of goods or services or preparations for such offerings, or non-commercial or fair use.”
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(a)(i), 4(a)(iii), 4(b), 4(i)
- h. Uniform Rules cited: 15(a)
- i. Panel Decisions cited: *The Pep Boys Manny, Moe and Jack of California v. E-Commerce Today, Ltd.*, Case No. AF-0145; *Treeforms, Inc. v. Cayne Ind. Sales Corp.*, Case No. FA 95856; *College Summit, Inc. v. Yarmouth Educ. Consultants, Inc.*, Case No. D2000-1575; *eBay, Inc. v. G L Liadis Computing, Ltd. et al*, Case No. D2000-1463; *Playboy Enterprises Int., Inc. v. Hector Rodriguez*, Case No. D2000-1016; *MSNBC Cable, LLC v. Tsys.com*, Case No. D2000-1204.
- j. Judicial decisions and statutes cited: 15 U.S.C. § 1125(d)(1); 15 U.S.C. § 1125(d)(1)(B)(i); 15 U.S.C. § 1125(d)(1)(B)(ii); 15 U.S.C. § 1052(e)(1); 15 U.S.C. § 1052(f); *In re Colonial Stores Inc.*, 157 U.S.P.Q. 382 (C.C.P.A. 1968); *In re TBG, Inc.*, 229 U.S.P.Q. 759 (TTAB 1986); *In re Bright-Crest, Ltd.*, 204 U.S.P.Q. 591 (TTAB 1979); *H. Marvin Ginn Corp. v. Int’l Assoc. of Fire Chiefs, Inc.*, 228 U.S.P.Q. 528, 530 (Fed. Cir. 1986).

1924. Broadcom Corporation v. Intellifone Corporation, No. FA0101000096356

- a. Date: February 5, 2001
- b. Panelist(s): James A. Carmody
- c. Domain Name(s) at Issue: <broadcom2000.com>
- d. Response?: No

- e. Principle(s):
 - 1) “Prior UDRP decisions have held that the addition of numbers to a registered trademark does not create a distinct mark because the addition of numbers is non-descriptive and adds little to the domain name as a whole.”
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(a)(i)-(iii), 4(b)(iii), 4(b)(iv), 4(c)(i)-(iii)
- h. Uniform Rules cited: 5(e), 14(a), 15(a)
- i. Panel Decisions cited: *America Online, Inc. v. Xianfeng Fu*, Case No. D2000-1374; *Hitachi, Ltd. v. Fortune Int’l Dev. Ent.*, Case No. D2000-0412; *Tuxedos By Rose v. Nunez*, Case No. FA 95248; *Big Dog Holdings, Inc. v. Day*, Case No. FA 93554; *North Coast Medical, Inc. v. Allegro Medical*, Case No. FA 95541; *Nature’s Window v. Miller*, Case No. D2000-0297; *Hewlett Packard Co. v. Full System*, Case No. FA 94637; *EthnicGrocer.com, Inc. v. Unlimited Latin Flavors, Inc.*, Case No. FA 94385; *Reuters, Ltd. v. Global Net 2000, Inc.*, Case No. D2000-0441; *Luck’s Music Library v. Stellar Artist Mgmt*, Case No. FA 95650.
- j. Judicial decisions and statutes cited: None

1925. St. Louis County Cab Company v. Mitch Riley, No. FA0101000096348

- a. Date: January 30, 2001
- b. Panelist(s): Herman D. Michels
- c. Domain Name(s) at Issue: <stlouiscountycab.com>
- d. Response?: Yes
- e. Principle(s): None
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(i)
- h. Uniform Rules cited: 15(a)
- i. Panel Decisions cited: *Sunglass Hut Corp. v. AAANET, Inc.*, Case No. FA 94370; *Ty, Inc. v. O.Z. Names*, Case No. D2000-0370; *Sydney Opera House Trust v. Trilynx Pty. Ltd.*, Case No. D2000-1224; *Charles Jourdan Holding AG v. AAIM*, Case No. D2000-0403; *Melbourne IT Ltd. v. Stafford*, Case No. D2000-1167; *E. & J. Gallo Winery v. Oak Inv. Group*; *Body Shop Int’l PLC v. CPIC NET and Hussain. VeriSign, Inc. v. Nandini Tandon*; *Ethnicgrocer.com, Inc. v. Unlimited Latin Flavors, Inc.*, Case No. FA 94385.
- j. Judicial decisions and statutes cited: None

1926. Bloomberg L.P. v. Calum Maclean, No. FA0101000096344

- a. Date: February 5, 2001
- b. Panelist(s): James P. Buchele
- c. Domain Name(s) at Issue: <bloomberg24.com; bloomberg24.net; bloomberg24.org; bloomberg365.com>
- d. Response?: No
- e. Principle(s):
 - 1) “Respondent’s use of domain names to transport Internet users to [Respondent’s] own web site and to advertise and sell services

substantially similar to the services already offered by the Complainant is not a bona fide offering of goods or services, or a legitimate noncommercial or fair use.”

- 2) “The domain names in dispute were registered in bad faith due to the fact that Respondent’s registration of the domain names appears to be part of a pattern of behavior.”
- 3) “Respondent registered the domain name to attract, for commercial gain, Internet users to his own website...by creating a likelihood of confusion with the Complainant’s marks as to the source, sponsorship, endorsement, or affiliation of the website, which evidences Respondent’s bad faith registration and use.”
- 4) “Respondent’s registering the domain name for the purpose of selling for a price in excess of out of pocket costs is evidence of bad faith registration and use.”

- f. Result: Name transfer
- g. Policy cited: 4(a), 4(b)(i), 4(b)(ii), 4(b)(iv), 4(c)(i)-(iii)
- h. Uniform Rules cited: 5(e), 14(a), 15(a)
- i. Panel Decisions cited: *America Online, Inc. v. Xianfeng Fu*, Case No. D2000-1374; *America Online, Inc. v. Chinese ICQ Network*, Case No. D2000-0808; *North Coast Medical, Inc. v. Allegro Medical*, Case No. FA 95541; *Yahoo! Inc. and GeoCities v. Cupcakes, Cupcake city, Cupcake Confidential, Cupcake-Party, Cupcake Parade, and John Zuccarini*, Case No. D2000-0777; *Harcourt, Inc. v. Jeff Fadness*, Case No. FA 95247; *Dynojet Research, Inc. v. Norman*, Case No. AF-0316.
- j. Judicial decisions and statutes cited: None

1927. Reliv’ International Inc. v. Larry Kelly, No. FA0012000096319

- a. Date: February 5, 2001
- b. Panelist(s): James P. Buchele
- c. Domain Name(s) at Issue: <relivlawsuits.com>
- d. Response?: No
- e. Principle(s):
 - 1) “Respondent’s use of the domain name to create a website carrying false and defamatory statements concerning the Complainant is not a legitimate noncommercial use, because it tarnished the Complainant’s trademark. Neither is it a bona fide offering of goods or services.”
 - 2) “The fact that Respondent used the domain name to criticize the Complainant proves his bad faith in registering and using the domain name.”
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(c)(i)-(iii)
- h. Uniform Rules cited: 5(e), 14(a), 15(a)
- i. Panel Decisions cited: *L.L. Bean, Inc. v. ShopStarNetwork*, Case No. FA 95404; *General Electric Co. v. Forddirect.com, Inc.*, Case No. D2000-0394; *Kosmea Pty Ltd. v. Carmel Krpan*, Case No. D2000-0948; *Compagnie de Saint Gobain v. Com-Union Corp.*, Case No. D2000-0020; *Mission KwaSizabantu v.*

Benjamin Rost, Case No. D2000-0279; *Household Int'l, Inc. v. Cyntom Enterprises*, Case No. FA 95784.

j. Judicial decisions and statutes cited: None

1928. Map Supply, Inc. v. On-line Colour Graphics, No. FA0012000096332

a. Date: February 6, 2001

b. Panelist(s): Roger P. Kerans

c. Domain Name(s) at Issue: <mapsupply.com>

d. Response?: Yes

e. Principle(s):

- 1) “[T]o re-register a domain name without any authority from the registrant in order to gain a bargaining position over the registrant—with whom it had no legitimate dispute—is unconscionable.”

f. Result: Name transfer

g. Policy cited: 4(a), 4(b)

h. Uniform Rules cited: 15(a)

i. Panel Decisions cited: None

j. Judicial decisions and statutes cited: None

1929. Koala Web Design v. Patricia Rodrigues d/b/a Koala Web Design, No. FA0012000096333

a. Date: February 5, 2001

b. Panelist(s): James A. Carmody

c. Domain Name(s) at Issue: <koalawebdesign.com; koalawebdesign.net>

d. Response?: Yes

e. Principle(s):

- 1) “Paragraph 4(a)(i) of ICANN’s UDRP Policy does not provide protection for only those trademarks or service marks which are registered. Several widely cited UDRP decisions have recognized that common law trademarks are protected in appropriate circumstances.”

f. Result: Name transfer

g. Policy cited: 4(a), 4(a)(i), 4(b)(iv)

h. Uniform Rules cited: 15(a)

i. Panel Decisions cited: *Smart Design LLC v. Carolyn Hughes*, Case No. D2000-0993; *Fishtech v. Rossiter*, Case No. FA 92976; *America Online, Inc. v. Xianfeng Fu*, Case No. D2000-1374; *Identigene, Inc. v. Genetest Lab*, Case No. D2000-1100.

j. Judicial decisions and statutes cited: None

1930. Oracle Corporation v. Internet Nexus Inc., No. FA0012000096336

a. Date: February 5, 2001

b. Panelist(s): Charles K. McCotter, Jr.

c. Domain Name(s) at Issue: <myoracle.com>

d. Response?: Yes

e. Principle(s):

- 1) “Given the prevalence of ‘my[trademark].com’ domain names on the Web, the Respondent’s use of the Complainant’s famous mark...would strongly indicate a connection with the Complainant.”
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(b)(iv), 4(i)
- h. Uniform Rules cited: 15(a)
- i. Panel Decisions cited: *ESPN, Inc. v. MySportsCenter.com*, Case No. FA 95326; *NIIT Ltd. v. Venkatram*, Case No. D2000-0497; *Hartford Fire Ins. Co. v. Webdeal.com, Inc.*, Case No. FA 95162; *National Football League Properties, Inc., et al. v. One Sex Entertainment Co.*, Case No. D2000-0118; *Madonna v. Parisi*, Case No. D2000-0847; *Yahoo! Inc. et al. v. Data Art Corp., et al.*, Case No. D2000-0587; *America Online, Inc. v. iDomainNames.com*, Case No. FA 93766.
- j. Judicial decisions and statutes cited: None

1931. P.C.B. Bancorp, Inc. v. Premier Community Bank, No. FA0012000096266

- a. Date: January 31, 2001
- b. Panelist(s): John J. Upchurch
- c. Domain Name(s) at Issue: <premiercommunitybank.com>
- d. Response?: No
- e. Principle(s): None
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(a)(i), 4(c)(i)-(iii)
- h. Uniform Rules cited: 5(e), 14(a), 15(e)
- i. Panel Decisions cited: *Smart Design LLC v. Carolyn Hughes*, Case No. D2000-0993; *Wembley National Stadium Limited v. Thomson*, Case No. D2000-1233; *Treeforms, Inc. v. Cayne Indus. Sales Corp.*, Case No. FA 95856; *Hartford Fire Ins. Co. v. Webdeal.com, Inc.*, Case No. FA 95162; *Boeing Co. v. Bressi*, Case No. D2000-1164; *America Online, Inc. v. Netsbest*, Case No. FA 93563; *Dynojet Research, Inc. v. Norman*, Case No. AF-0316.
- j. Judicial decisions and statutes cited: None

1932. Downstream Exchange Company v. Downstream Energy, No. FA0012000096304

- a. Date: February 2, 2001
- b. Panelist(s): Charles K. McCotter, Jr.
- c. Domain Name(s) at Issue: <downstreamexchange.com>
- d. Response?: Yes
- e. Principle(s):
 - 1) “Pending trademark applications can establish rights in a mark.”
 - 2) “Failure to perform a trademark search, or ignoring the results of a search may be considered evidence of bad faith under the Policy.”
- f. Result: Decision for Respondent
- g. Policy cited: 4(a), 4(b)(iii), 4(b)(iv), 4(c)(i)
- h. Uniform Rules cited: 15(a)

- i. Panel Decisions cited: *MatchNet PLC v. MAC Trading*, Case No. D2000-0205; *SeekAmerica Networks, Inc. v. Tariq Masood and Solo Signs*, Case No. D2000-0131; *Passion Group Inc. v. Usearch, Inc.*, Case No. AF-0250; *Genting Berhad v. Tan Kin Sin*, Case No. FA 94735; *IG Index PLC v. Index Trade*, Case No. D2000-1124; *Produkte AG v. Trigano*, Case No. D2000-0622; *Dollar Fin. Group, Inc. v. Advanced Legal Systems, Inc.*, Case No. FA 95102; *Artnews, LLC v. Ecorp.com*, Case No. FA 95231; *Household Int'l, Inc. v. Cyntom Enterprises*, Case No. FA 95784; *K2r Produkte AG v. Trigano*, Case No. D2000-0622.
- j. Judicial decisions and statutes cited: None

1933. State Automobile Mutual Insurance Company v. Lr3 Enterprises, Inc., No. FA0012000096256

- a. Date: January 26, 2001
- b. Panelist(s): Bruce E. Meyerson
- c. Domain Name(s) at Issue: <stateauto.com>
- d. Response?: Yes
- e. Principle(s):
 - 1) Respondent's abandonment of the site for its own business purpose and its continued ownership of the site, for no apparent reason other than to sell it, constitutes a passive holding which is evidence of bad faith."
- f. Result: Name transfer
- g. Policy cited: 4(a)
- h. Uniform Rules cited: 15(a)
- i. Panel Decisions cited: *Cruzeiro Licenciamentos Ltda. v. Sallen Enterprises*, Case No. D2000-0715; *DCI S.A. v. Link Commercial Corp.*, Case No. D2000-1232.
- j. Judicial decisions and statutes cited: None

1934. Steamatic, Inc. v. Hieu Nguyen, No. FA0012000096185

- a. Date: January 27, 2001
- b. Panelist(s): Tyrus R. Atkinson, Jr.
- c. Domain Name(s) at Issue: <blackmon-mooring.com; blackmonmooring.com>
- d. Response?: Yes
- e. Principle(s):
 - 1) "When one registers a domain name and later verbally offers to sell the domain name to the owner of the service mark for a valuable consideration in excess of out-of-pocket expenses associated with the registration that is evidence of bad faith."
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(a)(iii), 4(b)(i), 4(b)(ii), 4(c)(i)-(iii), 4(d)
- h. Uniform Rules cited: 15(a)
- i. Panel Decisions cited: *Bibbero Systems, Inc. v. Tseu & Assoc.*, Case No. FA 94416; *Hammond Suddards Edge v. Westwood Guardian Ltd.*, Case No. D2000-1235; *InfoSpace.com v. Tenenbaum Ofer*, Case No. D2000-0075; *Ritz-Carlton Hotel v. Club Car Executive*, Case No. D2000-0611; *Wal-Mart Stores, Inc. v. Walmart Canada*, Case No. D2000-0150; *Burlington Coat Factory*

Warehouse Corp. v. Naiyer Iman, Case No. D2000-0485; *Big Dog Holdings, Inc. v. Frank Day*, Case No. FA 93554; *Euromarket Designs, Inc. v. Domains For Sale VMI*, Case No. D2000-1195; *Technology Properties, Inc. v. Hussan*, Case No. FA 95411; *Mikimoto Co. v. Asanti Fine Jewellers Ltd.*, Case No. AF-0126.

j. Judicial decisions and statutes cited: None

1935. Backriver Communications Inc. v. Thomas Thurston, AF-0667

- a. Date: February 6, 2001
- b. Panelist(s): Michael P. Marsalese
- c. Domain Name(s) at Issue: <backriver.com>
- d. Response?: No
- e. Principle(s):
 - 1) “Complainant has failed to present prima facie evidence of Respondent’s lack of legitimate right or interest in the domain name in question...As a consequence, the burden of proof of the legitimacy element does not pass to Respondent in accordance with paragraph 4(c) of the Policy.”
 - 2) ““Domain names using the names of businesses that are not trademarked are protected as long as efforts have been made to develop that business name, then the name of the business would be considered common law trademarks and are therefore protected under the A.C.P.A.””
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(b), 4(c), 4(c)(i)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: *World Wrestling Federation Entertainment, Inc. v. Michael Bosman*; *Bornstein d/b/a Roseville On-Line and RSVL On-Line v. Williams*, Case No. AF-0388; *Spincycle Inc. v. Spin Cycle*, Case No. AF-0176; *EFG Bank European Financial Group SA v. Jacob Foundation*; *Consortio Tutela del Formaggio Grana Padano v. Colombi*, Case No. AF-0252.
- j. Judicial decisions and statutes cited: *Anticybersquatting Consumer Protection Act*, 15 U.S.C. §1125(d).

1936. Haier Group Corporation v. Noddie.net, No. AF-0637

- a. Date: February 6, 2001
- b. Panelist(s): Zhou Lin
- c. Domain Name(s) at Issue: <ehaier.net>
- d. Response?: No
- e. Principle(s): None
- f. Result: Name transfer
- g. Policy cited: 4(i)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

1937. Twentieth Century Fox Film Corporation v. Cupcake Confidential a/k/a John Zuccarini, No. FA0011000096118

- a. Date: January 18, 2001

- b. Panelist(s): Tyrus R. Atkinson, Jr., Carolyn Marks Johnson, John Upchurch
- c. Domain Name(s) at Issue: <alleymcbeal.com>
- d. Response? No
- e. Principle(s):
 - 1) The addition of the letter “e” as the sole difference between Respondent’s domain name and Complainant’s mark does not avoid a finding of confusing similarity or identity.
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(b)(iv), 4(c)(i)-(iii)
- h. Uniform Rules cited: 5(e), 14(a), 15(a)
- i. Panel Decisions cited: *Cabela’s Inc. v. John Zuccarini*, Case No. FA95233; *Hewlett-Packard Co. v. Cupcake City*, Case No. FA 93562; *L.L.Bean, Inc. v. Cupcake Patrol*, Case No. FA 95105; *Bama Rags, Inc. v. John Zuccarini*, Case No. FA 94380; *Budget Rent a Car Corp. v. Cupcake City*, Case No. D2000-1020; *Diageo p.l.c. v. John Zuccarini*, Case No. D2000-0541.
- j. Judicial decisions and statutes cited: *Shields v. Zuccarini*, 89 F.Supp. 634 (E.D. Penn. 2000).

1938. Clipper Magazine, Inc. v. American Digital Inc., No. FA0012000096179

- a. Date: January 22, 2001
- b. Panelist(s): Richard DiSalle
- c. Domain Name(s) at Issue: <couponclippers.com>
- d. Response?: Yes
- e. Principle(s):
 - 1) “UDRP Panels have held that using a domain name in connection with a website that offers competing services is not a bona fide use under ICANN Rules and Policy.”
 - 2) “The fact that Respondent admits that the Complainant’s mark is harmful to it makes it obvious that the marks are confusingly similar.”
 - 3) “Attracting Internet users to a website, for commercial gain, by causing confusion with the Complainant’s mark as [to] the sponsorship, endorsement, affiliation, or source of the website is evidence of bad faith.”
 - 4) “Registering a domain name in order to disrupt the business of a competitor is also evidence of bad faith.”
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(a)(ii), 4(b)(iii), 4(b)(iv), 4(c)(i), 4(c)(ii), 4(i)
- h. Uniform Rules cited: 15(a)
- i. Panel Decisions cited: *Blue Cross and Blue Shield Ass’n. v. InterActive Comm., Inc.*, Case No. D2000-0788; *America Online, Inc. v. Xianfeng Fu*, Case No. D2000-1374; *Southern Exposure v. Southern Exposure, Inc.*, Case No. FA 94864; *Busy Body, Inc. v. Fitness Outlet, Inc.*, Case No. D2000-0127; *EthnicGrocer.com, Inc. v. Latingrocer.com*, Case No. FA 94384.
- j. Judicial decisions and statutes cited: None

1939. Phat Fashions, LLC v. DADDYS, No. FA0012000096197

- a. Date: January 24, 2001

- b. Panelist(s): James A. Carmody
- c. Domain Name(s) at Issue: <phatfarmclub.com>
- d. Response?: No
- e. Principle(s):
 - 1) “Respondent’s failure to show evidence sufficient to refute Complainant’s contentions, entitles the Panel to conclude that Respondent has no such rights or legitimate interests in regard to the domain name in question.”
 - 2) Respondent’s failure to use the domain name since its registration establishes Respondent’s bad faith.”
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(a)(i), 4(c)(i), 4(c)(ii)
- h. Uniform Rules cited: 5(e), 14(a), 15(a)
- i. Panel Decisions cited: *General Electric Co. v. Forddirect.com, Inc.*, Case No. D2000-0394; *Treeforms, Inc. v. Cayne Ind. Sales Corp.*, Case No. FA 95856; *Hartford Fire Ins. Co. v. Webdeal.com, Inc.*, Case No. FA 95162; *Boeing Co. v. Bressi*, Case No. D2000-1164; *Reuters Ltd. v. Teletrust IPR Ltd.*, Case No. D2000-0471; *Encyclopaedia Britannica Inc. v. Shedon.com*, Case No. D2000-0753; *Alitalia-Linee Aeree Italian S.p.A. v. Colour Digital*, Case No. D2000-1260.
- j. Judicial decisions and statutes cited: None

1940. Silicon Image, Inc. v. Silicon Image, Inc., No. FA0012000096198

- a. Date: February 6, 2001
- b. Panelist(s): Paul A. Dorf
- c. Domain Name(s) at Issue: <siliconimage.com>
- d. Response?: Yes
- e. Principle(s):
 - 1) Providing false or misleading information in connection with registration of the domain name is evidence of bad faith.
- f. Result: Name transfer
- g. Policy cited: 4(a)
- h. Uniform Rules cited: 15(a)
- i. Panel Decisions cited: *Wembley Nat’l Stadium Ltd. v. Thomson*, Case No. D2000-1233; *Passion Group Inc. v. Usearch, Inc.*, Case No. AF-0250; *Hartford Fire Ins. Co. v. Webdeal.com, Inc.*, Case No. FA 95162; *Home Director, Inc. v. HomeDirector*, Case No. D2000-0111; *Video Direct Distributors, Inc. v. Video Direct, Inc.*, Case No. FA 94724; *Reuters Ltd. v. Global Net 2000, Inc.*, Case No. D2000-0441.
- j. Judicial decisions and statutes cited: None

1941. Gallup Inc. v. Amish Country Store, No. FA0012000096209

- a. Date: January 23, 2001
- b. Panelist(s): Theodore Kupferman, Irving Perluss, Karl V. Fink
- c. Domain Name(s) at Issue: <galluppoll.com>
- d. Response?: Yes
- e. Principle(s):

- 1) "The deletion of a space between GALLUP and POLL and the addition of the TLD '.com' is insignificant for purposes of this analysis."
 - 2) Linking to an inactive web site is failure to make use of the domain name either for commercial or non-commercial purposes.
 - 3) "Policy ¶ 4(b) is non-exclusive and therefore, circumstances other than those listed in the policy of bad faith can meet the requirement set forth under Policy ¶ 4(a)(iii)."
 - 4) "Passive holding of a domain name for over two years is evidence of bad faith use of a domain name."
- f. Result: Name transfer
 - g. Policy cited: 4(a), 4(a)(ii), 4(a)(iii), 4(b), 4(c)(i)-(iii), 4(i)
 - h. Uniform Rules cited: 15(a)
 - i. Panel Decisions cited: *Nintendo of America Inc. v. Pokemon*, Case No. D2000-1230; *Sony Kabushiki Kaisha v. Inja, Kil*, Case No. D2000-1409; *BMW AG v. Loophole*, Case No. D2000-1156; *Educational Testing Service v. TOEFL*, Case No. D2000-0044; *America Online Inc. v. Shenzhen JZT Computer Software Co. Ltd.*, Case No. D2000-0809; *Household Int'l, Inc. v. Cyntom Enterprises*, Case No. FA 95784; *Exxon Mobil Corporation v. Fisher*, Case No. D2000-1412; *Telstra Corp. v. Nuclear Marshmallows*, Case No. D2000-1412; *Mondich & Amer. Vintage Wine Biscuits, Inc. v. Brown*, Case No. D2000-0004.
 - j. Judicial decisions and statutes cited: None

1942. Millennium Broadcasting Corp. v. Publications France Monde/Hachette Filipacchi Presse, No. FA0011000096116

- a. Date: January 23, 2001
- b. Panelist(s): John J. Upchurch, Carolyn Marks Johnson, Karl V. Fink
- c. Domain Name(s) at Issue: <iciparis.com>
- d. Response?: Yes
- e. Principle(s):
 - 1) "It takes more than mere registration to establish trademark or service mark rights in a domain name."
- f. Result: Decision for Respondent
- g. Policy cited: 4(a)
- h. Uniform Rules cited: 15(a)
- i. Panel Decisions cited: *Powrachte Inc. v. Buckeye Ind.*, Case No. AF-0076; *Millennium Broadcasting Corp. v. Publication France Monde*, Case No. FA 95752.
- j. Judicial decisions and statutes cited: None

1943. Wellness International Network, Ltd. v. Apostolics.com, No. FA0012000096189

- a. Date: January 16, 2001
- b. Panelist(s): Harold Kalina
- c. Domain Name(s) at Issue: <wellness-international.com>
- d. Response?: No
- e. Principle(s):

- 1) Respondent's registration of the domain name for the purpose of selling it for \$60,000 is in excess of out-of-pocket costs and is evidence of bad faith registration and use.
 - 2) Respondent's registration of the domain name with actual knowledge of Complainant's mark evidences bad faith registration and use of the domain name.
- f. Result: Name transfer
 - g. Policy cited: 4(a), , 4(b)(i), 4(b)(iv), 4(c)(i)-(iii)
 - h. Uniform Rules cited: 5(e), 14(a), 15(a)
 - i. Panel decisions cited: *General Electric Co. v. Bakhit*, Case No. D2000-0386; *Asprey & Garrard Ltd. v. Canian Computing*, Case No. D2000-1262; *Canadian Imperial Bank of Commerce v. D3M Virtual Reality Inc.*, Case No. AF-0336; *State Farm Mut. Auto. Ins. Co. v. LaFaive*, Case No. FA 95407; *Dollar Rent A Car Systems Inc. v. Jongho*, Case No. FA 95391; *Moynahan v. Fantastic Sites, Inc.*, Case No. D2000-1083; *State Farm Mut. Auto. Ins. Co. v. Northway*, Case No. FA 95464; *Drs. Foster & Smith, Inc. v. Jaspreet Lalli*, Case No. FA 95284; *Samsonite Corp. v. Colony Holding*, Case No. FA 94313.
 - j. Judicial decisions and statutes cited: None

1944. TM Acquisition Corporation v. Marianne Schneider, No. FA0012000096272

- a. Date: February 2, 2001
- b. Panelist(s): Edmund P. Karem
- c. Domain Name(s) at Issue: <century21-realty.com>
- d. Response?: Yes
- e. Principle(s):
 - 1) Respondent, who has no rights or legitimate interest in the domain name and is the employee of a franchise and license holder of Complainant, has no greater right to use an unlicensed variation of the mark than can Respondent's employer.
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(b)(i)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: *HealQuik!, Inc. v. Goldman et. al. and Amerishare Enterprise, Ltd.*, Case No. FA 92527.
- j. Judicial decisions and statutes cited: None

1945. Laurence Sax DBA Cap Factory v. Cap Factory LTD, No. FA0012000096183

- a. Date: January 31, 2001
- b. Panelist(s): R. Glen Ayers
- c. Domain Name(s) at Issue: <thecapfactory.com; thecapfactory.net>
- d. Response?: Yes
- e. Principle(s):
 - 1) Complainant does not have international rights in the mark because Complainant does not hold registered trademarks or common law rights in Europe. Furthermore, Respondent itself holds registered trademark rights in the same mark in the U.K.

- f. Result: Decision for Respondent
- g. Policy cited: 4(b)(iii), 4(b)(iv), 4(c)(i), 4(c)(ii)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: *DCI S.A. v. Link Commercial Corp.*, Case No. D2000-1232; *Kosmea Pty Ltd. v. Carmel Krpan*, Case No. D2000-0948; *Bankinter S.A. v. BI Fin. Inc.*, Case No. D2000-0460; *VeriSign Inc. v. VeneSign C. A.*, Case No. D2000-0303; *Samsonite Corp. v. Colony Holding*, Case No. FA 94313; *Southern Exposure v. Southern Exposure, Inc.*, Case No. FA 94864; *BusyBody, Inc. v. Fitness Outlet, Inc.*, Case No. D2000-0127; *EthnicGrocer.com, Inc. v. Latingrocer.com*, Case No. FA 94384; *Asphalt Research Tech., Inc. v. Anything.com*, Case No. D2000-0967; *Goldmasters Precious Metals v. Gold Masters srl*, Case No. FA 95246.
- j. Judicial decisions and statutes cited: None

1946. LifeWatch Holding Corporation d/b/a LifeWatch Inc. v. Network Earth, Inc., No. FA0012000096301

- a. Date: January 26, 2001
- b. Panelist(s): James Alan Crary
- c. Domain Name(s) at Issue: <lifewatch.com>
- d. Response?: Yes
- e. Principle(s):
 - 1) “The ‘.com’ suffix denoting second-level domain status in Respondent’s domain name does not affect the fact that the name is identical [to] the Complainant’s mark.”
 - 2) “A trademark does not confer on its owner (or licensee) any rights in gross or at large. Unlike copyright or patent owners, trademark owners have no rights in gross. The law does not per se prohibit the use of trademarks or servicemarks as domain names. Rather, the law prohibits only uses that infringe or dilute a mark. Innocent third party users of the trademark have no duty to police the mark for the benefit of the owners of the mark.”
- f. Result: Decision for Respondent
- g. Policy cited: 4(a), 4(i)
- h. Uniform Rules cited: 15(a)
- i. Panel Decisions cited: *Croatia Airlines v. Kwen Kijong*, Case No. AF 0302.
- j. Judicial decisions and statutes cited: *Panavision Int’l, LLP v. Toeppen*, 945 F.Supp. 1296 (C.D. Cal. 1996).

1947. CompUSA Management Company v. World Wide Web Comp USA, Inc., No. FA0011000096122

- a. Date: January 26, 2001
- b. Panelist(s): Carolyn Marks Johnson
- c. Domain Name(s) at Issue: <wwwcompusa.com>
- d. Response?: No
- e. Principle(s):

- 1) “Respondent used the domain name to attract Internet users to its own website and another on-line location with links to several pornographic and gambling websites, for commercial gain, by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of Respondent’s web sites. This fact is some evidence demonstrating Respondent’s registration and use of the domain name in bad faith.”
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(b)(iv), 4(c)(i)-(iii)
- h. Uniform Rules cited: 5(e), 14(a), 15(a)
- i. Panel Decisions cited: *Bank of American Corp. v. InterMos*, Case No. FA 95092; *National Football League Properties, Inc. v. One Sex Entertainment Co., a/k/a chargergirls.net*, Case No. D2000-0118; *Computer Doctor Franchise Systems, Inc. v. The Computer Doctor*, Case No. FA 95396; *Charles Jourdan Holding AG v. AAIM*, Case No. D2000-0403; *Ty, Inc. v. O.Z. Names*, Case No. D2000-0370; *Encyclopaedia Britannica Inc. v. Shedon.com*, Case No. D2000-0753.
- j. Judicial decisions and statutes cited: None

1948. Bloomberg L.P. v. G. Sandhu, No. FA0012000096261

- a. Date: February 12, 2001
- b. Panelist(s): Carolyn Marks Johnson
- c. Domain Name(s) at Issue: <bloombergmoney.tv; bloombergnews.tv>
- d. Response?: Yes
- e. Principle(s):
 - 1) Respondent’s proposed use of the domain name to provide web pages for family and friends is not a non-commercial, commercial, or other use which confers rights or legitimate interests in the domain name.
 - 2) “While it is true that Complainant did not seek to register the domain names at issue, Complainant’s lack of action does not mean that others may register domain names that are confusingly similar to and that use Complainant’s marks.”
 - 3) “While it may be true that Respondent has not *used* the domain names at issue in the traditional sense, such a technicality should not permit a Respondent to register another’s trademark as a domain name.”
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(c), 4(c)(ii)
- h. Uniform Rules cited: 15(a)
- i. Panel Decisions cited: *VeriSign, Inc. v. Nandini Tandon*, Case No. D2000-1216; *Open Systems Computing AS v. Alberto degli Alessandri*, Case No. D2000-1393; *Adamovske Strojiny v. Tatu Rautiainen*, Case No. D2000-1393; *BMW AG v. Loophole*, Case No. D2000-1156; *Robo Enterprises, Inc. v. Orvin Tobiason*, Case No. FA 95857; *America Online Inc. v. Shenzhen JZT Computer Software Co. Ltd.*, Case No. D2000-0809; *Wal-Mart Stores, Inc. v. MacLeod*, Case No. D2000-0662; *Phat Fashions v. Kruger*, Case No. FA 96193; *Alitalia-Linee Aeree Italian S.p.A. v. Colour Digital*, Case No. D2000-1260.

j. Judicial decisions and statutes cited: None

1949. Victoria's Secret, et. al. v. GU, No. FA0012000096311

- a. Date: February 8, 2001
- b. Panelist(s): Carolyn Marks Johnson
- c. Domain Name(s) at Issue: <victoriassecretdirect.com>
- d. Response?: No
- e. Principle(s):
 - 1) Respondent's registration of the domain name at issue demonstrates intent to create a likelihood of confusion with Complainant's mark as to the source, sponsorship, affiliation, or endorsement of its web site because Complainant's mark is famous and Respondent must have been aware of the mark at the time of registration.
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(c)(i)-(iii)
- h. Uniform Rules cited: 5(e), 14(a), 15(a)
- i. Panel Decisions cited: *Space Imaging LLC v. Brownwell*, Case No. AF-0298; *Treeforms, Inc. v. Cayne Indus. Sales Corp.*, Case No. FA 95856; *Hartford Fire Ins. Co. v. Webdeal.com, Inc.*, Case No. FA 95162; *Boeing Co. v. Bressi*, Case No. D2000-1164; *Perot Sys. Corp. v. Perot.net*, Case No. FA 95312; *Reuters Ltd. v. Teletrust IPR Ltd.*, Case No. D2000-0471; *Home Director, Inc. v. HomeDirector*, Case No. D2000-0111.
- j. Judicial decisions and statutes cited: None

1950. Playboy Enterprises International Inc. v. Web Management, No. FA0101000096339

- a. Date: February 12, 2001
- b. Panelist(s): Carolyn Marks Johnson, Peter L. Michaelson, James A. Carmody
- c. Domain Name(s) at Issue: <sexcetra.com; personalplaymates.com>
- d. Response?: No
- e. Principle(s):
 - 1) Respondent has no rights or legitimate interests in the domain names at issue because Respondent's use is a blatant attempt to trade on the goodwill and fame associated with Complainant's famous marks.
 - 2) "[G]iven the widespread notoriety and fame associated with Complainant's [mark],...it is very unlikely that Respondent registered the infringing domain name...without actual knowledge of Complainant's rights, which further demonstrates Respondent's bad faith."
- f. Result: Name transfer
- g. Policy cited: 4(a)
- h. Uniform Rules cited: 5(e), 14(a), 15(a)
- i. Panel Decisions cited: *Treeforms, Inc. v. Cayne Indus. Sales Corp.*, Case No. FA 95856; *Reuters Limited v. Global Net 2000, Inc.*, Case No. D2000-0441; *Playboy Enterprises Int'l, Inc. v. Rodriguez*, Case No. D2000-1016; *Sony Kabushiki Kaisha v. Inja, Kil*, Case No. D2000-1409; *America Online, Inc. v. Xianfeng Fu*, Case No. D2000-1374; *Compagnie de Saint Gobain v. Com-Union*

Corp., Case No. D2000-0020; *Reuters Ltd. v. Teletrust IPR Ltd.*, Case No. D2000-0471.

j. Judicial decisions and statutes cited: None

1951. Bloomberg L.P. v. Xuebao Wang, No. FA0012000096305

a. Date: February 12, 2001

b. Panelist(s): Carolyn Marks Johnson

c. Domain Name(s) at Issue: <bbloomberg.com>

d. Response?: No

e. Principle(s): None

f. Result: Name transfer

g. Policy cited: 4(a), 4(a)(iii), 4(c)(i)-(iii)

h. Uniform Rules cited: 5(e), 14(a), 15(a)

i. Panel Decisions cited: *Reuters Limited v. Global Net 2000, Inc.*, Case No. D2000-0441; *EBAY, Inc. v. MEODesigns and Matt Oettinger*, Case No. D2000-1368; *Hartford Fire Ins. Co. v. Webdeal.com, Inc.*, Case No. FA 95162; *Boeing Co. v. Bressi*, Case No. D2000-1164; *Reuters Ltd. v. Teletrust IPR Ltd.*, Case No. D2000-0471; *Kraft Foods (Norway) v. Wide*, Case No. D2000-0911; *DCI S.A. v. Link Commercial Corp.*, Case No. D2000-1232; *Alitalia-Linee Aeree Italiane S.p.A. v. Colour Digital*, Case No. D2000-1260.

j. Judicial decisions and statutes cited: None

1952. MBNA America Bank v. John Zuccarini aka Cupcake Patrol, No. FA0101000096361

a. Date: February 8, 2001

b. Panelist(s): James P. Buchele

c. Domain Name(s) at Issue: <mbnanetaccess.com>

d. Response?: No

e. Principle(s):

- 1) "Respondent's use of the domain name to redirect Internet users to his own commercial web sites and other commercial web sites is neither a bona fide offering of goods or services, nor a legitimate noncommercial use."
- 2) "Respondent's use of the domain name to attract Internet users to his own web site and other on-line locations, for commercial gain, demonstrates his bad faith."
- 3) Respondent's behavior, registering a series of domain names which infringe upon famous names and marks, demonstrates bad faith.

f. Result: Name transfer

g. Policy cited: 4(a), 4(a)(ii), 4(a)(iii), 4(b)(ii), 4(b)(iv), 4(c)(i), 4(c)(iii)

h. Uniform Rules cited: 5(e), 14(a), 15(e)

i. Panel Decisions cited: *Universal City Studios, Inc. v. HarperStephens*, Case No. D2000-0716; *State Farm Mut. Auto. Ins. Co. v. Try Harder & Co.*, Case No. FA 94730; *Computer Doctor Franchise Sys. Inc. v. The Computer Doctor*, Case No. FA 95396; *North Coast Medical, Inc. v. Allegro Medical*, Case No. FA 95541; *Drs. Foster & Smith, Inc. v. Jaspreet Lalli*, Case No. FA 95284; *General*

Electric Co. v. Forddirect.com, Inc., Case No. D2000-0394; *Encyclopaedia Britannica Inc. v. Shedon.com*, Case No. D2000-0441.

j. Judicial decisions and statutes cited: None

1953. Dr. Oscar Vargas-Machuca Espinoza v. Manfred W. Gruber a/k/a Scientific Truth Corp., No. FA0101000096376

- a. Date: February 8, 2001
- b. Panelist(s): James P. Buchele
- c. Domain Name(s) at Issue: <alennutrition.com; alenfood.com; alenusa.com; alenusa.net>
- d. Response?: No
- e. Principle(s):
 - 1) “[B]y registering several domain names for the purpose of disrupting the business of Complainant, Respondent demonstrates his bad faith.”
 - 2) “Respondent’s use of the domain name to redirect the Internet users to [Complainant’s] home page, and to solicit orders for Complainant’s products that he has no right to sell, are not bona fide offerings of goods or services, nor legitimate noncommercial fair uses.”
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(a)(i)-(iii), 4(b)(ii), 4(b)(iv), 4(c)(i)-(iii)
- h. Uniform Rules cited: 5(e), 14(a), 15(a)
- i. Panel Decisions cited: *VeriSign, Inc. v. Nandini Tandon*, Case No. D2000-1216; *Space Imagin LLC v. Brownwell*, Case No. AF 0298; *Computer Doctor Franchise Sys. Inc. v. The Computer Doctor*, Case No. FA 95396; *State Farm Mut. Auto. Ins. Co. v. LaFaive*, Case No. FA 95407; *Harcourt, Inc. v. Fadness*, Case No. FA 95247; *Time Warner Inc. and EMI Group plc v. CPIC Net*, Case No. D2000-0433; *State Farm Mut. Auto. Ins. Co. v. Northway*, Case No. FA 95464; *Samsonite Corp. v. Colony Holding*, Case No. FA 94313.
- j. Judicial decisions and statutes cited: None

1954. FilmNet Inc. v. Onetz, No. FA0012000096196

- a. Date: February 12, 2001
- b. Panelist(s): Moon Sung Lee
- c. Domain Name(s) at Issue: <filmnet.com>
- d. Response?: Yes
- e. Principle(s):
 - 1) Registration of a descriptive, non-source identifying domain name for the purpose of selling it constitutes a legitimate interest in the domain name.
 - 2) Respondent’s intention to sell the domain name at issue at a reasonable price would not be sufficient to establish a finding of bad faith.
 - 3) The fact that Complainant, and not Respondent, initiated contact, inquired about purchasing the domain name, weighs against a finding of bad faith.
- f. Result: Decision for Respondent
- g. Policy cited: 4(a), 4(c)(i)
- h. Uniform Rules cited: 15(a)

- i. Panel Decisions cited: *Rollerblade, Inc. v. CBNO and Ray Redican Jr.*, Case No. D2000-0427; *General Machine Products Co. v. Prime Domains*, Case No. FA 92531.
- j. Judicial decisions and statutes cited: None

1955. The WBEZ Alliance Inc. v WEBZ.com, No. FA0101000096363

- a. Date: February 12, 2001
- b. Panelist(s): James A. Carmody
- c. Domain Name(s) at Issue: <wbez.com>
- d. Response?: No
- e. Principle(s):
 - 1) Registering a domain name with false or misleading information constitutes bad faith.
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(c)(i)-(iii)
- h. Uniform Rules cited: 5(e), 14(a), 15(a)
- i. Panel Decisions cited: *MatchNet PLC v. MAC Trading*, Case No. D2000-0205; *Sony Kabushiki Kaisha v. Inja, Kil*, Case No. D2000-1409; *Treeforms, Inc. v. Cayne Indus. Sales Corp.*, Case No. FA 95856; *Hartford Fire Ins. Co. V. Webdeal.com, Inc.*, Case No. FA 95162; *Boeing Co. v. Bressi*, Case No. D2000-1164; *Home Director, Inc. v. HomeDirector*, Case No. D2000-0110; *Perot Sys. Corp. v. Perot.net*, Case No. FA 95312; *America Online, Inc. v. iDomainNames.com*, Case No. FA 93766; *Encyclopaedia Britannica Inc. v. Shedon.com*, Case No. D2000-0753.
- j. Judicial decisions and statutes cited: None

1956. Advantor Corporation v. Infotek, Inc., No. FA0101000096443

- a. Date: February 13, 2001
- b. Panelist(s): Irving H. Perluss
- c. Domain Name(s) at Issue: <advantor.net>
- d. Response?: Yes
- e. Principle(s):
 - 1) "Respondent has registered thousands of domain names, which clearly demonstrates Respondent's bad faith."
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(b)(i), 4(i)
- h. Uniform Rules cited: 15(a)
- i. Panel Decisions cited: *Football Ass'n Ltd. v. UKIP*, Case No. D2000-1359; *Wembley Nat'l Stadium Ltd. v. Thomson*, Case No. D2000-1233; *Dynojet Research, Inc. v. Norman*, Case No. AF-0316; *Harcourt, Inc. v. Fadness*, Case No. FA 95247; *Nabisco Brands Co. v. The Patron Group*, Case No. D2000-0032.
- j. Judicial decisions and statutes cited: *Anticybersquatting Consumer Protection Act*, 15 U.S.C. §1125(d)(1)(A); *Panavision Int'l, L.P. v. Toeppen*, 141 F.3d 1316 (9th Cir. 1998).

1957. Broadcom Corporation v. Corporategamer.com, No. FA0101000096355

- a. Date: February 12, 2001
- b. Panelist(s): James A. Carmody
- c. Domain Name(s) at Issue: <broadcomcorporation.com>
- d. Response?: No
- e. Principle(s):
 - 1) “The addition of the generic word, corporation, which describes Complainant’s business, does not avoid confusing similarity with Complainant’s mark.”
 - 2) “Respondent’s willingness to transfer the domain name to Complainant reveals that Respondent acknowledges Complainant’s bona fide rights in the domain name over any legitimate rights it could possibly hold in the domain name.”
 - 3) “\$60 is not ‘in excess of out-of-pocket costs directly related to the domain name.’”
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(a)(i)-(iii), 4(b)(i), 4(b)(iv), 4(c)(i)-(iii)
- h. Uniform Rules cited: 5(e), 14(a), 15(a)
- i. Panel Decisions cited: *Space Imaging LLC v. Brownwell*, Case No. AF-0298; *PG&E Corp. v. Anderson*, Case No. D2000-1264; *Tuxedos By Rose v. Nunez*, Case No. FA 95248; *Big Dog Holdings, Inc. v. Day*, Case No. FA 93554; *North Coast Medical, Inc. v. Allegro Medical*, Case No. FA 95541; *Household Int’l v. Cyntom Enter.*, Case No. FA 95784; *Reuters Ltd. v. Global Net 2000, Inc.*; *Perot Sys. Corp. v. Perot.net*, Case No. FA 95312; *America Online, Inc. v. Tencent Comm. Corp.*, Case No. FA 93668.
- j. Judicial decisions and statutes cited: None

1958. ROI Solutions, Inc. v. Lee Jaewan, No. FA0011000095914

- a. Date: January 17, 2001
- b. Panelist(s): Moon Sung Lee
- c. Domain Name(s) at Issue: <roisolutions.com>
- d. Response?: No
- e. Principle(s):
 - 1) “The requirement that the Complainant has a right to a trademark, however, does not necessarily mean that the Complainant must be the registered owner of a trademark. Rather, a pending federal trademark application, combined with prior use of the mark is sufficient evidence on which to find that Complainant ‘has rights’ in a trademark or service mark.”
- f. Result: Name transfer
- g. Policy cited: 4(a), 4(b), 4(b)(i)-(iv), 4(c), 4(c)(i), 4(c)(ii)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: *Phone-N-Phone Services (Bermuda) Ltd. v. Shlomi (Salomon) Levi*, Case No. D2000-0040; *Ty, Inc. v. O.Z. Names*, Case No. D2000-0370; *Canadian Imperial Bank of Commerce v. D3M Virtual Reality Inc. and*

D3M Domain Sales, Case No. AF-0336; *Dynojet Research, Inc. v. Norman*, Case No. AF-0316.

j. Judicial decisions and statutes cited: None

1959. Bank of America Corporation v. Bill Smith, No. FA0011000095964

a. Date: January 22, 2001

b. Panelist(s): Daniel B. Banks, Jr.

c. Domain Name(s) at Issue: <nationscapitalfunding.com>

d. Response?: Yes

e. Principle(s):

1) "A domain name is confusingly similar to a Complainant's mark when Internet users would think that an affiliation of some sort exists between Complainant and Respondent, when in fact, no such relationship exists."

2) "If the words or letters that comprise a domain name are obviously connected with Complainant, registration and use by Respondent, without an adequate explanation, will be deemed evidence of bad faith."

f. Result: Name transfer

g. Policy cited: 4(a)

h. Uniform Rules cited: 15(a)

i. Panel Decisions cited: *Treeforms, Inc. v. Cayne Industrial Sales Corp.*, Case No. FA 95856; *Space Imaging LLC v. Brownwell*, Case No. AF-0298; *Clerical Medical Inv. Group Ltd. v. Clericalmedical.com*, Case No. D2000-1228; *AT&T Corp. v. Domains by Brian Evans*, Case No. D2000-0790; *The London Metal Exchange Ltd. v. Syed Hussain*, Case No. D2000-0809.

j. Judicial decisions and statutes cited: None

1960. ISLANDAIR, Inc. v. Alton Flanders a/k/a islandair.com, No. FA0011000096098

a. Date: February 8, 2001

b. Panelist(s): Nelson A. Diaz, James A. Carmody, Jeffrey Kaufman

c. Domain Name(s) at Issue: <islandair.com>

d. Response?: Yes

e. Principle(s):

1) "[M]aking changes to a web site after notice of a dispute may negate a finding of rights or legitimate interest."

2) "Absent...authorization Respondent's good intentions are unavailing-there is no 'Robin Hood' defense to a claim of cybersquatting."

3) "[B]y creating a link to another's...web page, Respondent creates initial interest confusion, that is, the misleading diversion of web users trying to locate the Complainant's own web site."

f. Result: Name transfer

g. Policy cited: 4(a), 4(b)(ii), 4(b)(iv), 4(c), 4(c)(ii), 4(c)(iii)

h. Uniform Rules cited: 15(a)

i. Panel Decisions cited: *Wal-Mart Stores, Inc. v. Walmarket Canada*, Case No. D2000-0150.

- j. Judicial decisions and statutes cited: *Brookfield Communications, Inc. v. West Coast Entertainment Corp.*, 174 F.3d 1036 (9th Cir. 1999); *Playboy Enters., Inc. v. Netscape Comm. Corp.*, 55 F.Supp.2d 1070 (C.D. Cal. 1999).

1961. State Automobile Mutual Insurance Company v. Lr3 Enterprises, Inc., No. FA0012000096256

- a. Date: January 26, 2001
b. Panelist(s): Bruce E. Meyerson
c. Domain Name(s) at Issue: <stateauto.com>
d. Response?: Yes
e. Principle(s):
 1) Respondent's abandonment of the site for its own business purpose and its continued ownership of the site, for no apparent reason other than to sell it, constitutes a passive holding which is evidence of bad faith.
f. Result: Name transfer
g. Policy cited: 4(a)
h. Uniform Rules cited: 15(a)
i. Panel Decisions cited: *Cruzeiro Licenciamentos Ltda. v. Sallen Enterprises*, Case No. D2000-0715; *DCI S.A. v. Link Commercial Corp.*, Case No. D2000-1232.
j. Judicial decisions and statutes cited: None

1962. Blue Wave Productions Ltd. v. Powder Blues Ltd., No. AF-0605

- a. Date: February 6, 2001
b. Panelist(s): Frank Long
c. Domain Name(s) at Issue: <powderblues.com>
d. Response?: No
e. Principle(s): None
f. Result: Decision for Respondent
g. Policy cited: 4(a), 4(c)
h. Uniform Rules cited: 14(b), 15(a)
i. Panel Decisions cited: None
j. Judicial decisions and statutes cited: None

1963. Societe en Commandite Gaz Metropolitan Plus v. Guy Pilon, Jr., No. AF-0569

- a. Date: January 11, 2001
b. Panelist(s): Hugues G. Richard
c. Domain Name(s) at Issue: <gazmetropolitainplus.com>
d. Response?: Yes
e. Principle(s):
f. Result: Name Transfer
g. Policy cited: 2, 4(b), 4(b)(iv), 4(c), 4(c)(i), 4(i)
h. Uniform Rules cited: None

- i. Panel Decisions cited: Transcontinental Distribution, Inc. v. Le Roublard, ICANN Case Nos. AF-421a, AF-421b; Microcell Solutions, Inc. v. B-Seen Design Group, Inc., ICANN Case No. AF-0131
- j. Judicial decisions and statutes cited: None

1964. America Online, Inc. v. Go2North.Com, Inc., Case No. D2000-0810

- a. Date: December 15, 2000
- b. Panelist(s): Thomas L. Creel
- c. Domain Name(s) at Issue: <topicq.com, ticq.com>
- d. Response?: Yes
- e. Principle(s):
 - 1) Respondent has stated in its response that it does not agree that the Arbitration and Mediation Center of the World Intellectual Property Organization has jurisdiction to decide this dispute. As to jurisdiction over the subject matter of this dispute, the Presiding Panelist finds that the administrative proceeding has been commenced against Go2North.Com pursuant to the Policy. The Policy is incorporated by reference into Go2North.Com's Registration Agreement with Network Solutions. Therefore, in accordance with the contract signed by Respondent, it submitted itself to resolution of this dispute by the ICANN proceeding.
- f. Result: Names transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(c), 4(i)
- h. Uniform Rules cited: 15
- i. Panel Decisions cited: *America Online, Inc. v. Tencent Communications* (FA0002000093668); *America Online, Inc. v. Chinese ICQ Network*, Case No. D2000-0808; *American Online, Inc. v. Shenzhen JZT Computer Software Co., Ltd.* Case No. D2000-0809.
- j. Judicial decisions and statutes cited: *Polaroid Corp. v. Polarad Electornics Corp.*, 287 F.2d 492, 495 (2d Cir. 1961); *Fisons Horticulture, Inc. v. Vigoro. Indus., Inc.* 30 F.3d 466 (3d Cir. 1994)

1965. Don Algodon H, S.A. v. Miguel García Quintas, Case No. D2000-1042

- a. Date: December 27, 2000
- b. Panelist(s): Roberto A. Bianchi
- c. Domain Name(s) at Issue: <donalgon.com>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(c), 4(i)
- h. Uniform Rules cited: 14, 15
- i. Panel Decisions cited: *Cortefiel, S.A. v. Miguel García Quintas*, Case D2000-0140
- j. Judicial decisions and statutes cited: None

1966. K&N ENGINEERING, INC. v. KINNOR SERVICES aka PHENOMENA LTD., Case No. D2000-1077

- a. Date: January 19, 2001
- b. Panelist(s): Gary N. Bouchard
- c. Domain Name(s) at Issue: <knairfilters.com>
- d. Response?: Yes
- e. Principle(s):
 - 1) Since August 29, 2000, the Respondent has maintained a notice on the front page of the Web Site stating that it is not the Complainant, but an authorized dealer, and has included a link to the Complainant's web site. In addition, the Respondent states that those customers who do e-mail the Respondent under the false belief that it is the Complainant are immediately advised that the Respondent is an authorized dealer and directed to contact the Complainant.
 - 2) The Complainant has not provided evidence that the Respondent, by using the Internet to advertise and sell the Complainant's products, is acting in an unauthorized way or in breach of any licensing or distribution agreement between the Complainant and the Respondent. As such, the Complainant has not provided any evidence that would lead the Panel to conclude that the Respondent is not using the Domain Name in connection with a bona fide offering of goods. It is therefore the Panel's opinion that the Respondent has, at all times, used the Domain Name in connection with a bona fide offering of goods, and that the Respondent has rights and legitimate interests in the Domain Name.
- f. Result: Decision for Respondent
- g. Policy cited: 4(a)(i)-(iii), 4(c)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

1967. Hugo Boss A.G. v. Dr. Yang Consulting, Case No. D2000-1109

- a. Date: December 18, 2000
- b. Panelist(s): Edward C. Chiasson; Hugues C. Richard; Thomas H. Webster
- c. Domain Name(s) at Issue: <myhugoboss.com>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: *Vivendi S.A., The Seagram Company Ltd., Joseph E. Seagram & Sons, Inc., Universal Studios, Inc., and Universal City Studios, Inc. v. CPIC NET*, Case No. D2000-0685; *AT&T Corp., v. Tala Alamuddin*, WIPO Case No. D2000-0249

- j. Judicial decisions and statutes cited: None

1968. Zippo Manufacturing Company v. Neatwork Communication, Case No. D2000-1128

- a. Date: January 4, 2001
- b. Panelist(s): Thomas L. Creel
- c. Domain Name(s) at Issue: <avzippo.com>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(c)
- h. Uniform Rules cited: 15
- i. Panel Decisions cited: *America Online, Inc. v. Tencent Communications* (FA0002000093668); *America Online, Inc. v. Chinese ICQ Network*, Case No. D2000-0808; *American Online, Inc. v. Shenzhen JZT Computer Software Co., Ltd.* Case No. D2000-0809.
- j. Judicial decisions and statutes cited: *Polaroid Corp. v. Polarad Electronics Corp.*, 287 F.2d 492, 495 (2d Cir. 1961); *Fisons Horticulture, Inc. v. Vigoro. Indus., Inc.* 30 F.3d 466 (3d Cir. 1994); 15 U.S.C.A. § 1125(d)(1)(B)(I)(VII) (West Supp. 2000).

1969. PEOPLEPC, INC v. EUROSTAR, Case No. D2000-1129

- a. Date: January 22, 2001
- b. Panelist(s): Tony Willoughby
- c. Domain Name(s) at Issue: <wwwpeoplepc.com>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

1970. Becchis, Nunziante & Partners v. Giovanni Cucchiaro, Case No. D2000-1141

- a. Date: December 18, 2000
- b. Panelist(s): Andrea Mondini
- c. Domain Name(s) at Issue: <becchisnunziante.com; becchis-nunziante.com; bnp-law.com>
- d. Response?: No
- e. Principle(s): "...the Complainant has not provided any evidence to show that it has also used the acronym BNP-LAW. Therefore, Complainant has not shown that it owns a use based service mark with regard to this acronym."
- f. Result: Partial names transfer

- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(c), 4(i)
- h. Uniform Rules cited: 15
- i. Panel Decisions cited: The British Broadcasting Corporation v. Jaime Renteria, D2000-0050; Adobe Systems Inc. v. Domain OZ, WIPO D2000-0057; World Wrestling Federation v. Bosman, WIPO D1999-0001; Telstra Corp. Ltd. v. Nuclear Marshmallows, WIPO D2000-0003
- j. Judicial decisions and statutes cited: None

1971. Goldline International, Inc. v. Gold Line, Case No. D2000-1151

- a. Date: January 4, 2001
- b. Panelist(s): David H. Bernstein; David Kelly; Alan Limbury
- c. Domain Name(s) at Issue: <goldline.com>
- d. Response?: Yes
- e. Principle(s):
 - 1) Prior to filing its Complaint, Complainant had to know that Complainant's mark was limited to a narrow field, and that Respondent's registration and use of the domain name could not, under any fair interpretation of the facts, constitute bad faith.
 - 2) Complainant's decision to file its Complaint in the face of those facts was in bad faith. Accordingly, the Panel finds that Complainant has engaged in Reverse Domain Name Hijacking.
- f. Result: Decision for Respondent
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(c), 4(i)
- h. Uniform Rules cited: 15
- i. Panel Decisions cited: *PRIMEDIA Special Interest Publications Inc. v. Treadway*, Case No. D2000-0752; *CRS Technology Corp. v. CondeNet, Inc.*, File No. FA0002000093547; *General Machine Prods. Co. v. Prime Domains*, File No. FA0001000092531; *Electronic Commerce Media, Inc. v. Taos Mountain*, File No. FA0008000095344; *Sydney Opera House Trust v. Trilynx Pty. Ltd* Case No. D2000-1224; *Smart Design LLC v. Hughes*, Case No. D2000-0993; *Loblaws, Inc. v. Presidentchoice.inc/Presidentchoice.com*, Case Nos. AF-0170a to -0170c
- j. Judicial decisions and statutes cited: None

1972. Adelpia Communications Corporation v. Robert Williams, Jr. et al.; Case No. D2000-1170

- a. Date: January 10, 2001
- b. Panelist(s): David W. Plant; M. Scott Donahey; R. Eric Gaum
- c. Domain Name(s) at Issue: <adelpiacable.com; adelpiacable.net; adelpiaonline.com; adelpiaonline.net>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)
- h. Uniform Rules cited: 5, 10, 15

- i. Panel Decisions cited: *Astro-Med, Inc. v. Merry Christmas Everyone!*, WIPO Case No. D2000-0072, *AOL v. Avrasva Yayincilik Danismanlik, Ltd.*, FA 0002000093679, *World Wrestling Federation Entertainment, Inc. v. Michael Bosman*, WIPO Case No. D99-0001, *TV Azteca, S. v. Allan Oretegaray*, Forum File No. 92533, *Ellenbogen v. Pearson*, WIPO Case No. D2000-001; *Educational Testing Service v. TOEFL*, WIPO Case No. 2000-0044, *Rolls-Royce et al v. Suood AL-Mansoori*, WIPO Case No. D2000-0383, *General Electric Company v. John Bakhit*, WIPO Case No. D2000-0386, and *NCAA v. Rodd Garner et al*, WIPO Case No. D2000-0940; *Yahoo! Inc. v. Domain Collection*, WIPO Case No. D2000-0476; *Telstra v. Nuclear Marshmallows*. WIPO Case No. D2000-0003.
- j. Judicial decisions and statutes cited: *Intermatic Inc. v. Toeppen*, 947 F.Supp. 1227 (N.D. Ill. 1996).

1973. Cellular One Group v. Card Resources Corp, Case No. D2000-1180

- a. Date: December 9, 2000
- b. Panelist(s): Richard W. Page
- c. Domain Name(s) at Issue: <digitalone.net>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(c), 4(i)
- h. Uniform Rules cited: 15
- i. Panel Decisions cited: *Telstra Corp. v. Nuclear Marshmallows*, D2000-0003; *Leland Stanford Junior Univ. v. Zedlar Transcription & Translation*, FA 0006000094970; *Revlon Consumer Prods. Corp. v. Yosef*, D2000-0468; *Encyclopaedia Britannica v. Zucarini*, D2000-0330; *Expedia, Inc. v. European Travel Network*, D2000-0137; *Document Technologies v. International Electronic Communications, Inc.*, D2000-0270; *Cellular One Group v. Paul Brien*, D2000-0028.
- j. Judicial decisions and statutes cited: None

1974. Deutsche Welle v. DiamondWare Limited, Case No. D2000-1202

- a. Date: January 2, 2001
- b. Panelist(s): Tony Willoughby; Torsten Bettinger; Diane Cabell
- c. Domain Name(s) at Issue: <dw.com>
- d. Response?: No
- e. Principle(s): The Panel does not interpret the Policy to mean that a mere offer for sale of a domain name for a large sum of money is, of itself, proof of cybersquatting. It may, in certain circumstances, provide some evidence, but it is not conclusive evidence. Indeed, some of the largest sums of money paid for domain names have been for generic names and it is clear to anyone who follows reports of domain name sales that two-letter .com registrations are extremely prized. In any event, in this case the Respondent, with a substantial underlying business interest in the Domain

Name, had every reason to demand a substantial sum of money for transfer of the Domain Name.

- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(c), 4(i)
- h. Uniform Rules cited: 1, 15(e)
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

1975. 402 Shoes, Inc. dba Trashy Lingerie v. Jack Weinstock and Whispers Lingerie, Case No. D2000-1223

- a. Date: January 2, 2001
- b. Panelist(s): Jeffrey M. Samuels; Richard W. Page; M. Scott Donahey
- c. Domain Name(s) at Issue: <trashylingerie.com>
- d. Response?: Yes
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(c), 4(i)
- h. Uniform Rules cited: 15
- i. Panel Decisions cited: *Credit Management Solutions, Inc. v. Collex Resource Management*, ICANN Case No. D2000-0029; *Telstra Corp. v. Nuclear Marshmallows*, D2000-0003 (WIPO Feb. 18, 2000); *Leland Stanford Junior Univ. v. Zedlar Transcription & Translation, FA 0006000094970* (NAF July 11, 2000); *Revlon Consumer Prods. Corp. v. Yosef*, D2000-0468; *EAuto, L.L.C. v. Triple S. Auto Parts d/b/a Kung Fu Yea Enterprises, Inc.*, ICANN Case No. D2000-0047; *Broadway Trading, LLC v. Gene Weissman*, ICANN Case No. FA 94310
- j. Judicial decisions and statutes cited: None

1976. CLM/BBDO v. Tropic Telecom, Case No. D2000-1266

- a. Date: January 5, 2001
- b. Panelist(s): Hugues G. Richard
- c. Domain Name(s) at Issue: <clmbbdo.com>
- d. Response?: No
- e. Principle(s): Taking into account the distinctiveness of Complainant's trademark and the fact that the Respondent is found to have used the Domain Name (which has been previously found to be confusingly similar to Complainant's trademark) in association with a pornographic site, suffice to conclude that Respondent's use of the Domain Name was in bad faith.
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(c), 4(i)
- h. Uniform Rules cited: 15
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

1977. DaimlerChrysler Corporation v. Worshipping, Chrisler, and Chr, aka Dream Media and aka Peter Conover, Case No. D2000-1272

- a. Date: December 15, 2000
- b. Panelist(s): Jeffrey P. Kushan
- c. Domain Name(s) at Issue: <crysler.com; chrisler.com; chrystler.com; christler.com>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(i)
- h. Uniform Rules cited: 2(a), 3(c), 4(a), 14(a), (b), 15(a)
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: 15 U.S.C. § 1057(b).

1978. RAI Radiotelevisione Italiana S.p.A. and Raicinema S.p.A v. Pro Radio di Claudio Astorri & C Sas, Case No. D2000-1282

- a. Date: December 27, 2000
- b. Panelist(s): Luca Barbero
- c. Domain Name(s) at Issue: <raicinema.com>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv)
- h. Uniform Rules cited: 15
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

1979. U.S. Department of Commerce v. Internicregistrations.com and Ruth DiTucci, Case No. D2000-1286

- a. Date: January 22, 2001
- b. Panelist(s): David W. Plant
- c. Domain Name(s) at Issue: <internicregistrations.com, internicregistrations.net, internicregistrations.org, internicregistration.com, internicregistration.net, internicregistration.org>
- d. Response?: No
- e. Principle(s): "...the Case Manager is not the panelist, attempts to intimidate the Center or any of its staff are entirely misplaced and uncalled for, mischaracterizations of judicial opinions are not helpful, unsupported speculations as to collusion are without weight, assertions as to U.S. - China relations have no place here, attempts to quietly "fix" this dispute should never have been contemplated or proposed, demands that this proceeding be removed from the Center's website are absurd, demands that the Center arrange for money to be paid to DiTucci are irrational, and threats to go public and to sue WIPO are misguided and of no effect in this proceeding."
- f. Result: Name transfer

- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(c), 4(i)
- h. Uniform Rules cited: 5, 10, 15
- i. Panel Decisions cited: *Distinctive Designs International v. distinctivedesigns.com*, NAF Case No. FA0008000095478, *Pharmacia & Upjohn v. Peoples Revolutionary Suicide Jazz Band*, WIPO Case No. D2000-0816, *CBS Broadcasting v. Worldwide Webs*, WIPO Case No. D2000-0834; *State Farm Mutual Automobile Insurance Company v. Douglas LaFaive*, NAF Case No. FA0008000095407, *North Coast Medical v. Allegro Medical*, NAF Case No. FA0008000095541; *Chanel v. Estco Technology Group*, WIPO Case No. D2000-0413; *Metallica v. Josh Schneider*, NAF Case No. FA0009000095636, *Marriott International v. Momm Amend Ia*, NAF Case No. FA0009000095573; *America Online v. Chinese ICQ Network*, WIPO Case No. D2000-0808
- j. Judicial decisions and statutes cited: None

1980. Guilbert UK Limited v Constant Limited, Case No. D2000-1282

- a. Date: December 18, 2000
- b. Panelist(s): David Perkins
- c. Domain Name(s) at Issue: <niceday.com>
- d. Response?: Yes
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(c)
- h. Uniform Rules cited: 10(d),
- i. Panel Decisions cited: *Telstra Corporation Limited v. Nuclear Marshallows* Case D2000-0003
- j. Judicial decisions and statutes cited: None

1981. Minolta Co., Ltd. v. Cupcake City, Case No. D2000-1291

- a. Date: Unknown
- b. Panelist(s): Dennis A. Foster, David H. Bernstein, Christopher K. Larus
- c. Domain Name(s) at Issue: <minoltacameras.com>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(i)
- h. Uniform Rules cited: 10, 15
- i. Panel Decisions cited: *EAuto, L.L.C. v. Eauto Parts*, WIPO Case No. D2000-0096; *Talk City, Inc. v. Michael Robertson*, WIPO Case No. D2000-0009; *Yahoo!, Inc. v. Cupcake Patrol and John Zuccarini*, WIPO Case No. D2000-0928; *Abercrombie & Fitch Stores, Inc. A & F Trademark, Inc. v. John Zuccarini d/b/a Cupcake Patrol*, WIPO Case No. D2000-1004.
- j. Judicial decisions and statutes cited: None

1982. Louis Vuitton Malletier v. Julmax, Case No. D2000-1294

- a. Date: January 9, 2001
- b. Panelist(s): François Dessemontet
- c. Domain Name(s) at Issue: <louisvuittoncup2004.com>
- d. Response?: No
- e. Principle(s): The list of domain names registered by the Respondent is *prima facie* evidence of a registration in bad faith. Among those are "britishinstitutes.com", "britishinstitutes.net", "olympicgames.com" and "americascup2004.org".
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

1983. XFM Limited v. Intervid Limited, Case No. D2000-1298

- a. Date: January 22, 2001
- b. Panelist(s): Clive Elliott
- c. Domain Name(s) at Issue: <xfm.com>
- d. Response?: Yes
- e. Principle(s):
 - 1) Timing is important on this issue. The respondent registered the domain name on February 10, 1996. The XFM trademark was first registered by the complainant a year later, on February 27, 1997. The question of right or legitimate interest needs to be addressed as at February 10, 1996. The complainant had, at that time, no protectable trade mark rights, through registration, even if such rights might now exist.
 - 2) The respondent argues that it was not possible for the domain name to have been registered in bad faith, as at the time of registration the complainant had no trade mark registrations and was not in operation as a broadcaster. This would not in itself be a bar to relief. The respondent also notes that the complainant has provided no evidence that the domain name was registered primarily for sale to the complainant. Finally it is submitted that the complainant has delayed and acquiesced in waiting so long to raise its complaint. While these factors are far from pivotal they do inform the panel, in a case that is finely balanced and difficult to decide.
- f. Result: Decision for respondent
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(c)
- h. Uniform Rules cited: 15
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

1984. Dylex Limited v Mr Saeid Yomtobian, Case No. D2000-1304

- a. Date: December 22, 2000
- b. Panelist(s): Clive Elliott
- c. Domain Name(s) at Issue: <thriftys.com>
- d. Response?: Yes
- e. Principle(s): “I find that the cumulative requirement of establishing the three grounds above has not been satisfied.”
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(c), 4(i)
- h. Uniform Rules cited: 15
- i. Panel Decisions cited: *Bank of America Corporation v. Saeid Yomtobian*
- j. Judicial decisions and statutes cited: None

1985. World Wrestling Federation Entertainment, Inc. v. Ringside Collectibles, Case No. D2000-1306

- a. Date: January 24, 2001
- b. Panelist(s): David H. Bernstein, M. Scott Donahey; Jordan Weinstein
- c. Domain Name(s) at Issue: <wwfauction.com, wwfauction.net>
- d. Response?: Yes
- e. Principle(s): Mere assertions of preparations to make a legitimate use are not enough. Rather, Respondents seeking to show preparations to make a legitimate use must give Panels some evidence; acceptable evidence may include business plans or documented expenses, but will of course vary with the nature of the use and the particulars of the domain name. Respondent, however, offers nothing beyond his own contentions. In these circumstances, the failure to present any credible evidence of demonstrable preparations to offer auction services is fatal to Respondent’s claim of a legitimate interest in the domain names.
- f. Result: Names transfer
- g. Policy cited: 4(a)(i)-(iii)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: *eAuto, L.L.C. v. Triple S Auto Parts*, Case No. D2000-0047; *R.T. Quaije Engineering, Ltd. v. Luton*, Case No. D2000-1201; *Universal City Studios, Inc. v. G.A.B. Enterprises*, Case No. D2000-0416; *Telstra Corporation Limited v. Nuclear Marshmallows*, Case No. D2000-0003 (WIPO February 18, 2000); *CMG Worldwide, Inc. v. Naughty Page*, Case No. FA0009000095641
- j. Judicial decisions and statutes cited: None

1986. Société des Bains de Mer et du Cercle des Etrangers à Monaco v. Britannia Finance et al, Case No. D2000-1315

- a. Date: January 8, 2001
- b. Panelist(s): François Dessemontet

- c. Domain Name(s) at Issue: <monacocasinos.com; montecarlocasinos.net; thecasinomontecarlo.com; themontecarlocasino.com>
- d. Response?: Yes
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

1987. Société des Bains de Mer et du Cercle des Etrangers à Monaco v. Externet World Inc., Case No. D2000-1322

- a. Date: January 25, 2001
- b. Panelist(s): Thomas H. Webster
- c. Domain Name(s) at Issue: <montecarlo-casino.net, montecarlo-casino.org>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(c), 4(i)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: *Société des Bains de Mer v. Worldnet Companies Inc.*, Case No. D2000-1321; *La Société Anonyme Des Bains De Mer Et Du Cercle Des Etrangers A Monaco V. Gest Trading S.R.L.*, Case No. D 2000-1320 (WIPO, November 30, 2000) and *Universal Studios, Inc. v. Antonio Paez*, Case No. D2000-0569; *La Société Anonyme Des Bains De Mer Et Du Cercle Des Etrangers A Monaco v. Gest Trading S.R.L.*, Case No. D 2000-1320 (WIPO, November 30, 2000), *Société de Bains de Mer et du Cercle des Etrangers à Monaco limited v Piranha Interactive Ltd.*, Case No. D 2000-1333 (WIPO, December 18, 2000), *Société des Bains de Mer et du Cercle des Etrangers à Monaco v. Intergroweb (Bahamas) Ltd.*, Case No. D 2000-1325 (WIPO, December 11, 2000), *Société des Bains de Mer et du Cercle des Etrangers de Monaco limited v International Lotteries*, Case No. D 2000-1326 (WIPO, January 8, 2001) and *CBS Broadcasting Inc. v. Worldwide Webs, Inc.*, Case No. D2000-0834; *La Société Anonyme Des Bains De Mer Et Du Cercle Des Etrangers A Monaco v. Gest Trading S.R.L.*, Case No. D 2000-1320 (WIPO, November 30, 2000); *Société des Bains de Mer v. Worldnet Companies Inc.*, Case No. D 2000-1321 (WIPO, November 30, 2000) (decided by this panelist) and *Société Des Bains De Mer Et Du Cercle Des Etrangers A Monaco v. Global Productions –Domain for Sale*, Case No. D 2000-1332 (WIPO, December 13, 2000). *Société des Bains de Mer et du Cercle des Etrangers à Monaco v. Martimi Bt*, Case No. D 2000-1318; *Telstra Corp. v. Nuclear Marshmallows*, Case No. D2000-0003 (WIPO, Feb. 18, 2000), *Metabolife International v. Robert Williams*, Case No. D2000-0630

(WIPO, Sept. 5, 2000) and *La Société Anonyme Des Bains De Mer Et Du Cercle Des Etrangers A Monaco v. Gest Trading S.R.L.*, Case No. D 2000-1320; *Teledesic LLC v. McDougal Design*, Case No. D 2000-0620.

j. Judicial decisions and statutes cited: None

1988. Société des Bains de Mer et du Cercle des Etrangers à Monaco v. I. Bancorp Europe et al, Case No. D2000-1323

- a. Date: January 8, 2001
- b. Panelist(s): François Dessemontet
- c. Domain Name(s) at Issue: <montecarlocasino.net
montecarlocasino.org montecarlo-casino.com monte-carlo-casino.com
casinosmontecarlo.com e-montecarlocasino.com>
- d. Response?: Yes
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

1989. Société Des Bains De Mer Et Du Cercle Des Etrangers A Monaco V. Iggi Networks Media Group, Case No. D2000-1324

- a. Date: December 18, 2000
- b. Panelist(s): Jacques A. Léger
- c. Domain Name(s) at Issue: <casinodemonaco.com;
casinoofmonaco.com>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(c), 4(i)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: *LLS International vs. Mark Freeman*, Case No. D-2000-1080; *Altavista Company v. Grandtotal Finances Ltd.*, Case No. D-2000-0848; *Telstra Corporation v. Nuclear Marshmallows*, Case No. D-2000-003; *Parfums Christian Dior v. Javier Garcia Quintas and Christiandior.net* Case No. D2000-0226 and *Veuve Cliquot Ponsardin, Maison Fondée en 1772 v. The Polygenix Group Co.*, Case No. D2000-0163
- j. Judicial decisions and statutes cited: None

1990. Société des Bains de Mer et du Cercle des Etrangers à Monaco v. International Lotteries et al., Case No. D2000-1327

- a. Date: January 8, 2001
- b. Panelist(s): François Dessemontet
- c. Domain Name(s) at Issue: <lecasinodemontecarlo.com>
<casinodemontecarlo.com> <lemontecarlocasino.com>

<lecasinomontecarlo.com> <casinomonte-carlo.com> <monte-carlocasino.com> <montecarlogambling.com> <e-casinomontecarlo.com> <casinomontecarlo.org> <casinomontecarlo.net

- d. Response?: Yes
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

1991. Société des Bains de Mer et du Cercle des Etrangers à Monaco v. International Services Inc. et al., Case No. D2000-1328

- a. Date: January 8, 2001
- b. Panelist(s): François Dessemontet
- c. Domain Name(s) at Issue: <casinodemontecarlo.net casino-montecarlo.net casinomonte-carlo.net casinosmonte-carlo.org casinosmontecarlo.net casinosmontecarlo.org casinomontecarloonline.com ecasinomontecarlo.com ecasinomontecarlo.net emontecarlocasino.com emontecarlocasino.net e-casinomontecarlo.net e.montecarlocasino.net lemontecarlocasino.net monte-carlocasino.net montecarlocasinoonline.com montecarlocasinoonline.net montecarloonlinecasino.com montecarloonlinecasino.net montecarlogambling.net montecarlogames.com montecarlogames.net montecarlojackpot.com montecarlojackpot.net sexycasinomontecarlo.com sexymontecarlocasino.com sexymontecarlocasino.net webcasinomontecarlo.com livemonacocasino.com monacogaming.com monacogaming.net >
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(c), 4(i)
- h. Uniform Rules cited: 15
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

1992. Axel Springer Verlag AG v. Andy Fritsche, Case No. D2000-1338

- a. Date: January 8, 2001
- b. Panelist(s): Bernhard F. Meyer-Hauser
- c. Domain Name(s) at Issue: <"bilddominicana.com" and "bild-dominicana.com" >
- d. Response?: No
- e. Principle(s): Respondent's use of Complainant's trademark and a similar logo to attract German tourists seeking information on Santo Domingo to

his web site is clear evidence of bad faith registration and use under Article 4(b)(iv) of the Policy.

- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(c), 4(i)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

1993. Nikon Inc. and Nikon Corporation vs. Photocom Korea, Case No. D2000-1338

- a. Date: December 27, 2000
- b. Panelist(s): Pravin Anand
- c. Domain Name(s) at Issue: <nikonmall.com; nikonmart.com>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(c), 4(i)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: *United States Olympic Committee vs. MIC, WIPO Case No. D2000-0189; Nokia Corporation vs. Nokiagirls.com a.k.a. IBCC, WIPO Case No. D2000-0102; Bellevue Square Managers, Inc. V. Redmond Web and Branden F. Moulton, WIPO Case No. D2000-0056*
- j. Judicial decisions and statutes cited: None

1994. Banca March, S.A. v. Mr. Thomas Zotzmann, Case No. D2000-1343

- a. Date: December 19, 2000
- b. Panelist(s): Luis H. de Larramendi
- c. Domain Name(s) at Issue: <bancamarch.net>
- d. Response?: Yes
- e. Principle(s): Complainant is a Spanish entity and respondent appears to be a German national. There is no equitable basis for deeming that the proceedings should take place in German when complainant is opposed. Therefore, pursuant to the basic precepts laid down in Rule 11 of the Uniform Policy, it is appropriate to take as the language of the proceedings the language in which the domain name registration agreement has been drawn up, in which complainant duly submitted the complaint. Accordingly, the decision is hereby issued in that same language.
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii)
- h. Uniform Rules cited: 11
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

1995. Spreadsheet Link Limited v. Richard Weston, Case No. D2000-1346

- a. Date: January 22, 2001
- b. Panelist(s): Clive L. Elliott
- c. Domain Name(s) at Issue: <derivivity.com; derivivity.net; derivivity.org>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

1996. Fleetboston Financial Corporation v. JFK Holdings, Inc., Case No. D2000-1352

- a. Date: January 11, 2001
- b. Panelist(s): Clark W. Lackert
- c. Domain Name(s) at Issue: <fleetbank.com>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(ii)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

1997. Twentieth Century Fox Film Corporation v. DVD Monthly, Case No. D2000-1355

- a. Date: January 16, 2001
- b. Panelist(s): Mark V B Partridge; Sally M Abel; Richard G Lyon
- c. Domain Name(s) at Issue: <homealone2dvd.com, plannetoftheapesdvd.com>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

1998. America Online, Inc. v. Greg Bloom, Case No. D2000-1362

- a. Date: January 10, 2001
- b. Panelist(s): Gaynell C. Methvin
- c. Domain Name(s) at Issue: <icqadultchat.com>
- d. Response?: No
- e. Principle(s):

- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(c)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

1999. America Online, Inc. v. Transoceanic Travel, Case No. D2000-1364

- a. Date: January 21, 2001
- b. Panelist(s): Jeffrey M. Samuels
- c. Domain Name(s) at Issue: <aolvacations.com>
- d. Response?: Yes
- e. Principle(s): the Panel determines that Respondent has rights or legitimate interests with respect to the domain name. More specifically, the Panel finds, based on the above-recited facts, that, prior to notice to Respondent of this dispute, Respondent used the domain name in connection with a bona fide offering of services, within the meaning of Para. 4.c.(i) of the Policy.
- f. Result: Decision for Respondent
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(c)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

2000. e-Duction, Inc. v. John Zuccarini, d/b/a The Cupcake Party & Cupcake Movies, Case No. D2000-1369

- a. Date: February 5, 2001
- b. Panelist(s): David H. Bernstein, Dana Haviland, Jeffrey M. Samuels
- c. Domain Name(s) at Issue: <eduction.com>
- d. Response?: Yes
- e. Principle(s): In the ordinary case, a business adopting a new mark in today's world must take the Internet as it finds it. If someone else has already registered a domain name identical or confusingly similar to the proposed new mark, that domain name will be unavailable to the business unless it negotiates a transfer. This is true even if the registrant is in other respects behaving badly, as Respondent is in this case.
- f. Result: Decision for Respondent
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(c)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: *eAuto, L.L.C. v. Triple S. Auto Parts*, Case No. D2000-0047; *World Wide Wrestling Federation v. Bosman*, Case No. D99-0001; *Bandon Dunes L.P. v. DefaultData.com*, Case No. D 2000-0431; *Interep National Radio Sales, Inc. v. Technical Staffing Corp.*, Case No. D2000-0175
- j. Judicial decisions and statutes cited: None

2001. Nutrexpa S.A. v. Louisiana's Cola & Cacao Distributions, Case No. D2000-1364

- a. Date: January 18, 2001
- b. Panelist(s): Massimo Introvigne
- c. Domain Name(s) at Issue: <colacao.com>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(c), 4(i)
- h. Uniform Rules cited: 15
- i. Panel Decisions cited: *Banca Sella S.p.A. v. Mr. Paolo Parente*, case no. D2000-1157; *Veuve Cliquot Ponsardin v. The Polygenix Group Ltd.*, case no. D2000-0163; *Parfums Christian Dior v. Javier Garcia Quintas and Christiandior.net*, case no. D2000-0226; *Expedia, Inc. v. European Travel Network*, case no. D2000-0137;
- j. Judicial decisions and statutes cited: None

2002. Sony Kabushiki Kaisha also trading as Sony Corporation v. Fujiko Kikuno, Case No. D2000-1372

- a. Date: December 27, 2000
- b. Panelist(s): Teruo Doi
- c. Domain Name(s) at Issue: <sonysonpo.com>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

2003. National Collegiate Athletic Association and March Madness Athletic Association, LLC v. Cyberoad Corporation, Case No. D2000-1378

- a. Date: January 16, 2001
- b. Panelist(s): David Perkins
- c. Domain Name(s) at Issue: <bettingncaabasketball.com, etc.>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii)
- h. Uniform Rules cited: 14
- i. Panel Decisions cited: *The Stanley Works and Stanley Logistics Inc .v. Camp Creek Co*; Case D2000-0113; *ISL Marketing and The Federation Internationale de Football Association [FIFA] Case D2000-0034*; *ESPN Inc .v. Naughtyapage LLC* NAF Case FA0004000094397.
- j. Judicial decisions and statutes cited: *Sabel B.V. .v. Puma A.G.* [1998] RPC 199; *Canon .v. MGM* [1999] RPC 117; the *Lloyd Schufabrik* case

[1999] All ER (EC) 587; and *General Motors .v. Yplon* [1999] All ER (EC) 865; *Panavision International .v. Toeppen*; 15 USC 1125(c).

2004. Foreign & Colonial Investment Trust Plc v. 70 Consulting, Case No. D2000-1383

- a. Date: December 17, 2000
- b. Panelist(s): D.J. Ryan
- c. Domain Name(s) at Issue: <foreignandcolonial.com>
- d. Response?: Yes
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: *World Wrestling Federation* - Case D2000-0001; *John Swire & Sons Limited v. David Huang* – WIPO Case D2000-1106
- j. Judicial decisions and statutes cited: None

2005. Centennial Communications Corporation and Centennial de Puerto Rico v. Centennial, Case No. D2000-1385

- a. Date: January 31, 2001
- b. Panelist(s): Tony Willoughby; Tyrus R. Atkinson, Jr.; Dennis A. Foster
- c. Domain Name(s) at Issue: <centennial.net>
- d. Response?: Yes
- e. Principle(s): The majority decision of the Panel is that while the Panel understands the concerns of the Complainant, the fact of the matter is that the Respondent is named Centennial and the Domain Name has been used by an entity named Centennial Networks LLC. The paucity of evidence over the interim between the date of registration of the Domain Name and the commencement of work on the website is partly down to the Respondent which could have provided further information. It is also partly down to the Complainant, who was in negotiation with the Respondent as long ago as August 1998, when the Complainant first approached the Respondent with a view to purchasing the Domain Name. If the Complainant seriously believed that the Respondent had no rights to the name Centennial as at that date, one would have expected the Complainant to have produced evidence of the situation as at that date. The Complainant did not do so. The only evidence in relation to that exchange back in 1998 emanates from the Respondent. There is no evidence before the Panel that the Complainant even asserted its rights against the Respondent back in 1998.
- f. Result: Decision for Respondent
- g. Policy cited: 4(a)(i)-(iii)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

2006. NUTREXPA, S.A. v. Juan Silher, Case No. D2000-1386

- a. Date: December 19, 2000
- b. Panelist(s): Jose Carlos Erdozain
- c. Domain Name(s) at Issue: <colacao.net>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(i)
- h. Uniform Rules cited: 15
- i. Panel Decisions cited: *The Forward Association, Inc., v. Enterprises Unlimited* (NAF case FA0008000095491)
- j. Judicial decisions and statutes cited: None

2007. Haymarket Business Publications Limited v. Shots, Case No. D2000-1387

- a. Date: January 2, 2001
- b. Panelist(s): Tony Willoughby
- c. Domain Name(s) at Issue: <campaignscreen.com>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

2008. Alloy Rods Global, Inc. v. Nancy Williams, Case No. D2000-1392

- a. Date: January 31, 2001
- b. Panelist(s): Frederick M. Abbott; David G. Post; Richard W. Page
- c. Domain Name(s) at Issue: <alloyrods.com>
- d. Response?: Yes
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. D2000-0003
- j. Judicial decisions and statutes cited: None

2009. Gruner + Jahr Printing & Publishing Co. v. Global Media Consulting, Case No. D2000-1395

- a. Date: January 4, 2001
- b. Panelist(s): Thomas L. Creel
- c. Domain Name(s) at Issue: <familycircl.com>
- d. Response?: No
- e. Principle(s):

- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: *See Neuberger Berman Inc. v. Jacobsen*, Case No. D2000-0323, (*Neuberger Berman servicemark vs. newbergerberman.com domain name*); *Microsoft Corp. v. Microsof.com*, Case No. D2000-0548, (*Microsoft trademark vs. microsof.com domain name*); *Dow Jones & Co. v. Zuccarini*, Case No. D2000-0578, (*The Wall Street Journal trademark vs. wallstreetjournal.com and wallstreetjournal.com domain names*); *Estee Lauder Inc. v. estelauder.com*, Case No. D2000-0869 (*Estee Lauder trademark vs. estelauder.com and estelauder.net domain names*). *Gateway Inc. v. Bellgr, Inc.*, Case No. D2000-0129; *Apple Computer, Inc. v. Domain-House.com, Inc.*, Case No. D2000-0341; *Burlington Coat Factory Warehouse Corporation v. Naiyer Imam*, Case No. D2000-0485; *Nabisco Brands Co. v. Patron Group, Inc.*, Case No. D2000-0032. *Mars, Incorporated v. Vanilla, Ltd.*, Case No. D2000-0586 *Telstra Corp. v. Nuclear Marshmallows*, Case No. D2000-003; *Quixtar Investments, Inc. v. Smithberger*, Case No. D2000-0138; and *Pharmacia & Upjohn Company v. Xanax Advocates*, Case No. D2000-0817
- j. Judicial decisions and statutes cited: None

2010. DESOTEC N.V. v. JACOBI CARBONS AB, Case No. D2000-1398

- a. Date: December 21, 2000
- b. Panelist(s): Bernhard F. Meyer-Hauser
- c. Domain Name(s) at Issue: <desotec.com>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(c), 4(i)
- h. Uniform Rules cited: 15
- i. Panel Decisions cited: *Deutsche Bank v. Carl Siegler*, Case No. D2000-0984; *Juventus F.C. S.p.a. v. Sergio Brangança*, Case No. D2000-1466
- j. Judicial decisions and statutes cited: None

2011. ColArt Fine Art & Graphics Limited v. Art2Art LLC, Case No. D2000-1410

- a. Date: December 26, 2000
- b. Panelist(s): Edward C. Chiasson
- c. Domain Name(s) at Issue: <windsornewton.com>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

2012. The David J. Joseph Company v. Richard F. Barry, Case No. D2000-1418

- a. Date: January 2, 2001
- b. Panelist(s): R. Eric Gaum
- c. Domain Name(s) at Issue: <scrapconnect.com>
- d. Response?: Yes
- e. Principle(s): Respondent has provided substantial evidence of his demonstrable preparations to use the domain name with a business involving the sale of scrap materials prior to receiving notice of the present dispute.
- f. Result: Decision for Respondent
- g. Policy cited: 4(a)(i)-(iii), 4(c)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: *Metabolife International v. Spectrum Labs*, WIPO Case No. D2000-0509; *Plan Express Inc. v. Plan Express*, WIPO Case No. D2000-0565
- j. Judicial decisions and statutes cited: None

2013. Giant Brands, Inc. v. Michael Jeffress, Case No. D2000-1421

- a. Date: January 17, 2001
- b. Panelist(s): Richard Allan Horning
- c. Domain Name(s) at Issue: <giantfoods.com>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(i)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: *Hewlett-Packard Company v. Cupcake City*, NAF Case No. NAF0002000093562; *America Online, Inc. v. Avrasya Yayincilik Danismanlik Ltd.*, NAF Case No. FA0002000093679; *Marriott International, Inc. v. John Marriot*, NAF Case No. FA 0002000094737; *Identigene, Inc. v. Genetest Laboratories*, WIPO Case No. D2000-1100; *Seiko Epson Corporation v. Distribution Purchasing & Logistics Corp.*, NAF Case 0003000094219; *Alcoholics Anonymous World Services, Inc. v. Raymond*, WIPO Case No. D2000-007; *Bronson Plc v. Unimetal Sanayai ve Tic. A.S.*, WIPO Case No. D2000-0011; *InfoSpace.com, Inc. v. Hari Prakash*, WIPO Case No. D2000-0076; *America Online Inc. v. Cyber Network LLP*, WIPO Case No. D2000-0977
- j. Judicial decisions and statutes cited: None

2014. Credit Lyonnais v. Jehovah Technologies Pte LTD, Case No. D2000-1425

- a. Date: December 28, 2000
- b. Panelist(s): Benoit Van Asbroeck
- c. Domain Name(s) at Issue: <creditlyonnaisonline.com>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer

- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(c)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

2015. Club Méditerranée S.A. v. Jung Hochul (a/k/a Hochul Jung), Case No. D2000-1427

- a. Date: January 25, 2001
- b. Panelist(s): Christophe Imhoos
- c. Domain Name(s) at Issue: <clubmed.net>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(c), 4(i)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: *Club Méditerranée v. Yosi Hasidim*, WIPO Case D2000-1350
- j. Judicial decisions and statutes cited: None

2016. Club Méditerranée S.A. v. Clubmedical, Case No. D2000-1428

- a. Date: January 25, 2001
- b. Panelist(s): Christophe Imhoos
- c. Domain Name(s) at Issue: <clubmedical.net>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(c), 4(i)
- h. Uniform Rules cited: 15
- i. Panel Decisions cited: *Club Méditerranée v. Yosi Hasidim*, WIPO Case D2000-1350
- j. Judicial decisions and statutes cited: None

2017. SONAE S.G.P.S., S.A. v. José Alberto Oliveira, Case No. D2000-1429

- a. Date: February 8, 2001
- b. Panelist(s): José Pio Tamassia Santos
- c. Domain Name(s) at Issue: <sonae.net>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(i)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

2018. SONAE S.G.P.S., S.A. v. Filipe Pinto, Case No. D2000-1430

- a. Date: February 8, 2001
- b. Panelist(s): José Pio Tamassia Santos
- c. Domain Name(s) at Issue: <sonae.org>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(c), 4(i)
- h. Uniform Rules cited: 15
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

2019. Effems AG v. Weitner AG, Case No. D2000-1433

- a. Date: December 22, 2000
- b. Panelist(s): Anne-Virginie Gaide
- c. Domain Name(s) at Issue: <balisto.com>
- d. Response?: No
- e. Principle(s): Respondent registered at least three domain names identical to protected trademarks of third parties. The Panelist considers that this number is sufficient to find that Respondent engaged into a pattern of preventing trademark owners from reflecting their mark into a corresponding domain name.
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(i)
- h. Uniform Rules cited: 15
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

2020. SMS Demag AG v. Seung Gon, Kim, Case No. D2000-1434

- a. Date: January 19, 2001
- b. Panelist(s): Sir Ian Barker, Thomas Hoeren, Moon Sung Lee
- c. Domain Name(s) at Issue: <smsdemag.com, sms-demag.com>
- d. Response?: Yes
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: *London Metal Exchange Ltd v. Hussain* D2000-1388 and *Pharmacia & Upjohn AB v. Monsanto-pharmacia.com Inc* D2000-0446
- j. Judicial decisions and statutes cited: None

2021. HCS MISCO v. Christophe CATUREGLI, Case No. D2000-1438

- a. Date: January 29, 2001
- b. Panelist(s): Alain Bensoussan
- c. Domain Name(s) at Issue: <hcsmisco.com>

- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

2022. Red Hat, Inc. v. Syed Hussain, d/b/a CPIC Net and MIC, Case No. D2000-1442

- a. Date: January 9, 2001
- b. Panelist(s): Jeffrey M. Samuels
- c. Domain Name(s) at Issue: <redhatventures.com; redhatventures.net; redhatventures.org>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(c), 4(i)
- h. Uniform Rules cited: 15
- i. Panel Decisions cited: *United States Olympic Committee v. MIC*, Case No. D2000-0189; *Morgan Stanley Dean Witter Co. v. Syed Hussain*, CPIC Net, File No. FA00040000094449
- j. Judicial decisions and statutes cited: *McCrae's, Inc. v. Syed Hussain, d/b/a CPIC Net*, 2000 U.S. Dist. LEXIS 10452 (S.D. Miss. June 30, 2000).

2023. VeriSign, Inc. v. Onlinemalls, Case No. D2000-1446

- a. Date: January 31, 2001
- b. Panelist(s): Frederick M. Abbott
- c. Domain Name(s) at Issue: <veresign.com, verasign.com>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: *Educational Testing Service v. TOEFL*, Case No. D2000-0044; *America Online, Inc. v. Dolphin@Heart*, Case No. D2000-0713; *Wal-Mart Stores, Inc. v. Walsucks and Walmarket Puerto Rico*, Case No. D2000-0477
- j. Judicial decisions and statutes cited: 15 USCS § 1057(b). *Avery Dennison v. Sumpton*, 189 F.3d 868 (9th Cir. 1999); *Sporty's Farm v. Sportsman's Market*, 202 F.3d 489, 498 (2d Cir. 2000); *AMF Inc. v. Sleekcraft Boats*, 599 F.2d 341 (9th Cir. 1979)

2024. MV Agusta Motor S.p.A. v. 2 And 4 Tokai, Case No. D2000-1450

- a. Date: January 11, 2001
- b. Panelist(s): Christophe Imhoos

- c. Domain Name(s) at Issue: <mv-agusta.com>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(i)
- h. Uniform Rules cited: 14(b)
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

2025. Banca Intesa S.p.A. v. Amministrazione Webdomains and Edizioni Blu s.r.l., Case No. D2000-1452

- a. Date: February 5, 2001
- b. Panelist(s): Anna Carabelli
- c. Domain Name(s) at Issue: <bancaintesa.com>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: *Spadel S.A v. Peter Kisters* WIPO D2000-0526;
Deutsche Bank AG v. Diego-Arturo Bruckner WIPO D2000-0277;
Talkcity Inc. v. Robertson WIPO D2000-0009
- j. Judicial decisions and statutes cited: None

2026. Fortis NL N.V.- Fortis B S.A.- Fortis A.G. NL S.A. v. Yannick Godu, Case No. D2000-1453

- a. Date: January 19, 2001
- b. Panelist(s): Benoit Van Asbroeck
- c. Domain Name(s) at Issue: <ag-fortis.com>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

2027. McLane Company, Inc. v. Fred Craig, Case No. D2000-1455

- a. Date: January 11, 2001
- b. Panelist(s): Roderick M. Thompson
- c. Domain Name(s) at Issue: <mclanenortheast.com;
mclanenortheastsucks.com>
- d. Response?: Yes
- e. Principle(s): This domain name includes the term "sucks." While often the inclusion of a generic term will not serve to distinguish a domain name from a trademark, in the case of the term "sucks," the addition of the

generic term does reduce the likelihood of confusion. It is unlikely that a viewer would confuse the domain name "mclanenortheastbucks.com" with the trademark mclane northeast. Instead, it should be evident to a viewer that any site reached using "mclanenortheastbucks.com" is not sponsored or endorsed by the trademark owner. In a recent decision regarding registration of the domain name "luentsucks.com" the judge accepted the argument that "the average consumer would not confuse luentsucks.com with a web site sponsored by [Lucent]."

- f. Result: Decision for Respondent
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(i)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: *Lucent Technologies, Inc. v. Luentsucks.com*, 95 F. Supp 2d 528, 535 (E.D.Va., May 3, 2000).

2028. America Online, Inc. v. Antonio R. Diaz, Case No. D2000-1460

- a. Date: January 19, 2001
- b. Panelist(s): Richard Allan Horning
- c. Domain Name(s) at Issue: <aolenespanol.com, icqenespanol.org, etc.>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(i)
- h. Uniform Rules cited: 15
- i. Panel Decisions cited: *Hewlett-Packard Company v. Cupcake City*, NAF Case No. NAF0002000093562; *America Online, Inc. v. Avrasya Yayincilik Danismanlik Ltd.*, NAF Case No. FA0002000093679); *Marriott International, Inc. v. John Marriot*, NAF Case No. FA 0002000094737; *Identigene, Inc. v. Genetest Laboratories*, WIPO Case No. D2000-1100; *Seiko Epson Corporation v. Distribution Purchasing & Logistics Corp.*, NAF Case 0003000094219; *Nokia Corporation v. Nokiagirls.com a.k.a IBCC*, WIPO Case No. D2000-0102; *America Online, Inc. v. Viper*, WIPO Case No. D2000-1198; *Alcoholics Anonymous World Services, Inc. v. Raymond*, WIPO Case No. D2000-0007; *Bronson Plc v. Unimetal Sanayai ve Tic. A.S.*, WIPO Case No. D2000-0011; *Mondich and American Wine Biscuits, Inc. v. Brown, d/b/a Big Daddy's Antiques*, WIPO Case No. D00-0004, *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. D2000-0003
- j. Judicial decisions and statutes cited: None

2029. Yahoo!, Inc v. Somsak Sooksripanich and Others, Case No. D2000-1461

- a. Date: January 29, 2001
- b. Panelist(s): Sir Ian Barker
- c. Domain Name(s) at Issue: <yahooforecast.com; yahoopacific.com, etc.>
- d. Response?: No

- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

2030. eBay Inc., v. G L Liadis Computing, Ltd. and John L. Liadis d/b/a G L Liadis Computing Ltd., Case No. D2000-1463

- a. Date: January 10, 2001
- b. Panelist(s): Peter L. Michaelson
- c. Domain Name(s) at Issue: <ebayamerica.com; ebaygreece.com; ebaynewzealand.com; ebayturkey.com; ebayunitedkingdom.com>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(i)
- h. Uniform Rules cited: 5(e), 14(a), 15(a)
- i. Panel Decisions cited: *The Pep Boys Manny, Moe and Jack of California v. E-Commerce Today, Ltd.* AF-0145; *AT&T Corp. v. WorldclassMedia.com* D2000-0553; *America Online, Inc. v. Dolphin@Heart* D2000-0713; *Wal-Mart Stores, Inc. v. Walmarket Canada* D2000-0150; *Cellular One Group v. Paul Brien* D2000-0028; *Playboy Enterprises International, Inc. v. Hector Rodriguez* D2000-1016; *MSNBC Cable, LLC v. Tysys.com* D2000-1204; *Treeforms, Inc. v. Cayne Industrial Sales, Corp.* FA0010000095856; *Robert Ellenbogen v. Mike Pearson* D2000-0001
- j. Judicial decisions and statutes cited: 15 USC § 1125(d)(1); 15 USC § 1125(d)(1)(B)(ii).

2031. INTOCAST AG v. LEE DAEYOON, Case No. D2000-1467

- a. Date: January 17, 2001
- b. Panelist(s): Reinhard Schanda
- c. Domain Name(s) at Issue: <intocast.com>
- d. Response?: No
- e. Principle(s): The Complaint further refers to the fact that through the Respondent's Domain Name registration the "*Complainant is obstructed from using the domain name to implement his plans for an internet platform and to achieve a better contact to international customers and an improving market performance*". This might be so. This follows from the fact that the Domain Name in dispute has not been registered by the Complainant. The Policy, however, does not consider mere (objective) obstruction as an evidence of bad faith. Only the registration of the domain name "*in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that [the Respondent has] engaged in a pattern of such conduct*" (i.e. with

the intention to obstruct) is regarded as evidence for bad faith. The Complainant has not provided any evidence for such intention to obstruct the Complainant. Complainant has not even alleged such intention in the Complaint.

- f. Result: Decision for Respondent
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv)
- h. Uniform Rules cited: 5(e), 14(a), 15(a)
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

2032. TPI Holdings, Inc. v. AFX Communications a/k/a AFX, Case No. D2000-1472

- a. Date: February 2, 2001
- b. Panelist(s): Frederick M. Abbott
- c. Domain Name(s) at Issue: <autotraderonline.com; wwwtraderonline.com; wwwautotrader.com; autotradersucks.com>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: *Educational Testing Service v. TOEFL*, Case No. D2000-0044; *Direct Line Group Ltd, Direct Line Insurance plc, Direct Line Financial Services Ltd, Direct Line Life Insurance Company Ltd, Direct Line Unit Trusts Ltd, Direct Line Group Services Ltd v. Purge I.T., Purge I.T. Ltd*, Case No. D 2000-0583; *Wal-Mart Stores, Inc. v. Walsucks and Walmarket Puerto Rico*, Case No. D2000-0477
- j. Judicial decisions and statutes cited: 15 USCS § 1057(b). *Avery Dennison v. Sumpton*, 189 F.3d 868 (9th Cir. 1999).

2033. Infospace, Inc. v. Dominion Hill Inc, Case No. D2000-1475, 1477

- a. Date: January 22, 2001
- b. Panelist(s): Gordon D Harris
- c. Domain Name(s) at Issue: <infospacee.com, etc.>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

2034. Talal Abu-Ghazaleh v. Tony Dabbas and Fadi Mahassel, Case No. D2000-1479

- a. Date: December 24, 2000
- b. Panelist(s): Bahieldin H.Z. Elibrachy
- c. Domain Name(s) at Issue: <talalabughazaleh.com>

- d. Response?: Yes
- e. Principle(s):
 - 1) The disputed domain name <talal abu-ghazaleh.com> is similar to the complainant's related companies' trademarks, Talal Abu-Ghazaleh International and Talal Abu Ghazaleh & Co. The distinctiveness of the above trademarks lies in the words Talal Abu-Ghazaleh and not the words "International" or "& Co.". Neither the words "International" and "& Co." nor the "-" are identifiers that would disperse the similarity. But similarity is not enough. Similarity should lead to confusion. Confusion is achieved between trademarks especially if they are in the same categories. Confusion is achieved between domain names if the services provided are similar. Selling services in the accounting or IP fields could not be confused with providers of pet grooming services. It is true that the use of the Second Respondent is not yet established till the site becomes functional, but we do not currently have any indication that this is not the intended use.
 - 2) The panel notes that the Second Respondent's e-mail address contains the word "amman". This could indicate his relationship to Jordan where the Complainant is located. The panel therefore believes that the name selected by the Second Respondent is probably inspired by the name of the Complainant. This alone does not constitute bad faith. Bad faith should also include elements of attempt to misguide the public as to the source of products or services provided, an intended invasion of a registered trademark, or services provided or alternatively to deprive the Complainant from the right to use the contested domain name.
- f. Result: Decision for Respondent
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(i)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

2035. Nintendo of America, Inc. v. Garrett N. Holland et al, Case No. D2000-1483

- a. Date: January 11, 2001
- b. Panelist(s): Richard W. Page
- c. Domain Name(s) at Issue: <butterfree.com, dodrio.com, fearow.com; mrmime.com, etc>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(i)
- h. Uniform Rules cited: 15
- i. Panel Decisions cited: *Julia Roberts v. Russell Boyd* (WIPO Case No. D2000-0210).; *Broadway Trading, LLC v. Gene Weissman*, ICANN Case No. FA 94310; *402 Shoes Inc dba Trashy Lingerie v. Jack Weinstock and*

Whispers Lingerie, WIPO Case No. D2000-0223; *MatchNet plc v. MAC Trading*, WIPO Case No. D2000-0205 (May 11, 2000); *Bennett Coleman & Co. Ltd. v. Lalwani*, WIPO Case No. D2000-0014 (March 11, 2000); *Monty and Pat Roberts, Inc. v. Keith*, WIPO Case No. D2000-0299; *Microsoft Corp. v. Mehrotra*, WIPO Case No. D2000-0053; *EAuto, L.L.C. v. Triple S. Auto Parts*, WIPO Case No. D2000-0047; *Parfums Christian Dior v. 1 Netpower, Inc.*, WIPO Case No. D2000-0022; *Adaptive Molecular Tech., Inc. v. Woodward*, WIPO Case No. D2000-0006; *Telstra Corp. v. Nuclear Marshmallows*, D2000-0003 (WIPO Feb. 18, 2000); *Leland Stanford Junior Univ. v. Zedlar Transcription & Translation*, FA 0006000094970 (NAF July 11, 2000); *Revlon Consumer Prods. Corp. v. Yosef*, D2000-0468; *Ingersoll-Rand v. Frank Gully, d/b/a Advcomren*, WIPO Case No. D2000-0021; *Guerlain, S.A. v. Peikang*, WIPO Case No. D2000-0055; *Compaq Computer Corp. v. Boris Beric*, WIPO Case No. D2000-0042; *Sanrio Co. Ltd. and Sanrio, Inc. v. Lau*, WIPO Case No. D2000-0172; *3636275 Canada, dba eResolution v. eResolution.com*, WIPO Case No. D2000-0110; *Marconi Data Systems, Inc. v. IRG Coins and Ink Source, Inc.*, WIPO Case No. D2000-0090; *Stralfors AB v. P D S AB*, WIPO Case No. D2000-0112; *InfoSpace.com, Inc. v. Ofer*, WIPO Case No. D2000-0075;

- j. Judicial decisions and statutes cited: *Visser v. Macrese et al.*, 214 Cal. App. 2d 249, 253, 29 Cal. Rptr. 367, 369 (Cal. Dist. Ct. App. 4th 1963); *Levis Strauss & Co. v. Blue Bell, Inc.*, 778 F.2d 1352, 1354 (9th Cir. 1991) (en banc). *Paco Sport, Ltd. v. Paco Rabanne Parfums*, 86 F.Supp. 2d 305, 313 (S.D.N.Y. 2000) (quoting *Centaur Communications, Ltd. v. A/S/M Communications, Inc.*, 830 F.2d 1217, 1222 (2d. Cir. 1987)). *GoTo.com, Inc. v. Walt Disney Co.*, 202 F.3d 1199, 1206 (9th Cir. 2000); *Brookfield Communications, Inc. v. West Coast Entertainment Corp.*, 174 F.3d 1036, 1054-55 (9th Cir. 1999); *Bigstar Entertainment, Inc. v. Next Big Star, Inc.*, 54 U.S.P.Q.2d 1685 (BNA) (2000).

2036. Internet Initiative Japan Inc. v. Win System Co., Ltd., Case No. D2000-1485

- a. Date: January 9, 2001
b. Panelist(s): Teruo Doi
c. Domain Name(s) at Issue: <ijj4u.com>
d. Response?: Yes
e. Principle(s):
f. Result: Name transfer
g. Policy cited: 4(a)(i)-(iii)
h. Uniform Rules cited: None
i. Panel Decisions cited: None
j. Judicial decisions and statutes cited: None

2037. Heineken Brouwerijen B.V. v Mark Lott, Case No. D2000-1487

- a. Date: January 30, 2001
b. Panelist(s): Gerd F. Kunze

- c. Domain Name(s) at Issue: <planetheineken.com>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(c)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: No. D2000-0098 Christian Dior Couture S.A. v. Liage International Inc; No. D2000-0102 Nokia Corporation v. Nokiagirls.com. a.k.a. IBCC; No. D2000-0494 Guerlain S.A. v. HI Investments; No. D2000-0499 Inter-IKEA- Systems B.V. v. McLaughlin Mobility; No. D2000-0866 Louis Vuitton Malletier v. Somsak Sooksripanich; No. D2000-1409 Sony v. Inja Kil; Guerlain S.A. v. HI Investments (case No. D 2000-0494), relating to the domain name "buyguerlain.com", Deutsche Bank AG v. E-business International (case No. D2000-0504), Wright & Lato, Inc. v. Michael L. Epstein (case No. D2000-0621), Metabolife International v. Robert Williams (case No. D2000-0630), Letsbuyit.com v. Stephen Ward (case No. D2000-0680)
- j. Judicial decisions and statutes cited: None

2038. Adaptec, Inc. v. Sure Source, Case No. D2000-1488

- a. Date: January 29, 2001
- b. Panelist(s): Frederick M. Abbott
- c. Domain Name(s) at Issue: <adaptec-store.com>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(c), 4(i)
- h. Uniform Rules cited: 14, 15
- i. Panel Decisions cited: *Educational Testing Service v. TOEFL*, Case No. D2000-0044
- j. Judicial decisions and statutes cited: 15 USCS § 1057(b). *Avery Dennison v. Sumpton*, 189 F.3d 868 (9th Cir. 1999); *Sporty's Farm v. Sportsman's Market*, 202 F.3d 489, 498 (2d Cir. 2000); *AMF Inc. v. Sleekcraft Boats*, 599 F.2d 341 (9th Cir. 1979)

2039. Indya.com Portal Pvt.Ltd. v. Akram Ali, V.M. Hardware, Case No. D2000-1489

- a. Date: January 1, 2001
- b. Panelist(s): Maninder Singh
- c. Domain Name(s) at Issue: <indyanews.com, indyanews.net, indyanews.org>
- d. Response?: Yes
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii)
- h. Uniform Rules cited: None

- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

2040. Creo Products Inc. v. Website In Development, Case No. D2000-1490

- a. Date: January 19, 2001
- b. Panelist(s): Andrew F. Christie
- c. Domain Name(s) at Issue: <creo-scitex.com>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(i)
- h. Uniform Rules cited: 15
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

2041. America Online, Inc. v. John Zuccarini, also known as Cupcake Message, Cupcake Messenger, The Cupcake Secret, Cupcake Patrol, Cupcake City, and The Cupcake Incident, Case No. D2000-1495

- a. Date: January 22, 2001
- b. Panelist(s): Frederick M. Abbott
- c. Domain Name(s) at Issue: <aolgams.com, aolinstant.com, aolinstantmessaging.com, aolinstantmessages.com, aolmessenger.com, msninstantmessenger.com, instant-messenger.com, icqgreatings.com, winnamp.com, 1001winampskin.com>
- d. Response?: No
- e. Principle(s): Based on its determination that Complainant, America Online, Inc., has not established rights in the term "INSTANT MESSENGER" within the meaning of paragraph 4(a)(i) of the Policy, the Panel rejects Complainant's request to order that the disputed domain name "instant-messenger.com" be transferred to it.
- f. Result: Partial Names transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(c), 4(i)
- h. Uniform Rules cited: 15
- i. Panel Decisions cited: *America Online, Inc. v. Dolphin@Heart*, Case No. D2000-0713; *Educational Testing Service v. TOEFL*, Case No. D2000-0044; *Monty and Pat Roberts, Inc. v. J. Bartell*, Case No. D2000-0300; *Marcario Casillas v. Maverick Group, Inc.*, Case No. D2000-0340; *PG&E Corporation v. Samuel Anderson and PGE in the year 2000*, Case No. D2000-1264; *Wal-Mart Stores, Inc. v. Walsucks and Walmarket Puerto Rico*, Case No. D2000-0477
- j. Judicial decisions and statutes cited: *Sporty's Farm v. Sportsman's Market*, 202 F.3d 489, 498 (2d Cir. 2000), citing *Brookfield Communications v. West Coast Entertainment*, 174 F.3d 1036 (9th Cir. 1999); *AMF Inc. v. Sleekcraft Boats*, 599 F.2d 341 (9th Cir. 1979);

2042. World Wrestling Federation Entertainment, Inc. v. Aaron Rift, Case No. D2000-1499

- a. Date: December 29, 2000
- b. Panelist(s): Mark V. B. Partridge
- c. Domain Name(s) at Issue: <wwfvcw.com>
- d. Response?: Yes
- e. Principle(s):
 - 1) Respondent moves to strike the allegations relating to copyright infringement and other matters involving the unauthorized use of content on the site. Respondent is correct that the scope of these proceedings is limited to the question of an abusive domain name registration. The Panel is not empowered to resolve matters involving the content of the web site. However, the content of the web site may be relevant to deciding issues relating to the registration and use of the domain name. For example, the use of meta tags to divert traffic may be relevant to the issue of bad faith use of the domain name. Similarly, the unauthorized use of copyrighted material on the web site may also be relevant to the Respondent's intent. Accordingly, the motion to strike is denied.
 - 2) That Respondent was only fifteen years old at the time the use began is no defense to a deliberate infringement of another's rights.
 - 3) Under U.S. law, which is applicable to both parties in this dispute, acquiescence constitutes a ground for denial of relief when the trademark owner's conduct amounts to an express or implied assurance that the trademark owner will not assert trademark rights against the infringer. The trademark owner must have knowledge of the infringer's conduct and the infringer must act to his detriment in reasonable reliance upon the trademark owner's actions. The party claiming acquiescence has the burden of proof. Here, the record shows that Complainant allowed, even encouraged, Respondent to participate in its affiliate program and compensated Respondent for his efforts. Apparently this relationship existed for up to two years before this dispute arose.
 - 4) Assuming the Complainant had knowledge of Respondent's domain name, the next question is whether it was reasonable for Respondent to believe Complainant had no objection to his use of the mark WWF as part of his domain name. It appears that Respondent became a party to the "WWF Affiliate Agreement" when he enrolled in the affiliate program. That agreement permits the use of Complainant's buttons, banners and logos on the web site as links to Complainant's site. The agreement also informs Respondent that he may not use Complainant's trademarks in any manner and that he may be prosecuted for infringement if he does so. Under these circumstances, it would not have been reasonable

for Respondent to conclude that Complainant consented to Respondent's use of WWF as part of his domain name.

- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(c), 4(i)
- h. Uniform Rules cited: 15
- i. Panel Decisions cited: *Madonna Ciccone v. Dan Parisi*, ICANN Case No. D2000-0847
- j. Judicial decisions and statutes cited: *Brookfield Communications Inc. v. West Coast Entertainment Corp.*, 174 F.3d 1036 (9th Cir. 1999).

2043. Microsoft Corporation v. StepWeb, Case No. D2000-1500

- a. Date: January 19, 2001
- b. Panelist(s): Richard W. Page
- c. Domain Name(s) at Issue: <microsofthome.com>
- d. Response?: Yes
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(i)
- h. Uniform Rules cited: 15
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: *Panavision Int'l, L.P. v. Toeppen*, 141 F.3d 1316, 1327 (9th Cir. 1998)

2044. Sun Hung Kai Properties Limited v. Sunny Properties/C.K. Kwok, Case No. D2000-1501

- a. Date: February 3, 2001
- b. Panelist(s): Li Yong
- c. Domain Name(s) at Issue: <sunhungkaiproperties.com>
- d. Response?: Yes
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: *Barneys Inc v. BNY Bulletin Board*, Case No. D2000-0059
- j. Judicial decisions and statutes cited: None

2045. Maple Leaf Sports & Entertainment Ltd. v. Toronto Maple Leafs!, Case No. D2000-1510

- a. Date: January 24, 2001
- b. Panelist(s): Edward C. Chiasson
- c. Domain Name(s) at Issue: <leafs.org>
- d. Response?: No
- e. Principle(s): In this case, the Complainant did attempt, without success, to contact the Respondent using the contact particulars available to it through the Registrar. The fact that those particulars appear not to be

accurate is some evidence from which a bad faith registration can be inferred. In addition, the provision by the Respondent of a fictitious street address, which is identical to that of the Complainant, adds weight to the inference. Although there is no evidence of actual use of the subject domain name by the Respondent, a Complainant is not obliged to wait until harm occurs before seeking relief. The provision by the Respondent of the identical address also supports an inference that bad faith use is likely. In the absence of some explanation by the Respondent, considering the evidence as a whole, the Administrative Panel is satisfied that the requirements of paragraph 4(a)(iii) are met.

- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv)
- h. Uniform Rules cited: 15
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

2046. Britannic Assurance PLC v. MIC, Case No. D2000-1516

- a. Date: January 15, 2001
- b. Panelist(s): Edward C. Chiasson
- c. Domain Name(s) at Issue: <britannicdirect.com, britannicdirect.net, britannicdirect.org>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

2047. prosieben media AG v. CPIC Net Syed Hussain, Case No. D2000-1517

- a. Date: January 17, 2001
- b. Panelist(s): Reinhard Schanda
- c. Domain Name(s) at Issue: <prosiebensat1.com>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(i)
- h. Uniform Rules cited: 15
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

2048. Cellular One Group v. Applied Communications, Inc., Case No. D2000-1520

- a. Date: February 6, 2001
- b. Panelist(s): Thomas L. Creel
- c. Domain Name(s) at Issue: <cellularone-store.com>
- d. Response?: Yes

- e. Principle(s): Complainant, however, has not shown that Respondent has no rights or legitimate interests in the domain name and that Respondent registered the domain name in bad faith and is using it in bad faith.
- f. Result: Decision for Respondent
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(i)
- h. Uniform Rules cited: 15
- i. Panel Decisions cited: *Revlon Consumer Products Corp. v. Yoram Yosef*, WIPO Panel Decision No. D2000-680; *Creco Products, Inc. v. Website in Development*, D2000-1490; *Grove Broadcasting Co., Ltd. v. Telesystems Communications, Ltd.*, D2000-0703; *ABIT Computer Corporation v. Mother-Board Super Store, Inc.*, Case No. D 2000-0399 *Cellular One Group v. Vanguard Cellular Systems, Inc.*, Case No. D 2000-0268
- j. Judicial decisions and statutes cited: *Do the Hustle, LLC v. Monkey Media, LLC*, WIPO Panel Decision No. D2000-0625; *Meredith Corp. v. CityHome, Inc.*, WIPO Panel Decision No. D2000-0023; *Arcturus Eng'g, Inc. v. Arcturus*, eResolution Decision No. AF-0156, and *2E Corp. v. Imagisys, Inc.*, eResolution Decision No. AF-0162

2049. Cellular One Group v. COI Cellular One, Inc., Case No. D2000-1521

- a. Date: December 28, 2000
- b. Panelist(s): Tony Willoughby
- c. Domain Name(s) at Issue: <cellone-online.com>
- d. Response?: Yes
- e. Principle(s): If the Complainant cannot prove that the Respondent's claim to use of Cellone since 1989 is not accurate, the Complainant will also not be able to prove that Mr Kenneth Skewfelt's sworn statement to the effect that the Respondent has been commonly known throughout the industry in Canada as either "Cellular One" or "Cell One" since 1990 is not true. If the Respondent has been commonly known as "Cell One" for 10 years, the Complaint must fail by virtue of paragraph 4(c)(ii) of the Policy, "Cellone" being the substance of the Domain Name.
- f. Result: Decision for Respondent
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(c)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

2050. America Online Inc v. DuSung Group, Case No. D2000-1523

- a. Date: January 26, 2001
- b. Panelist(s): John Katz
- c. Domain Name(s) at Issue: <aolchina.com>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(i)
- h. Uniform Rules cited: None

- i. Panel Decisions cited: *America Online Inc v Dolphin@Heart*, Case No.D2000-0713
- j. Judicial decisions and statutes cited: None

2051. At Home Corporation v. John Zuccarini, Case No. D2000-1524

- a. Date: January 31, 2001
- b. Panelist(s): Natasha C. Lisman
- c. Domain Name(s) at Issue: <excitechatroom.com; excitechatrooms.com, excitegams.com, etc.>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(c), 4(i)
- h. Uniform Rules cited: 15
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

2052. Magnum Piering, Inc. v. The Mudjackers and Garwood S. Wilson, Sr., Case No. D2000-1525

- a. Date: January 29, 2001
- b. Panelist(s): David H. Bernstein
- c. Domain Name(s) at Issue: <magnumpiering.com, magnumpiering.net, etc.>
- d. Response?: Yes
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: *R.T. Quaipe Engineering, Ltd. v. Luton*, Case No. D2000-1201; *eAuto, LLC v. Triple S Auto Parts*, Case No. 02000-0047; *CUX, Inc. v. DomainNamesAvailable*, Case No. D2000-0972; *Canon Kabushiki Kaisha v. Price-Less Inkjet Cartridge Co.*, Case No. D2000-0878; *Inter-IKEA Systems B.V v. Technology Education Center*, Case No D2000-0522; *Wal-Mart Stores, Inc. v. MacLeod*, Case No. D2000-0662; *Nabisco Brands Co. v. Patron Gp., Inc.*, No. D2000-0032; *Electronic Commerce Media, Inc. v. Taos Mountain*, File No. FA0008000095344 (NAF Oct. 11, 2000); *cf. Do The Hustle, LLC v. Tropic Web*, Case No. D2000-06; *LifePlan v. Life Plan*, Case No. FA0005000094826; *Milwaukee Radio Alliance, L.L.C. v. WLZR-FM LAZER 103*, Case No. D2000-0209; *CBS Broadcasting, Inc. v. Saidi*, Case No. D2000); *Motorola, Inc. v. NewGate Internet, Inc.*, Case No. D2000-0079; *Netvault Ltd v. SV Computers*, Case No. D2000-0095
- j. Judicial decisions and statutes cited: None

2053. Bruce Springsteen -v- Jeff Bugar and Bruce Springsteen Club, Case No. D2000-1532

- a. Date: January 25, 2001
- b. Panelist(s): Gordon D. Harris; A. Michael Fromkin; Richard W. Page
- c. Domain Name(s) at Issue: <bruce.springsteen.com>
- d. Response?: Yes
- e. Principle(s): it is hard to infer from the conduct of the Respondent in this case an intent, for commercial gain, to misleadingly divert consumers. There is certainly no question of the common law rights of Mr Springsteen being "tarnished" by association with the "celebrity1000.com" website. The Panelists' own search of that site indicates no links which would have that effect, for example connections to sites containing pornographic or other regrettable material. Accordingly the Panel finds that Bruce Springsteen has not satisfied the second limb of the three part test in the UDRP.
- f. Result: Decision for respondent
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(c), 4(i)
- h. Uniform Rules cited: 15
- i. Panel Decisions cited: Jeannete Winterson -v- Mark Hogarth (WIPO case number D2000-0235); Julia Fiona Roberts -v- Russell Boyd (WIPO case number D2000-0210); Daniel C Mario Jnr -v- Video Images Productions (WIPO case number D2000-0598)
- j. Judicial decisions and statutes cited: None

2054. Panavision Inc And Panavision International, L P v. Gala Trade Inc, Case No. D2000-1533

- a. Date: January 25, 2001
- b. Panelist(s): Staniforth Ricketson
- c. Domain Name(s) at Issue: <panavisioncanada.com>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(c)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: *Telstra Corporation Ltd v Nuclear Marshmallows* Case D 2000-0003; *Estee Lauder Inc v estelauder.com, estelauder.net and Jeff Hanna*, Case No 2000-0869; *E & J Gallo Winery v Hanna Law Firm*, Case D2000-0615; *Mission Kkwa Sizabntu v Benjamin Rost*, Case D2000-0279; *Dixons Group Plc v Mr. Abu Abdullaah*, Case No. D2000-1406
- j. Judicial decisions and statutes cited: None

2055. Instrumentarium Corporation v Rautelin Oy, Case No. D2000-1537

- a. Date: January 17, 2001
- b. Panelist(s): George R. F. Souter
- c. Domain Name(s) at Issue: <instru.net, instru.org>
- d. Response?: Yes

- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(c)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: Case D2000-0638, *Manchester Airport PLC v Club Club Ltd*; Case D2000-0054, *J. Crew International, Inc. v. crew.com*
- j. Judicial decisions and statutes cited: None

2056. Dylex Limited v 1270694 Ontario Inc./Tom Goodwin, Case No. D2000-1539

- a. Date: January 20, 2001
- b. Panelist(s): Ross Carson
- c. Domain Name(s) at Issue: <xxxxy.com>
- d. Response?: Yes
- e. Principle(s):
 - 1) The Complainant also submitted that the fact that the Respondent is not actively operating a website is evidence of no legitimate interest in the domain name. The Respondent has filed evidence of a business plan with some follow up design with respect to a planned active webpage for an online dating/chat room to be associated with the domain name in dispute <xxxxy.com>. The Respondent states that further work in developing the website was delayed because of the downturn in the .com business sector in the spring of the year 2000. With respect to not operating an active website the Complainant relied on the Telstra case (WIPO D2000-0003). The Telstra case related to a trademark which was inherently distinctive and well known in the satellite business. The combinations of letters in the Complainant's design mark XX and XY are not inherently distinctive and there is no evidence of how the design mark is used dollar values of the extent of use and advertising of the design mark in association with the goods and services for which the trademark is registered for the years 1997 to 1999.
 - 2) The Complainant submitted that the Respondent had a duty to conduct searches and refrain from using a domain name that infringes on a third party's rights. The Complainant has not established that the Respondent is using or intends to use the domain <xxxxy.com> in relation to clothing items or the services of operation of a clothing store. The Complainant did not file evidence in the Complaint that the Complainant's design mark was a famous trademark which should be protected in relation to goods or services well beyond those for which the trademark is registered or used.
 - 3) The Complainant also submitted that the domain name in dispute was registered and is being used in bad faith because the domain name <xxxxy.com> is not being used in commerce as an active website. The submission is that "parking" of a domain name is

synonymous with use in bad faith. The Respondent has filed evidence of some development of an active website for an online dating/chat room, and in the time since registration of the domain name in June 1999 and having regard to the downturn in the .com business in the year 2000 the failure to develop an active website is not evidence of use in bad faith having regard to the evidence filed. I find on evaluating the evidence that the Complainant has failed to prove on a balance of probabilities that the Respondent registered and is using the domain name <xxxxy.com> in bad faith.

- f. Result: Decision for Respondent
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

2057. Mövenpick Holding AG v. Olive Tree Products, Case No. D2000-1540

- a. Date: December 30, 2000
- b. Panelist(s): James Bridgeman
- c. Domain Name(s) at Issue: <movenpickhotels.com>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(i)
- h. Uniform Rules cited: 15
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

2058. Link Clicks Inc. d/b/a Ad Here and TOTALLYFREESTUFF.COM v. John Zuccarini d/b/a Cupcake Patrol, Case No. D2000-1547

- a. Date: January 19, 2001
- b. Panelist(s): Dennis A. Foster
- c. Domain Name(s) at Issue: <"autotraderusa.com", "boatraderusa.com", "yachttraderusa.com", "cycletraderusa.com">
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(c), 4(i)
- h. Uniform Rules cited: 15
- i. Panel Decisions cited: *eBay Inc. v. GL Liadis Computing Ltd.*, WIPO Case No. D2000-1463
- j. Judicial decisions and statutes cited: None

2059. Ticketmaster Corporation v. Dmitri Prem, Case No. D2000-1550

- a. Date: January 16, 2001
- b. Panelist(s): James Gordon Fogo
- c. Domain Name(s) at Issue: <ticket-master.com>

- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(c), 4(i)
- h. Uniform Rules cited: 15
- i. Panel Decisions cited: *Draw-tite, Inc v. Plattsburgh Spring Inc.*, WIPO Case No. D2000 – 0017; *Club Méditerranée v. Yosi Hasidim*, WIPO Case No. D2000-1350; *Gateway, Inc. v. Pixelera.com, Inc.*, WIPO Case No. D2000-0109; *Hamlet Group Inc. v. Lansford* WIPO, Case No. D2000-0073; *Educational Testing Service v. TOEFL*, WIPO Case No. D2000 – 0044; *SeekAmerica Networks Inc. v. Tariq Masood and Solo Signs*, WIPO Case No. D2000 – 0131; *Columbia Sportswear Co. v. Mahlon Keeler*, WIPO Case No. D2000 – 0206; *Quixtar Investments, Inc v. Smithberger* WIPO Case No. D2000-0138; *Strålfors AB v. P D S AB*, WIPO Case No. D2000–0112; *Royal Crown Co v. New York Broadcast Services Inc.*, WIPO Case No. D2000–0315; *Madonna Ciccone, p/k/a Madonna v. Dan Parisi* WIPO Case No. D2000 – 0847; *Ingersoll-Rand Co v. Frank Gully*, WIPO Case No. 2000-002.
- j. Judicial decisions and statutes cited: None

2060. Daimler Chrysler A.G. v. James Cruz, Case No. D2000-1554

- a. Date: January 17, 2001
- b. Panelist(s): Sir Ian Barker
- c. Domain Name(s) at Issue: <driveamercedes.com>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(i)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

2061. Hitachi Ltd. v. Ijam Inc., Case No. D2000-1557

- a. Date: January 26, 2001
- b. Panelist(s): Christopher Tootal
- c. Domain Name(s) at Issue: <ehitachi.com>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

2062. TV Globo Ltda. v. Globo Design Ltda, Case No. D2000-1559

- a. Date: January 30, 2001

- b. Panelist(s): José Pio Tamassia Santos
- c. Domain Name(s) at Issue: <clickglobo.com>
- d. Response?: Yes
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(i)
- h. Uniform Rules cited: 15
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

2063. COMSAT Corporation v. Comsat Technologies Corporation, Case No. D2000-1560

- a. Date: January 31, 2001
- b. Panelist(s): Jonathan Turner
- c. Domain Name(s) at Issue: <comsat.net>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

2064. Mobil Oil Corporation v. John S. Flynn, Case No. D2000-1562

- a. Date: January 27, 2001
- b. Panelist(s): Richard W. Page
- c. Domain Name(s) at Issue: <mobiltravelguide.com>
- d. Response?: Yes
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(i)
- h. Uniform Rules cited: 15
- i. Panel Decisions cited: *Nike, Inc. v. Farrukh Zia*, ICANN Case No. D2000-0167; *International Data Group, Inc. v. Maruyama & Co., Ltd.*, WIPO Case No. D2000-0420; *World Wrestling Federation Entertainment Inc (WWFE) v. Rooij*, WIPO Case No. D2000-0290; *Yahoo! Inc. v. Zviely*, WIPO Case No. D2000-0273; *Teradyne, Inc. v. 4Tel Technology*, WIPO Case No. D2000-0026; *Telstra Corporation Limited v. Nuclear Marshmellows*, WIPO Case No. D2000-0003; See *Expedia, Inc. v. European Travel Network*, D2000-0137; *Document Technologies v. International Electronic Communications, Inc.*, D2000-0270; *Encyclopaedia Britannica v. Zucarini*, D2000-0330
- j. Judicial decisions and statutes cited: None

2065. Nintendo of America, Inc. v. Tasc, Inc. and Ken Lewis, Case No. D2000-1563

- a. Date: January 11, 2001

- b. Panelist(s): Roderick M. Thompson
- c. Domain Name(s) at Issue: <pokemon-store.com>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(i)
- h. Uniform Rules cited: 5, 14, 15
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

2066. Logica plc and Logica UK Limited v. CPIC Net, Case No. D2000-1566

- a. Date: January 17, 2001
- b. Panelist(s): Ross Wilson
- c. Domain Name(s) at Issue: <logica-pdv.com, logicapdv.com>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(c), 4(i)
- h. Uniform Rules cited: 15
- i. Panel Decisions cited: Case No. D99-0001 *World Wrestling Federation Entertainment, Inc. v. Michael Bosman*; Case No. D2000-0001 *Robert Ellenbogen v. Mike Pearson*; Case No. D2000-0174 *Interep National Radio Sales, Inc. v. Internet Domain Names, Inc.*
- j. Judicial decisions and statutes cited: *Panavision International, LP v. Dennis Toeppen et al.*, 141 F.3d 1316 (9th Cir. 1998)

2067. Microsoft Corporation v. Montrose Corporation, Case No. D2000-1568

- a. Date: January 25, 2001
- b. Panelist(s): Gaynell C. Methvin
- c. Domain Name(s) at Issue: <microsoft-office-2000.com, microsoft-office2000.com, ms-office-2000.com>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

2068. The Toronto-Dominion Bank v. Boris Karpachev, Case No. D2000-1571

- a. Date: January 15, 2001
- b. Panelist(s): Alan L Limbury
- c. Domain Name(s) at Issue: <tdwatergouse.com, dwaterhouse.com>
- d. Response?: Yes
- e. Principle(s):
- f. Result: Name transfer

- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(c), 4(i)
- h. Uniform Rules cited: 1, 15
- i. Panel Decisions cited: *David Gilmour, David Gilmour Music Limited and David Gilmour Music Overseas Limited v. Ermanno Cenicolla* (D2000-1459); *Cedar Trade Associates, Inc., v. Gregg Ricks* (NAF93633); *Bennett Coleman & Co. Ltd. v. Steven S. Lafwani* (D2000-0014); *SeekAmerica Networks Inc. v. Tariq Masood* (D2000-0131) and *Passion Group Inc. v. Usearch, Inc.* (AF-0250); *The Stanley Works and Stanley Logistics, Inc v. Cam Creek. Co., Inc.* (WIPO case D2000-0113) and *Nokia Corporation v. Nokiagirls.com* (WIPO case D2000-0102).; *The Forward Association, Inc., v. Enterprises Unlimited* (NAF case FA0008000095491; *Gateway, Inc., v. Pixelera.com, Inc.* (WIPO case D2000-0109); *Encyclopedia Britannica, Inc. v. John Zuccarini and The Cupcake Patrol a/ka Country Walk a/k/a Cupcake Party,* (D2000-0330); *Oxygen Media, LLC v. Primary Source,* (D2000-0362). *Monty and Pat Roberts, Inc. v. Bill Keith* (D2000-0299).; *Estée Lauder Inc. v. estelauder.com, estelauder.net and Jeff Hanna,* (D2000-0869) and *E. & J. Gallo Winery v. Hanna Law Firm,* (D2000-0615) *Mission Kwa Sizabantu v. Benjamin Rost,* Case No. D2000-0279; *AltaVista Company v. Saeid Yomtobian* (D2000-0937); *Sydney Opera House Trust v. Trilynx Pty. Ltd.,* (D2000-1224) and *Goldline International, Inc. v. Gold Line* (D2000-1151). In *Smart Design LLC v. Hughes,* (D2000-0993)
- j. Judicial decisions and statutes cited: *Sporty's Farm L.L.C. v. Sportsman's Market, Inc.,* 202 F.3d 489, 497-98 (2d Cir. 2000); *Brookfield Communications, Inc. v. West Coast Entertainment Corp.,* 174 F.3d 1036, 1055 (9th Cir. 1999); *Public Serv. Co. v. Nexus Energy Software, Inc.,* 36 F.Supp.2d 436 (D. Mass. 1999); *Minnesota Mining & Mfg. Co. v. Taylor,* 21 F.Supp.2d 1003, 1005 (D.Minn. 1998) *Planned Parenthood Federation of America, Inc. v. Bucci,* No. 97-0629, 1997 WL 133313, at *8 (S.D.N.Y. Mar. 24, 1997) *aff'd,* 152 F.3d 920 (2d Cir. 1998), *cert. denied,* 525 U.S. 834, 119 S.Ct. 90, 142 L.Ed.2d 71 (1998).

2069. AT&T Corp v. Shenzhen Zhidong Computer Co., Ltd, Case No. D2000-1574

- a. Date: January 25, 2001
- b. Panelist(s): Andrew Brown
- c. Domain Name(s) at Issue: <attcore.com>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(i)
- h. Uniform Rules cited: 15
- i. Panel Decisions cited: *AT&T Corp v Fred Rice, Case No. D2000-1276* and *AT&T Corp v Global Net 2000, Inc, Case No. D2000-1447*; *Microsoft Corp v Global Net 2000, Inc, Case No. D2000-0554*; *Reuters Limited v Global Net 2000, Inc, Case No. D2000-0441*
- j. Judicial decisions and statutes cited: None

2070. ACCOR v. PC Communication Ltd., Pierre Jean., Case No. D2000-1580

- a. Date: January 18, 2001
- b. Panelist(s): Christophe Imhoos
- c. Domain Name(s) at Issue: <novotel.com>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(i)
- h. Uniform Rules cited: 14, 15
- i. Panel Decisions cited: Case No. D2000-1271, *Nokia Corporation v. Private*
- j. Judicial decisions and statutes cited: None

2071. BellSouth Intellectual Property Corporation v. Craig Waltzer, Case No. D2000-1581

- a. Date: January 23, 2001
- b. Panelist(s): Frederick M. Abbott
- c. Domain Name(s) at Issue: <internationalbell.com>
- d. Response?: Yes
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(c), 4(i)
- h. Uniform Rules cited: 15
- i. Panel Decisions cited: *Educational Testing Service v. TOEFL*, Case No. D2000-0044;
- j. Judicial decisions and statutes cited: 15 USCS § 1057(b). *Avery Dennison v. Sumpton*, 189 F.3d 868; *Sporty's Farm v. Sportsman's Market*, 202 F.3d 489, 498 (2d Cir. 2000), citing *Brookfield Communications v. West Coast Entertainment*, 174 F.3d 1036 (9th Cir. 1999).

2072. The PNC Financial Services Group, Inc., f/k/a PNC Bank Corp., PNC Bank, N.A., and PNC Brokerage Corp. v. Khalil Ahmad, Case No. D2000-1584

- a. Date: January 28, 2001
- b. Panelist(s): Dennis A. Foster
- c. Domain Name(s) at Issue: <pncbrokerage.net>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(c), 4(i)
- h. Uniform Rules cited: 15
- i. Panel Decisions cited: *Talk City, Inc. v. Michael Robertson*, WIPO Case NO.D2000-0009
- j. Judicial decisions and statutes cited: None

2073. Laurence St. Ives v. Orgatech Ltd., Case No. D2000-1588

- a. Date: January 18, 2001
- b. Panelist(s): Alan L Limbury
- c. Domain Name(s) at Issue: <orgatech.com>
- d. Response?: Yes
- e. Principle(s): the panel notes the Respondent's contention that it has become known by the disputed domain name by reason of its use of that domain name for its web site. This panel does not interpret subparagraph 4(c)(ii) of the Policy as permitting legitimacy to be so demonstrated. Rather, the subparagraph requires a showing that the Respondent has been commonly known by the disputed domain name before registering the disputed domain name.
- f. Result: Decision for respondent
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(c), 4(i)
- h. Uniform Rules cited: 15
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

2074. TELEVISION FRANCAISE 1 v. Julienne (Technologies Futures 1), Case No. D2000-1589

- a. Date: December 21, 2000
- b. Panelist(s): Isabelle LEROUX
- c. Domain Name(s) at Issue: <tf1.net>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(i)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

2075. Biotreasures, Inc. v. Ana D. Szczepanski, Case No. D2000-1591

- a. Date: January 23, 2001
- b. Panelist(s): M. Scott Donahey
- c. Domain Name(s) at Issue: <herbalite.com>
- d. Response?: Yes
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(iv), 4(i)
- h. Uniform Rules cited: 15
- i. Panel Decisions cited: *Accu Weather, Inc. v. Global Net 2000, Inc.*, NAF Case No. FA94645; *Shore Media Ventures Inc. v. Both Worlds Inc.*, eRes Case No. AF-0228
- j. Judicial decisions and statutes cited: None

2076. Pig Improvement Company, Inc. v. Platinum Net, Inc., Case No. D2000-1594

- a. Date: January 19, 2001
- b. Panelist(s): M. Scott Donahey
- c. Domain Name(s) at Issue: <wwwpic.com>
- d. Response?: Yes
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(i)
- h. Uniform Rules cited: 15
- i. Panel Decisions cited: *Google, Inc. v. wwwgoogle.com and Jimmy Siavesh Behain*, ICANN Case No. D2000-1240; *World Wrestling Federation Entertainment, Inc. v. Matthew Bessette*, ICANN Case No. D2000-0256; *General Electric Company v. Fisher Zvieli, a/k/a Zvieli Fisher*, ICANN Case No. D2000-0377
- j. Judicial decisions and statutes cited: None

2077. YAHOO! INC. v. Internet Entertainment Group, Case No. D2000-1595

- a. Date: February 1, 2001
- b. Panelist(s): Dennis A. Foster
- c. Domain Name(s) at Issue: <yahomo.com>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii), 4(b)(i)-(iv), 4(c), 4(i)
- h. Uniform Rules cited: 15
- i. Panel Decisions cited: *Yahoo! Inc. v. Cupcake Patrol*, WIPO Case No. D2000-0928; *Yahoo! Inc. & GeoCities v. DataArt Corp. et al.*, WIPO Case No. D2000-0587
- j. Judicial decisions and statutes cited: None

2078. Double T Radio Pty Ltd v. Michael Lopez, Case No. D2000-1600

- a. Date: January 23, 2001
- b. Panelist(s): Tony Willoughby
- c. Domain Name(s) at Issue: <ttfm.com>
- d. Response?: No
- e. Principle(s):
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None

2079. ARN Broadcasting Pty Ltd v. Bonoel Productions Pty Ltd, Case No. D2000-1601

- a. Date: January 18, 2001
- b. Panelist(s): D.J. Ryan

- c. Domain Name(s) at Issue: <goldfm.com>
- d. Response?: Yes
- e. Principle(s): The Panel finds that Complainant has failed to establish that the domain name is identical or confusingly similar to trade marks in which it has rights.
- f. Result: Name transfer
- g. Policy cited: 4(a)(i)-(iii)
- h. Uniform Rules cited: None
- i. Panel Decisions cited: None
- j. Judicial decisions and statutes cited: None