

Competitor's Vindictive Domain Name Registration Not Allowed

October 15, 2005

A Brazilian brewery filed a claim against a competing Brazilian soft drink company for improperly registering the domain name "guaranaantarctica". The brewery argued that the domain is identical to the brewery's registered trademark for its product "Guarana Antarctica" and, therefore, the soft drink company could not legitimately claim an interest in the name to justify its domain registration. In response to the claim, the soft drink company argued that it registered the domain in "self defense" for the brewery's prior registration of the domain name "guaranaamazonia", which is the name of the soft drink company's product. An arbitration panel held that filing a domain name in retaliation or for purposes of creating a trade-off is not a legitimate practice and ordered the domain name transferred to the brewery. To review the panel's decision, go to:

<http://arbiter.wipo.int/domains/decisions/html/2005/d2005-0634.html>

For more information about legislation relating to the Internet, domain name disputes or any other Information Technology law issue, contact your Miller Canfield attorney. This message is for general information only and should not be used as a basis for specific action without obtaining further legal advice.