

PANEL DECISION

Zoniro Single Member S.A. v. Alexis Anastasiou

Case No. DEU2023-0031

1. The Parties

Complainant is Zoniro Single Member S.A. of Greece, internally represented.

Respondent is Alexis Anastasiou of Greece, represented by Koutalidis Law Firm, Greece.

2. The Domain Name, Registry and Registrar

The Registry of the Domain Name <zoniro.eu> is the European Registry for Internet Domains (“EURid” or the “Registry”). The Registrar of the Domain Name is GoDaddy.com, LLC.

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 31, 2023. On August 1, 2023, the Center transmitted by email to the Registry a request for registrar verification in connection with the Domain Name. On August 2, 2023, the Registry transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Unknown) and contact information in the Complaint. The Center sent an email communication to Complainant on August 3, 2023, providing the registrant and contact information disclosed by the Registry, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on August 8, 2023.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the .eu Alternative Dispute Resolution Rules (the “ADR Rules”) and the World Intellectual Property Organization Supplemental Rules for .eu Alternative Dispute Resolution Rules (the “Supplemental Rules”).

In accordance with the ADR Rules, paragraph B(2), the Center formally notified Respondent of the Complaint, and the proceedings commenced on August 15, 2023. In accordance with the ADR Rules, paragraph B(3)(a), the due date for Response was September 4, 2023. On August 28, 2023, Respondent requested an extension to file a Response. The Center asked for Complainant’s comment on the extension request and on August 31, 2023, extended the deadline for submitting a Response until September 9, 2023. The Response was filed with the Center on September 8, 2023.

The Center verified that the Response satisfied the formal requirements of the ADR Rules and the Supplemental Rules.

On September 19, 2023, the Complainant filed a supplemental filing.

The Center appointed Marina Perraki as the sole panelist in this matter on September 26, 2023. 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).

On October 6, 2023, Respondent filed a supplemental filing.

4. Procedural matter – Supplemental filings

The Complaint was filed on July 31, 2023, and Complainant filed on September 19, 2023 a Supplemental Filing, rebutting Respondent's response. On October 6, 2023, Respondent filed a supplemental filing rebutting Complainant's supplemental filings.

The ADR Rules provide for the submission of the Complaint by Complainant and the Response by Respondent. Paragraph B(8) of the ADR Rules in effect grant the Panel sole discretion to determine the admissibility of Supplemental Filings (including further statements or documents) received from either Party. Panels are typically reluctant to countenance delay through additional rounds of pleading and normally accept supplemental filings only to consider material new evidence or provide a fair opportunity to respond to arguments that could not reasonably have been anticipated (WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)", section 4.6)).¹

The Panel notes that Complainant's supplemental filing addresses Respondent's arguments submitted in the Response, some of which arguably could not have been anticipated by Complainant at the time of the submission of its Complaint. In this case, after consideration of Complainant's supplemental submission, the Panel has decided to accept it for the sake of completeness, also noting that to some extent it does not address topics that Complainant could have addressed in its Complaint, and considering the matters raised in the Response (*Delikommat Betriebsverpflegung Gesellschaft m.b.H. v. Alexander Lehner*, WIPO Case No. [D2001-1447](#); *AutoNation Holding Corp. v. Rabea Alawneh*, WIPO Case No. [D2002-0058](#); and *Avaya Inc. v. Ali Parsa / Ali Parsa, AVAYeRASA / Ali Parsa Koosha*, WIPO Case No. [D2018-1472](#)). As regards Respondent's supplemental filing, this was rebutting Complainant's supplemental filing and therefore the Panel accepts it, in order to provide a fair opportunity to Respondent to respond to Complainant's arguments.

5. Factual Background

Both Complainant and Respondent confirm that the Domain Name was registered by Respondent on behalf of Complainant on August 3, 2018, in order to be used by Complainant who acts in the areas of real estate and construction consulting. At that time Respondent was a member of the Board of Directors of Complainant. Complainant changed its corporate name and its trade name to ZONIRO Single Member S.A. by virtue of an amendment of its Articles of Association, which was entered into the commercial registry on July 25, 2018. Before the name change, Complainant used the domain name <zoniro.com>. Complainant and Respondent maintained also a business relationship for provision of services by Respondent to Complainant. This was terminated by Complainant on June 27, 2023. Subsequently Respondent undertook managing positions in clients of Complainant which proceeded to terminations of contracts with Complainant.

¹ Given the similarities between the ADR Rules and the Uniform Domain Name Dispute Resolution Policy (the "UDRP"), the Panel will refer to cases decided under both the ADR Rules and the UDRP if relevant to this proceeding.

On July 22, 2023, Complainant discovered that Respondent changed the name servers configured on the Domain Name. On July 28, 2023, Complainant found out that Respondent had changed the registrar and had created name servers. Complainant asked Respondent to transfer to it the Domain Name. Respondent refused to do so unless certain actions were taken by Complainant.

The Domain Name leads to a GoDaddy parking page with various pay-per-click (PPC) links.

6. Parties' Contentions

A. Complainant

Complainant evokes rights in its registered corporate and trade name both including as their main element the word ZONIRO prior to the registration of the Domain Name and asserts that it has established all elements required under Article 21(1) of the Commission Regulation (EU) No. 2019/517 ("the Regulation") and paragraph B(11)(d)(1) of the ADR Rules for a transfer of the Domain Name.

B. Respondent

Respondent asserts that he has rights and legitimate interests and denies that he has registered the Domain Name in bad faith. He admits that the Domain Name was registered on behalf of Complainant, but he states that the reason for not giving back the Domain Name to Complainant is because Complainant does not return to him his business mobile phone number, which Complainant kept following the termination of the business cooperation with Respondent. Respondent claims that he is exercising a right under article 325 Greek Civil Code for withholding the Domain Name against a claim of his own *vis-à-vis* Complainant.

However, of most direct relevance to the disposition of this case, in the context of the proceedings Respondent expressly offers to transfer the Domain Name to Complainant, providing also the respective auth code numbers for the transfer.

7. Discussion and Findings

The Regulation is addressed to resolving disputes concerning allegations of abusive domain name registration or use (see also *Milwaukee Electric Tool Corporation v. Bay Verte Machinery, Inc. d/b/a The Power Tool Store*, WIPO Case No. [D2002-0774](#)). Accordingly, the jurisdiction of this Panel is limited to providing a remedy in cases of the abusive registration and/or use of domain names, also known as "cybersquatting" (see also *Weber-Stephen Products Co. v. Armitage Hardware*, WIPO Case No. [D2000-0187](#); *nfonxx.Inc v. Lou Kerner, WildSites.com*, WIPO Case No. [D2008-0434](#)). Paragraph B(11)(a) of the ADR Rules provides that the Panel shall decide a complaint on the basis of statements and documents submitted and in accordance with Procedural Rules.

Article 21(1) of the Regulation and paragraph B(11)(d)(1) of the ADR Rules require that Complainant prove the following elements to obtain a decision that a domain name should be either cancelled or transferred:

- (i) that the Domain Name is identical or confusingly similar to a name in respect of which a right is recognized or established by the national law of a Member State and/or European Union law and; either
- (ii) that the Domain Name has been registered by Respondent without rights or legitimate interest in the name; or
- (iii) that the Domain Name has been registered or is being used in bad faith.

However, this Panel considers that a genuine unilateral consent to transfer by Respondent provides a basis for an order for transfer without consideration of the paragraph B(11)(d)(1) elements. As was noted by the Panel in *The Cartoon Network LP, LLLP v. Mike Morgan*, WIPO Case No. [D2005-1132](#), when the Complainant seeks the transfer of the disputed domain name, and the Respondent consents to transfer, the Panel may proceed immediately to make an order for transfer. This order shall be pursuant to paragraph B(7) of the ADR Rules. Accordingly, and in light of the parties' stipulations set forth above, the Panel will order the transfer of the Domain Name to Complainant, as this is clearly the most expeditious course (*Williams-Sonoma, Inc. v. EZ-Port*, WIPO Case No. [D2000-0207](#)).

8. Decision

For the foregoing reasons, in accordance with paragraph B(11) of the ADR Rules, the Panel orders that the Domain Name, <zoniro.eu> be transferred to Complainant².

/Marina Perraki/

Marina Perraki

Sole Panelist

Date: October 13, 2023

² (i) The decision shall be implemented by the Registry within thirty (30) days after the notification of the decision to the Parties, unless Respondent initiates court proceedings in a Mutual Jurisdiction, as defined in Paragraph A(1) of the ADR Rules.

(ii) The remedy sought is transfer of the Domain Name to Complainant. As the Complainant is established in Greece, it satisfies the general eligibility criteria for registration of the Domain Name set out in Article 3 of Regulation (EU) 2019/517.