

**MEDIA RELEASE
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**Asian Domain Name Dispute Resolution Centre grants
Linda Wilcox the right to use her own name**

On December 1, 2008, the Asian Domain Name Dispute Resolution Centre (ADNDRC) ordered that the ownership of the domain name www.wilcoxsafty.com be transferred to Linda Wilcox of Wilcox Safety & Signs Pty Ltd.

When Linda Wilcox formed Wilcox Safety & in 2004, she registered the domain name: www.wilcoxsafty.com.au. In November 2007, she attempted to register www.wilcoxsafty.com, and discovered the name had already been registered by a company called Snapsite Pty Ltd.

Not having use of the .com extension would potentially mean serious repercussions for her safety sign company. 'The internet is the fastest growing medium for new business,' she said. 'People looking me up on the internet could easily be confused or mistakenly go to the .com, rather than the .com.au site. It would only be a matter of chance whether customers went to my website or my competitor's.'

Linda has spent a substantial amount building and promoting the site, so that customers can easily find her business and transact with her on the internet. She knew she had to take immediate action.

'To begin with, I didn't know who Snapsite was," Linda said. 'It was oh, that's really weird.' Snapsite was contacted regarding the domain, but provided no response to inquiries. It was later also discovered that Snapsite was a website development company used by a competitor with whom Linda had been in dispute.

Linda then submitted a domain name dispute claim to the Asian Domain Name Dispute Resolution Centre (ADNDRC www.adndrc.org), one of only four (4) providers in the world of dispute resolution services in regards to generic top level domain name(s) (gTLD's) (eg. .com, .net, .org, etc.).

Key aspects of the dispute as submitted by Linda included:

- The Respondent, Snapsite, conducts the business of registering and selling domain names.
- The Respondent does not conduct a safety signage or related business.
- The Respondent registered the disputed domain name(s) primarily for the purpose of selling, renting or otherwise transferring the domain name(s) and has no legitimate right or interest in respect of the disputed domain names.
- In addition, www.austwidesafty.com was registered on exactly the same day as www.wilcoxsafty.com at 41 minutes apart.

- Snapsite is the server used by Austwide Safety Pty Ltd ACN 114 950 006 who is one of Linda's competitors.
- The Respondent registered the disputed domain name(s) primarily for the purpose of selling, renting or otherwise transferring the domain name(s) and has no legitimate right or interest in respect of the disputed domain names.
- The Respondent's conduct is not incidental or inadvertent, rather it is deliberate and intended to have an adverse impact on the Complainant's business by causing a sensible diminution in customer and potential customer hits on the Complainant's front of business electronic commerce platform. Accordingly, the disputed domain name(s) were registered by the Respondent in bad faith.
- The disputed domain name(s) are identical or confusingly similar to the Complainant's domain name(s) as by their nature appears.

One would rationally expect Linda to win her case. 'It's one of those things,' she said. 'When you think you're right, you do expect to win.' But a legal ruling can go either way, and Linda knew it. Any ADNDRC ruling is final and binding; had she not won, Linda may have been forced to change her business name and incur further expenses.

On December 1, 2008, the Asian Domain Name Dispute Resolution Centre rendered a decision regarding this dispute based on three elements:

1. Domain name(s) Identical / Confusingly Similar to existing Service Marks
2. Rights and Legitimate Interests in Domain Name(s)
3. Registration of Domain Name(s) in Bad Faith

The decision stated that 'Having established all three elements required under the Internet Corporation for Assigned Names and Numbers (ICANN) Policy, the Panel concludes that relief should be granted. Accordingly, it is ordered that the disputed domain name(s) <wilcoxsafty.com > should be TRANSFERRED from the Respondent (Snapsite) to the Complainant (Linda Wilcox).'

'I was **delighted** that I was able to obtain valuable assets related to my online business, without having to go through the court system,' Linda said.

Her advice to other small business owners is to protect their online business by registering at least the .com version of their .com.au domain names, if possible, to save the time, expense and worry of a situation like this!

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