

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

iptiQ Group Holding Ltd v. Meilssa Boehm

Case No. DEUL2024-0002

### **1. The Parties**

The Complainant is iptiQ Group Holding Ltd, Switzerland, represented by TIMES Attorneys, Switzerland.

The Respondent is Meilssa Boehm, Spain.

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

The disputed domain name is <iptiq.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 Registrar.eu.

### **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 May 31, 2024. On the same day, the Center transmitted by email to the Registry a request for registrar verification in connection with the disputed domain name. On June 3, 2024, 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 June 5, 2024. In accordance with the ADR Rules, Paragraph A(3)(b)(4), the due date for Response was June 17, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 19, 2024.

The Center appointed Luca Barbero as the sole panelist in this matter on June 25, 2024, 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**

According to the Registry's Whois database, the language of the registration agreement of the disputed domain name is Spanish.

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

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

The Complainant requests to change the language of the ADR proceeding from Spanish to English for the following reasons:

- i) English is the working and business language of the Complainant and the language used for international communication;
- ii) before initiating the ADR proceeding, the representatives of the Complainant had a written communication with the Respondent, in English language;
- iii) the Respondent has offered the disputed domain name for sale through the platform of the United States of America registrar GoDaddy, with the purchase price indicated in USD;
- iv) since the Respondent is familiar with the English language, it would suffer no disadvantage from the change of language.

##### **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."

Paragraph B(7) of the ADR Rules vests a panel with authority to conduct the proceedings in a manner it considers appropriate while also ensuring both that the parties are treated with equality, and that each party is given a fair opportunity to present its case.

In the case at hand, the language of the Registration Agreement of the disputed domain name is Spanish. The Complainant submitted a request to change the language of the ADR proceeding from Spanish to English. The Respondent did not submit any comment about the language of the proceeding after receipt of the Center's notification of the Complainant's request to change the language from Spanish to English.

The Panel notes that, based on the documents and statements provided by the Complainant - which have not been challenged by the Respondent -, the Respondent appears to be able to understand English and to communicate in such language. Indeed, according to the exchange of correspondence submitted as Annex 3 to the Complainant's request, the Respondent replied to a letter sent by the Complainant's representative and further follow up correspondence in English, without raising any issue as to the language adopted in such correspondence. Therefore, the Panel finds that the Respondent would not be disadvantaged by adopting English as language of the ADR proceeding.

In view of the circumstances of the case, the Panel finds that English is the appropriate language of this proceeding.

## **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 <iptiq.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.

*/Luca Barbero/*

**Luca Barbero**

Sole Panelist

Date: July 7, 2024