

## **URGENT - Suspected abusive registration of the “.eu” domain names**

We have been informed that a private company, *Traffic Web Holding B.V.*, has registered during the Sunrise period a number of “.eu” top level domain names (TLD) that correspond to some major European cities (see [www.eurid.eu](http://www.eurid.eu)). These registrations are based on prior trademarks which would have been apparently registered for this purpose. In order to qualify for the Sunrise *Traffic Web Holding B.V.* has registered trade marks for names such as “bar & celona” or “pa & ris” which according to the Registration Rules allows for the registration of these domain names as “barcelona.eu” or “paris.eu” in ASCII format.

To our knowledge, the domain names that this company has registered by means of this procedure are the following:

Alicante, Athens, Barcelona, Belfast, Bordeaux, Budapest, Cambridge, Cologne, Copenhagen, Düsseldorf, Edinburgh, Frankfurt, Glasgow, Helsinki, Lisbon, Mallorca, Milan, Munich, Nice, Oslo, Paris, Prague, Stockholm, Venice, Warsaw.

It is suspected that this company may seek to abuse the procedures in order to subsequently sell these names to the public bodies responsible for these cities. In this respect, it should be noted that an Alternative Dispute Resolution (ADR) procedure allows preventing precisely this kind of behaviour (see Article 22 of Commission Regulation (EC) N° 874/2004 of 28 April 2004). There is no deadline for lodging a complaint to the ADR provider on these grounds. Further information on how to initiate an ADR procedure can be found in the web site of the ADR provider (<http://www.adreu.eurid.eu/>).

Alternatively, public bodies responsible for these cities may prefer to seek redress for their rights via the ordinary jurisdiction. Legal proceedings may include, *inter alia*, the cancellation of the dubious trademarks and the request for punitive damages.

The services of the Commission are studying whether Regulation 874/2004 could be interpreted in such a way that applications for names applied for by public bodies would take precedence over applications based on trademarks that include a punctuation mark such as “&”. In the case that such a legal interpretation were considered valid, those cities that applied for the registration of their name before the 7<sup>th</sup> April 2006 at 11:00 a.m. and who provided all the necessary documentary evidence within the 40 days established by the rules, could have their names registration prevail over those applied for by *Traffic Web Holding B.V.*

Please note that the above list of names may not be complete. Given that more than 320.000 applications have already been filed during the Sunrise period, the services of the Commission cannot exclude that potential abusive registrations are limited to the above list. It is therefore recommended that Member States urgently alert their public bodies to do the necessary demarche before the 7<sup>th</sup> April 2006 if deemed appropriate.