

PS Case D2005-0001

Case Summary	
PS Case Number	D2005-0001
Domain name(s)	IKEA.PS
Complainant	Inter IKEA Systems B.V.
Respondent	JOHN JONES (BlockBot@hotmail.com)
Panelist	Marwan M. Radwan, PNINA Executive Manager
Decision Date	10-October-2005
Decision	Transfer

ADMINISTRATIVE PANEL DECISION

Inter IKEA Systems B.V. v. JOHN JONES (BlockBot@hotmail.com)

Case No. D2005-0001

1. The Parties

The complainant is Inter IKEA Systems B.V., **IKEA** is a Swedish home furnishings retailer. It has 202 stores in 32 countries, most of them in Europe, the rest in the United States, Canada, Asia and Australia. IKEA is one of the few store chains to have locations in Israel as well as in other nations in the Middle East. The respondent is JOHN JONES, an individual resident in Boston, United States of America.

2. The Domain Name(s) and Registrar(s)

The domain name at issue is <IKEA>, which is registered with Palestinian Internet Services Ltd., based in Gaza, Palestine.

3. Procedural History

A Complaint was submitted by FAX to the Palestinian National Internet Naming Authority (PNINA) on September 15, 2005, with a cover letter from Mr. Kareem Shehadeh, IKEA's legal representative in Palestine. An Acknowledgment of Receipt was sent by PNINA by email to the complainant, dated September 15, 2005.

On September 18, 2005 a Complaint notification email message was transmitted to the Respondent and its Registrar, Palestinian Internet Services informing them with the filing of a dispute resolution case and requesting the following: (1) confirm that the domain name at issue is registered for the Respondent by PIS; (2) confirm that the person identified as the respondent is the current registrant of the domain name; (3) provide the full contact details (i.e., postal address(es), telephone number(s), facsimile number(s), e-mail address(es)) available in the registrar's Whois database for the registrant of the disputed domain name, the technical contact, the administrative contact and the billing contact; (4) provide a copy of the registration agreement that was in effect at the time of the original registration of the domain name.

On September 20, 2005, All requested information registered with the Certified Registrar (PIS) were verified and that the domain name IKEA.PS was registered with PIS and that the Respondent, John Jones, was the current registrant of the name. PNINA obtained the requested Who is details, as well as copies of the registration agreement and applicable dispute resolution policy.

The policy in effect at the time of the original registration of the domain name at issue provided that "Registrant agrees to be bound by the terms and conditions of this Registration Agreement."

Registrant agrees, as a condition to submitting his application to a domain name under the .ps ccTLD to all terms and conditions of the .PS Registration Policy in effect.

Since its inauguration in January 15th, 2004, PNINA adopted the PS Registration Policy available at PNINA's website (www.pnina.ps) (the "Policy"). There is no evidence that Respondent ever

requested that the domain name at issue be deleted from the domain name database. Accordingly, respondent is bound by the provisions of the Policy.

Following these transmittals, PNINA asked both parties to settle down this dispute but no reply was received from either party so PNINA decided to proceed with the dispute resolution process.

4. Factual Background

The complainant has provided evidence of the registration of the following marks:

1. Company Registration Certificate for INTER-IKEA Systems B.V in Sweden dated 24 August 2005-10-10. The certification was accredited by the Palestinian Ministry of Planning and International Cooperation
2. List of more than 150 top-level domain names where the domain name ikea was registered for the Complaint in more than 45 countries.
3. Trademark registration of the name IKEA in many International and Middle Eastern Countries including Jordan and Israel.

The respondent registered the domain name <IKEA.PS> for a term of one year from 2005-03-05 to 2006-03-05. The respondent is not a licensee of complainant, nor is he otherwise authorized to use complainant's marks

Complainant is authorized to use and has used its service mark in connection with home furnishing worldwide. IKEA is a globally recognized trademark for the complaint in many countries and has been known with its association with the complaint globally.

Respondent has developed a Web site using the domain name at issue with information about knowledge management. Complaint claims that using the domain name ikea.ps infringes its rights to the name and constitutes a violation of its intellectual property rights to the domain name

5. Parties' Contentions

A. Complainant

Complainant contends that Respondent has registered as a domain name a mark which is identical to the service mark and trademark registered and used by complainant, that respondent has no rights or legitimate interests in respect to the domain name at issue, and that respondent registration and usage of the domain name at issue infringes the complainant's intellectual property rights to the domain.

B. Respondent

Respondent claims that the name is associated with its line of business as a knowledge management firm and has not contested the allegations of the Complaint.

6. Discussion and Findings

On September 26, 2005 PNINA received an email from the Respondent claiming that the name IKEA stands for Infiltration Knowledge Endurance Assault and that the acronym is also defined in the website <http://www.answers.com/ikea#Acronyms>

PNINA asked the Respondent to provide all documentation that he sees will prove his case in claiming that the domain name IKEA.PS is either a local or international trademark that doesn't infringe third party rights to the name.

Paragraph 3.9.4 of the PS Registration Policy states clearly that the domain name can't be a registered local or international Trademark, Registered mark, Service mark or a well-known company name or its abbreviation, unless the Registrant is the owner of this Trademark, Service mark or company, in this case, a proof of ownership or legal rights to the name may be required.

The Complaint provided evidences that it is the owner of the IKEA trademark globally while the respondent provided no evidence that he owns any legal rights to the name in question

Paragraph 3.9.5 of the Policy states that the domain name SHOULD NOT interfere with the rights of a third party.

Paragraph 3.9.4 of the Policy directs that the complainant must prove **each** of the following:

- 1) that the domain name registered by the respondent is identical or confusingly similar to a trademark or service mark in which the complainant has rights; **and**,
- 2) that the respondent has no legitimate interests in respect of the domain name; **and**,
- 3) that the domain name registered by the Respondent infringes its rights to the name

It is clear beyond cavil that the domain name <IKEA> is identical or confusingly similar to the trademark and service mark registered and used by complainant, INTER IKEA SYSTEMS B.V. It is also apparent that the respondent has no rights or legitimate interests in respect of the domain name.

It is clear from the PS registration policy that this case falls within the jurisdictions stated in paragraphs 3.9.4 and 3.9.5 and the name infringes the rights of a third party which has legitimate legal rights to the name.

The Panel notes that the Policy and Rules set out by PNINA encourage the settlement and that the parties in this case have engaged in settlement negotiations. It was noted by the complainant regarding possible settlement that, it was not the complainant's policy to pay individuals to stop infringing its intellectual property.

7. Decision

For all of the foregoing reasons, the Panel decides that the domain name registered by respondent is identical to the trademark and service mark in which the complainant has rights, and that the respondent has no rights or legitimate interests in respect of the domain name.

Accordingly, pursuant to Paragraph 3.9.4 and 3.9.5 of the PS Registration Policy, the Panel requires that the registration of the domain name <IKEA.PS> be transferred to the complainant effective October 11th, 2005.

If either party wants to challenge PNINA's decision, then they have to submit their claim within 7 days from the decision issuance date accompanied with all evidences and documents that will support their case. The case then will be evaluated by a Dispute Resolution Services Provider approved by PNINA Board. The expenses of this process will be based on the WIPO UDRP Schedule of fees available at <http://arbitrator.wipo.int/domains/fees/index.html>

If no challenge is received within this period the case will be considered CLOSED.