

**Decision No. 376/39 issued on 2 March 2006**

**Case No. 24098/11-8-2005**

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 *dainese.gr*, which was initially registered in the name of a Greek company by the name *Papafilopouloi Bros O.E.* This registration was found to be in bad faith and infringed inter alia, the latter company's trademarks, company name, etc.

The Italian company *Dainese* is well known for its bikers' accessories. Since the year of its foundation, in 1972, *Dainese* has developed an entire network of stores in all five continents. In Greece alone it has achieved a considerably strong presence in the market by maintaining 3 large exclusive retail stores (aside from sales via numerous non-exclusive stores) and extensive promotion and advertising.

In the matter at issue, the Committee was able to determine that the registration of the domain name *dainese.gr* by the Greek company was in bad faith. The Committee was satisfied of the existence of bad faith solely based on the facts before it, as it has jurisdiction to do, without the need for confirmation by a court decision from any preceding litigation. The element of bad faith was substantiated by the fact that the Greek entity had no relation to the Italian company and had absolutely no relevant prior rights (whether registered or unregistered) in the particular name. In fact, the Greek entity was in the same field of activities as the Italian company and was selling second-hand items bearing the Italian company's trademarks.

In its decision, the Committee held that the Greek entity was obviously aware of the Italian company, as it freely admitted during the ADRP proceeding. This knowledge, in conjunction with its obvious effort to extract clientele or divert online visitors from the Italian company, substantiated bad faith and sufficient grounds for granting the cancellation petition.

*Eleni Lappa, Dr Helen Papaconstantinou, John Filias & Associates,  
Athens*