

# **ADMINISTRATIVE PANEL DECISION RELATED TO THE REQUEST TO CHANGE THE LANGUAGE OF THE ADR PROCEEDING NATIXIS v. BARBAOUAT ROBERT Case No. DEUL2022-0011**

## **1. The Parties**

The Complainant is NATIXIS, of France, represented by Inlex IP Expertise, France.

The Respondent is BARBAOUAT ROBERT, of France.

## **2. The Domain Name, Registry and Registrar**

The disputed domain name is <natixirelation.eu>.

The Registry of the disputed domain name is the European Registry for Internet Domains (“EURid” or the “Registry”). The Registrar of the disputed domain name is INTERNET CZ, a.s.

## **3. Procedural History**

The Request to Change the Language of the ADR Proceeding (the “Request”) was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) pursuant to the .eu Alternative Dispute Resolution Rules (the “ADR Rules”), Paragraph A(3)(b), on October 24, 2022. On October 25, 2022, the Center transmitted by email to the Registry a request for registrar verification in connection with the disputed domain name. On October 26, 2022, the Registry transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name. The Center sent an email communication to the Complainant on November 3, 2022, providing the registrant and contact information disclosed by the Registry, and inviting the Complainant to submit an amendment to the Request. The Complainant filed an amended Request on November 8, 2022.

In accordance with the ADR Rules, Paragraph A(3)(b)(3), the Center formally notified the Respondent of the Request, and the proceedings commenced on November 11, 2022. In accordance with the ADR Rules, Paragraph A(3)(b)(4), the due date for Response was November 23, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 1, 2022.

The Center appointed Michal Havlík as the sole panelist in this matter on December 14, 2022, in accordance with the ADR Rules, Paragraph A(3)(b)(4). The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the ADR Rules, Paragraph B(5).

#### **4. Factual Background**

The Complainant in this administrative proceeding is a company incorporated in France.

The Respondent is located in France.

The disputed domain name was registered on July 17, 2022. The language of the registration agreement is Czech. The disputed domain name does not currently resolve to any active website.

#### **5. Parties' Contentions**

##### **A. Complainant**

For the purpose of the request to change the language of the ADR Proceeding from Czech language to English language, the Complainant invokes particularly the following arguments.

The Complainant claims that the domain extension ".eu" is a supranational character and targets consumers from all over the European Union and which are more likely to be familiar with English language than with Czech language. Furthermore, the Complainant claims that English is the business language. Moreover, according to the Complainant, the Respondent appears to have some knowledge of English as the domain name includes the word "relation", which has no meaning in Czech and the word "natixi" does not have any meaning either. The Complainant further states that the Complainant is a French company which operates notably in France and English-speaking countries, and it would cause significant expenses and delay if the Complainant was required to use Czech as the communication language as neither the Complainant nor its legal representative are familiar with Czech. The Complainant points out that as disclosed by the Notice of Registrant information, the address provided by the Respondent is in France rather than in the Czech Republic. Moreover, the Complainant states that the telephone area code suggests that the Respondent is French. Therefore, the Complainant is of the view that there is no reason for which the procedure should be proceeded in Czech rather than in English. Last but not least, as the Complainant would like to demonstrate in the proceeding, the Complainant is of the opinion that the registration of the disputed domain name <natixirelation.eu> is a cybersquatting case. The Complainant states that that the holders of well-known trademarks such as the Complainant are very frequently exposed to cybersquatting cases and have therefore to continuously defend their rights against fraudulent domain name registrations. Furthermore, the Complainant states that it is important to ensure fairness to the Parties and the maintenance of an inexpensive and expeditious avenue for resolving domain name disputes. Moreover, the Complainant states that the language requirements should not lead to undue burdens being placed on the Parties and undue delay to the proceeding. Finally, the Complainant points out that in a similar case involving a domain name registered with Czech as the language of the Registration Agreement, the Panel ordered that the language of the ADR proceeding shall be English (*Callaway Golf Company, Travismathew LLC and Jack Wolfskin Ausrüstung Für Draussen GmbH & CO. KGAA v. Rüdís Berzins*, WIPO Case No. [DEUL2021-0004](#)).

##### **B. Respondent**

The Respondent did not reply to the Complainant's contentions.

#### **6. Discussion and Findings**

In accordance with Paragraph A(3)(a) of the ADR Rules, "unless otherwise agreed by the Parties, or specified otherwise in the Registration Agreement, the language of the ADR Proceeding shall be the language of the Registration Agreement for the disputed domain name. In the absence of an agreement between the Parties, the Panel may in its sole discretion, having regard to the circumstances of the ADR Proceeding, decide on the written request of a Complainant that the language of the ADR Proceeding will be different than the language of the Registration Agreement for the disputed domain name."

In accordance with Paragraph B(7)(b) and (c) of the ADR Rules, the Panel shall ensure on the one hand that the Parties are treated fairly and with equality, and shall ensure, on the other hand, that the ADR Proceeding takes place with due expedition.

In this case, the language of the Registration Agreement is Czech. The Complainant requests that English be the language of the proceeding.

The Complainant bases its Request on the arguments pointing out to the supranational character of the domain extension “.eu”, the use of English language in business, the presumable knowledge of English language by the Respondent, the fact that the Complainant is a French company which operates notably in France and English-speaking countries and is not familiar with Czech language, the presumable location of the Respondent in France, the importance to ensure fairness to the Parties and the maintenance of an inexpensive and expeditious avenue for resolving domain name disputes and to a similar case in which the Panel ordered that the language of the ADR proceeding shall be English.

To this point, the Panel deems appropriate to change the language of the ADR proceedings when the choice of the language would be vexatious in order to make the enforcement of rights in the potential ADR proceedings difficult or impossible. On the other hand, the Panel does not deem to change the language of the ADR proceedings when the Respondent has a legitimate reason for the choice of the respective language as the language of the registration agreement. To this point, the Respondent was duly informed of the Complainant's Request that the proceedings be held in English through correspondence from the Center that was written in both English and Czech. It is unclear the reason (if there is any) for the Respondent's choice of the Czech language as the language of the Registration Agreement for the disputed domain name, since the Respondent did not reply to the Request. At the same time, since the Respondent is located in France, the Panel is not able to deduct any such reason of the Respondent.

Under these circumstances, it may be presumed that the choice of Czech by the Respondent was vexatious in order to make the enforcement of rights in the potential ADR proceedings difficult or impossible. The above leads to the Panel to the conclusion that the adoption of the Registration Agreement language (Czech) in this proceeding would negatively affect the Parties, while establishing English as the language of the proceeding would be fair. Given the above-mentioned, the Panel considers the Request founded and grants it.

## **7. Decision**

For the foregoing reasons, in accordance with Paragraph A(3)(b)(6) of the ADR Rules, the Panel orders that the language of the ADR proceeding shall be English and any future submission by the Parties (including the submission of a new Complaint) regarding the disputed domain name natixirelation.eu shall be made in the language of the ADR Proceeding in accordance with paragraph A(3)(c) of the ADR Rules.

This Panel's decision shall be final and not subject to appeal.

*/Michal Havlík/*

**Michal Havlík**

Sole Panelist

Date: December 23, 2022.