

Decision No. 369/40 dated 29/12/2005 published on 13/1/2006

Case No. 13755/12.5.2005

1. Domain name dispute – cancellation petition

PRECIS: The National Telecommunications and Post Committee has issued a decision granting the cancellation of the microsoft.gr domain name, registered by the Greek entity ARMADA O.E. in 1998, as it was convinced that it was filed in bad faith and it was infringing on Microsoft Corporation's related legal rights.

microsoft.gr cancellation petition granted

The National Telecommunications and Post Committee, the Greek national authority responsible for supervising the administration of domain names in Greece has issued a decision granting the cancellation petition filed against the domain name microsoft.gr. The foregoing domain name was applied for and registered by the Greek entity ARMADA O.E. in 1998, in the very early stages of .gr domain name registration in Greek jurisdiction, at a time when scrutiny and remedies for bad-faith registrations of .gr domain names in Greek jurisdiction were quite limited.

Following a long saga of litigation, from 1998 until present, and the granting in 2001 of a related Petition for Injunction filed by Microsoft Corporation, the Committee assessed the matter in its entirety and addressed several objections put forward by the Respondent to the proceeding, thus setting new precedent in related domain name disputes.

Firstly, the Committee determined that it has jurisdiction to decide the particular dispute, as per the relevant applicable regulations, notwithstanding the fact that the microsoft.gr domain was registered in the name of Armada O.E. in 1998, at a time when the ADRP for domain name cancellation petitions was not implemented yet (it came into effect in 2003, pursuant to a relevant Administrative Regulation).

Furthermore, the Committee held that notwithstanding the fact that the microsoft.gr was registered by ARMADA O.E. in 1998, there were prior rights in the name of MICROSOFT CORPORATION, stemming from trademarks, copyrights and company name rights, etc. which were valid at least from 1985, well before the registration of the microsoft.gr domain name.

The Committee was satisfied that the name MICROSOFT acquired great fame and notoriety already before 1998, and therefore it was convinced that the registration of the domain name microsoft.gr by ARMADA O.E. in 1998 was in absolute bad faith, for the purpose of exploiting the good will of MICROSOFT CORPORATION.

After rejecting several other procedural objections in terms of the timeliness of the decision, etc. filed by the Respondent, the Committee decided to cancel the domain name microsoft.gr in the name of ARMADA O.E., as it accepted that the only entity entitled to use the particular domain was MICROSOFT CORPORATION, as the owner of the relevant copyright, trademarks and well-known company name.

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