

“Adelong” domain dispute (Australia)

On April 22 2002, an action between two Australian e-businesses, being heard by a WIPO Panel, ended. Infotechnology Pty Limited commenced an action against Estore Pty Limited, contesting the domain names adelong.com, adelong.net and adelong.org, which Infotechnology claimed Estore was using to redirect customers to Estore’s own (competing) website.

Infotechnology operates the website adelong.com.au and trades as Adelong Computers. Most importantly,

Infotechnology owns a trademark, the focus of which is the word Adelong.

To succeed, Infotechnology had to prove:

- (1) the domain names adelong.com, adelong.net and adelong.org were identical or confusingly similar to a trademark or service mark in which Infotechnology has rights;
- (2) Estore had no rights or legitimate interests in respect of the domain names; and

- (3) the domain names were registered and used in bad faith.

Infotechnology was able to satisfy the panel in all these respects, resulting in an order being made that the domain names be transferred to Infotechnology.

The decision can be found at <http://arbiter.wipo.int/domains/decisions/html/2002/d2002-0069.html>.

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Domain name litigation (USA)

On 6 May 2002, America Online (AOL) was successful in an arbitration concerning the registration of domain names instant.messenger.name and aim5.instantmessenger.name. AOL owns trademark rights to the mark “AIM” and to the term “INSTANT MESSENGER”, both of which are used in connection with its real time communications service.

AOL’s complaint was brought pursuant to the Eligibility Requirements Dispute Resolution Policy (“EDRDP” or the “Policy”) available at <http://www.gnr.com/corporate/downloads/erdrp.pdf> which was adopted by Global Name Registry (“GNR”), as the registry operator; and in accordance with the Rules of Procedure for the ERDRP adopted by GNR and as supplemented by the National Arbitration Forum ERDRP Supplemental Rules then in effect.

AOL requested that the contested names be cancelled on the basis that the respondent, one Adrian Paul Miles, was not eligible to register the domain names according to the .NAME requirements.

The decision can be found at <http://www.arbforum.com/domains/decisions/108377.htm>

John Natal