

Decision No. 393/30 dated 29/6/2006 published on 19/7/2006

Case No. 9092/17-3-2006

1. Domain name dispute – cancellation petition

PRECIS: The National Telecommunications and Post Committee has issued a decision granting MICROSOFT CORPORATION's cancellation petition against the domain name microsoft.com.gr, registered by the Greek entity PROLOGIC A.E. in 2004, as it was convinced that it was filed in bad faith and it was infringing on MICROSOFT CORPORATION's related legal rights.

microsoft.com.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.com.gr.

The foregoing domain name was applied for and registered by the Greek entity PROLOGIC A.E. in 2004. PROLOGIC A.E. had absolutely no relation, affiliation, financial or other business nexus with the well-known MICROSOFT CORPORATION. However, it took advantage of the fact that when it comes to .gr domain names, no showing of legitimate interest is necessary in order to allow the registration by a given entity of a particular domain name.

The Committee considered all the facts before it, and rendered a decision affirming its previous judgments on similar matters, involving both MICROSOFT and other entities.

Firstly, in a somewhat “preemptive strike”, the Committee started its analysis by emphasizing that, given the extent of high-level promotion and of course the enormous quantity of the MICROSOFT trademarks,

which in fact coincide with MICROSOFT'S very own company name, PROLOGIC A.E. was estopped from denying that it was aware of MICROSOFT CORPORATION prior to registering the particular domain name.

Secondly, in applying the principles it had followed in other similar disputes in the past, to the facts of the dispute at issue, and in affirming relevant precedent submitted by the Petitioner, primarily based on similar WIPO decisions, it held that the registration of the domain name microsoft.com.gr by PROLOGIC A.E. constituted a bad faith registration for the purposes of the administrative regulations applicable in Greece. Not only did PROLOGIC A.E. have no legal rights on the particular name, but also, as indicated by similar WIPO decisions, the fact that the relevant site was inactive did not constitute a defense from liability, but instead constituted a clear showing of bad faith per se.

As such, after taking into account all of the above, the Committee's conclusion was to order the immediate cancellation of the domain name microsoft.com.gr in the name of PROLOGIC A.E. so that its proper owner MICROSOFT CORPORATION be allowed the opportunity to register it.

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