

ADMINISTRATIVE PANEL DECISION RELATED TO THE REQUEST TO CHANGE THE LANGUAGE OF THE ADR PROCEEDING

Läderach (Schweiz) AG v. Paul Raptis, Euro Rent
Case No. DEUL2023-0001

1. The Parties

The Complainant is Läderach (Schweiz) AG, Switzerland, represented by Cosmovici Intellectual Property Sarl, Switzerland.

The Respondent is Paul Raptis, Euro Rent, Poland.

2. The Domain Name, Registry and Registrar

The disputed domain name is <laderach.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 dhosting.pl Sp. z o.o.

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 March 27, 2023. On March 27, 2023, the Center transmitted by email to the Registry a request for registrar verification in connection with the disputed domain name. On March 29, 2023, the Registry transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

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 April 12, 2023. In accordance with the ADR Rules, Paragraph A(3)(b)(4), the due date for Response was April 24, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 1, 2023. The Respondent sent two informal communications to the Center on May 1 and May 2, 2023.

The Center appointed Louis-Bernard Buchman as the sole panelist in this matter on May 3, 2023, 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 is a company incorporated in Switzerland.

The Respondent is located in Poland.

The disputed domain name was registered on January 20, 2023.

The Registrar confirmed that the language of the registration agreement of the disputed domain name is Polish.

5. Parties' Contentions

A. Complainant

- (i) The Complainant contends that it is unable to communicate in Polish, and that requiring it to submit its Complaint in Polish would cause delays and unfairly force it to bear translation costs.
- (ii) The Complainant contends that English is the most widely used language in international relations and is an official language of the European Union.
- (iii) The Complainant requests that the language of the ADR proceeding be changed to English.

B. Respondent

The Respondent did not reply to the Complainant's contentions. However, the Respondent sent two informal communications to the Center in English on May 1, 2023, containing the following wording "Could you please explain what is this notification regarding?" and on May 2, 2023, "I still do not understand what this ADR Proceeding is about? Is there some kind of dispute regarding our domain, and if so why? I'm not aware of any reasons".

6. Discussion and Findings

The Registrar having confirmed that the language of the registration agreement of the disputed domain name is Polish, the Complainant duly filed a formal request that the language of the proceeding be changed to English.

The Respondent failed to comment on or object to this request, despite the Center's invitation to do so, expressed in Polish as well as in English, such invitation having been sent to the Respondent on April 12, 2023. However, the Respondent sent two informal communications in English to the Center on May 1 and 2, 2023.

Pursuant to 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".

The Respondent having failed to agree to the change of language requested by the Complainant, the Panel has consequently the discretion to decide that the language of the ADR proceeding shall be other than that of the registration agreement, as requested in writing by the Complainant, provided that the Panel exercises with fairness its discretion, treating each party equally and taking into account all relevant circumstances, such as the parties' ability to understand and use the proposed language, time and costs.

The Panel notes that the informal communications received by the Center on May 1 and 2, 2023, from the Respondent were in the English language, thus evidencing that English is a language used and understood by the Respondent.

The Panel infers from the above circumstances that the Respondent will not be unduly prejudiced by a change of the language of the proceeding to English, in the light of his having failed to timely object to such possibility.

Having to ensure that the ADR proceeding takes place with due expedition, the Panel, who is conversant in both English and Polish, determines pursuant to Paragraph A(3)(a) of the ADR Rules that the appropriate language of the proceeding is English.

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 <laderach.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.

/Louis-Bernard Buchman/

Louis-Bernard Buchman

Sole Panelist

Date: May 4, 2023