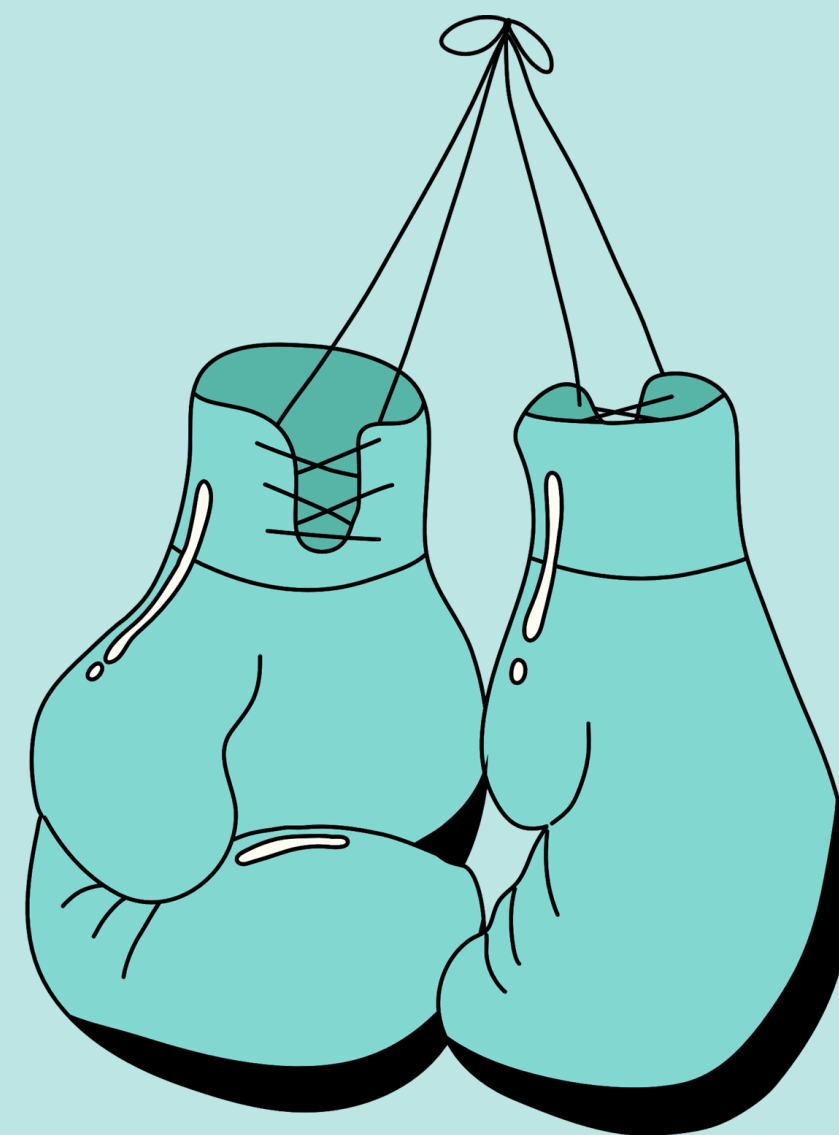



# What the Internet is arguing about?

Ekaterina Kalinicheva, Partner,  
Head of Digital of Semenov&Pevzner

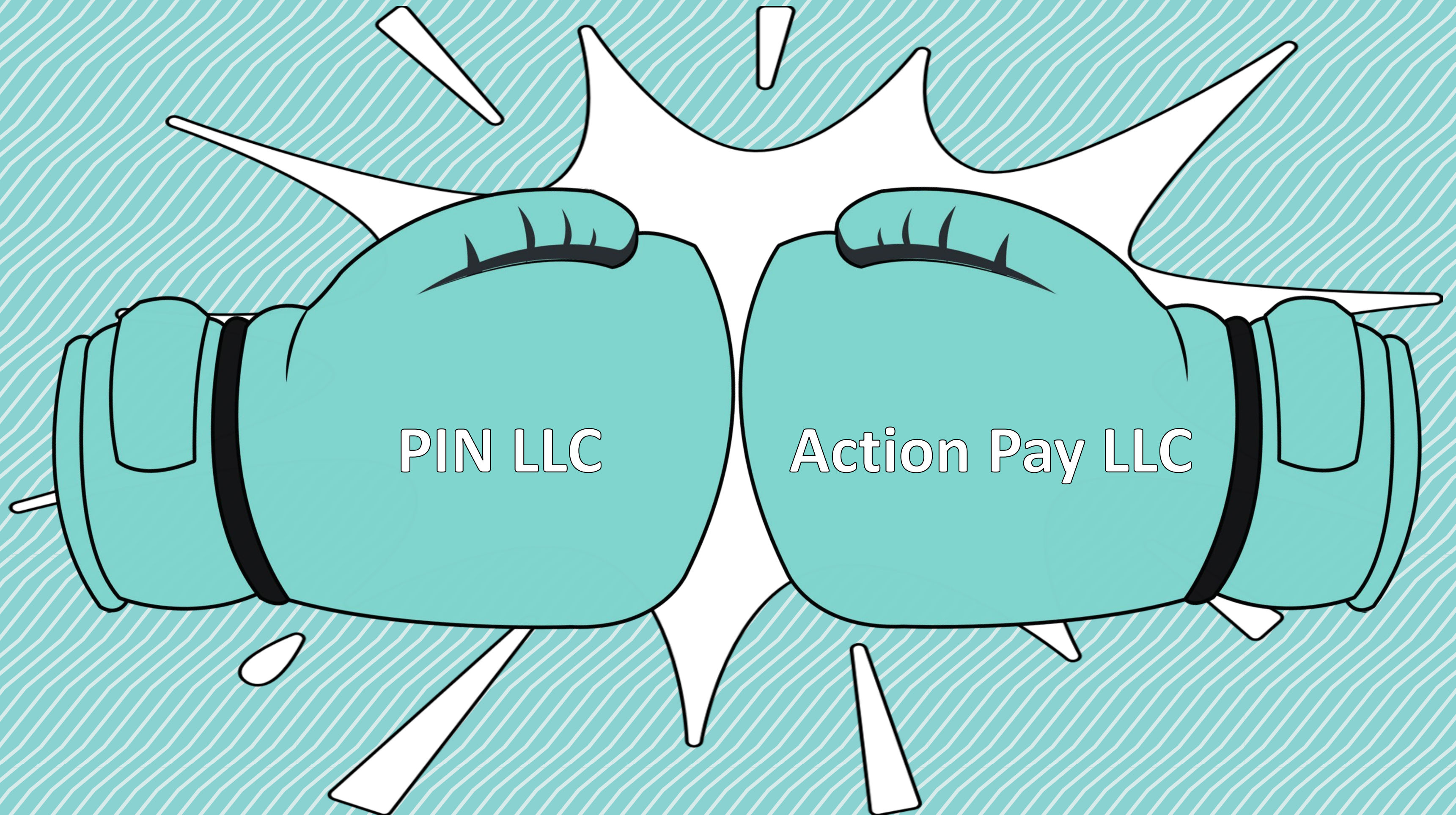




**“ Domain registration cannot be returned  
through the court after its cancellation.**

Judgment of the Intellectual Property Rights Court  
of 18 May 2023 in case No. A40-160966/2022

**But first...**



# Court case No. A40-70060/2020



## The plaintiff

- Trademark № 424206
- Rightsholder: Pin LLC
- Priority date: 03.02.2010



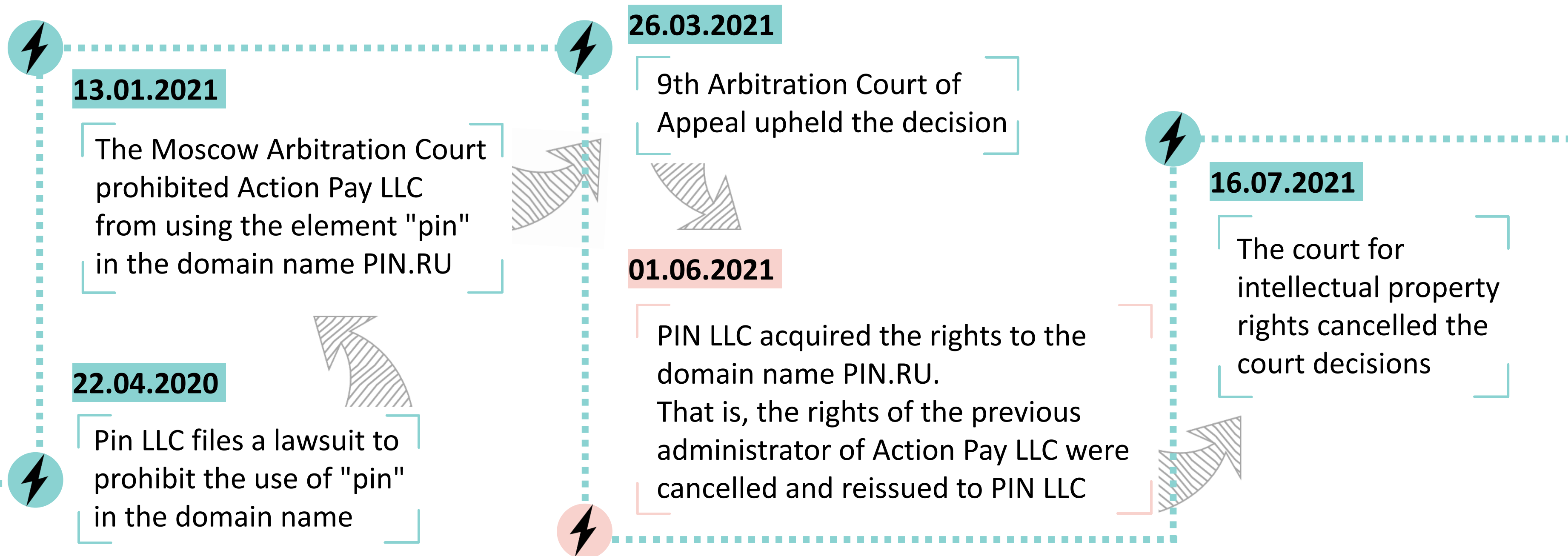
## The defendant

- Domain name pin.ru
- Administrator: Action Pay LLC
- Registration date: 22.03.2017

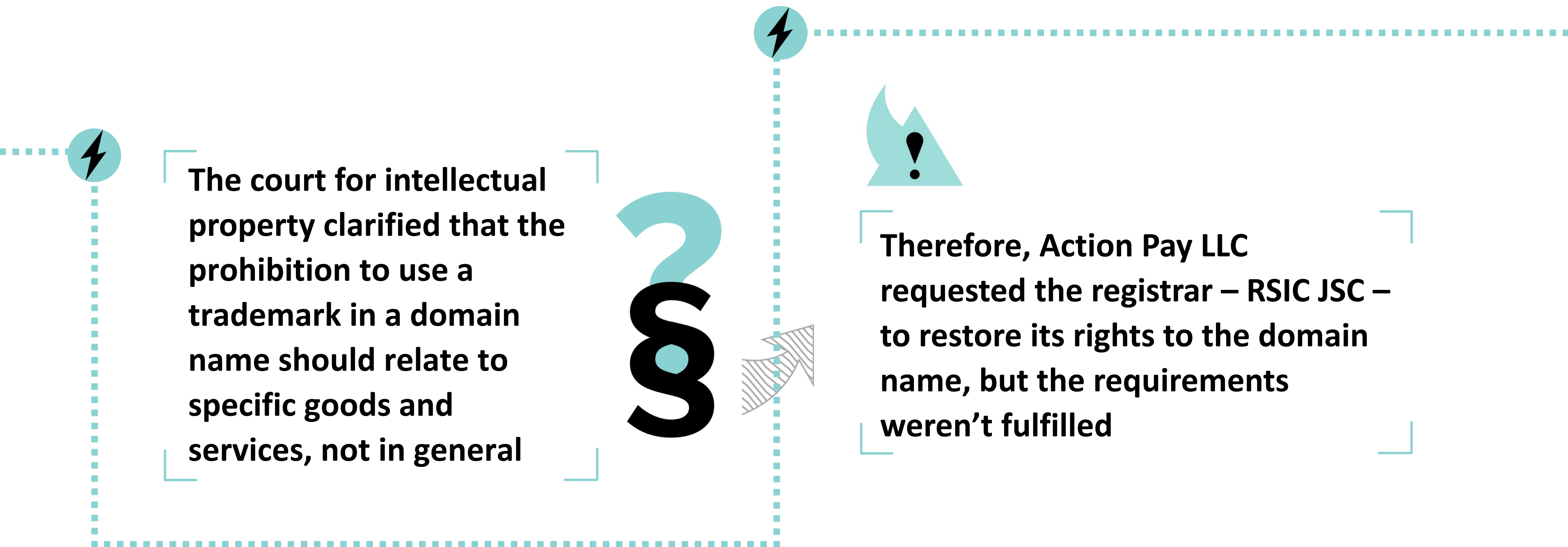
WWW.PIN.RU



# Court case No. A40-70060/2020: timeline



# Court case No. A40-70060/2020: timeline



# Court case No. A40-70060/2020: timeline

22.02.2021



In the course of new consideration of the case, the Moscow Arbitration Court by its decision dated 22.02.2022 satisfied the claims of PIN LLC only partially and prohibited Action Pay LLC from using the element "pin" in the domain name PIN.RU with respect to goods and services only in the 38th class of the Nice Classification.

WWW.**PIN**.RU

# There is a new case – No. A40-160966/2022

## The plaintiff

- Action Pay LLC
- Claims: on the obligation to restore administration of the domain name



## The defendants

- Pin LLC
- RSIC JSC



# There is a new case – No. A40-160966/2022

## The Court explained:

- ➔ The domain name cannot belong to the administrator on the right of ownership
- ➔ The administration itself appears on the basis of a service contract with the registrar
- ➔ An enforceable judicial act established the fact of infringement of trademark rights by Action Pay LLC through the use of this designation in the domain name
- ➔ The registrar has no technical possibility to cancel the previously exercised pre-emptive right and return the parties to the initial state. The technology of service provision doesn't allow to restore domain registration after its cancellation

# There is a new case – No. A40-160966/2022



**RSIC JSC is not the  
registrar of the  
domain name pin.ru**

According to  
information from the  
publicly available whois  
service, the domain  
registrar is **Pin LLC**



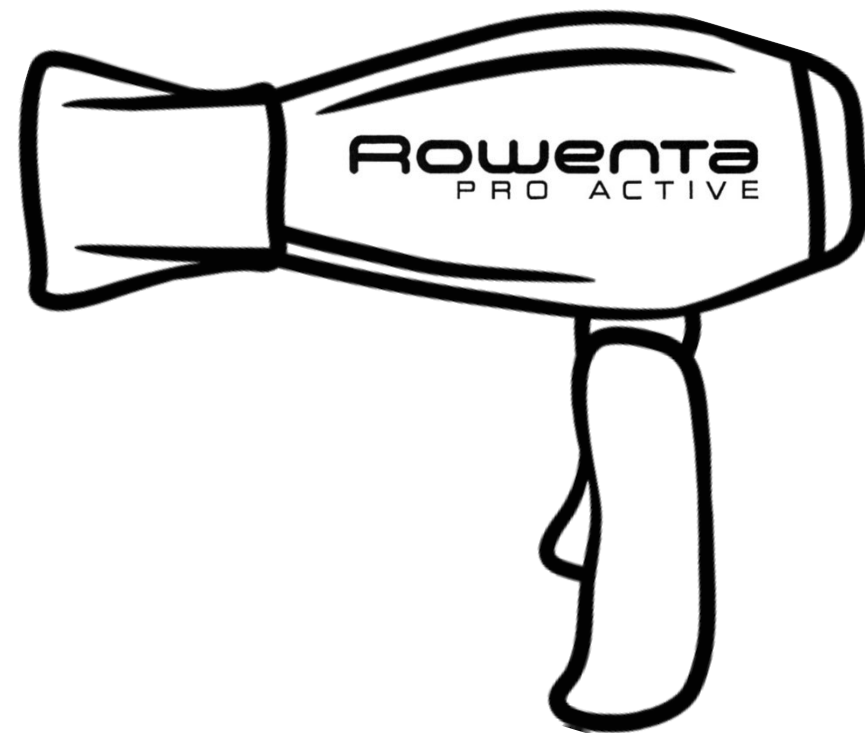
ROWENTA  
WERKE  
GmbH

Akhmedov  
Elchin Alirza  
ogly

# Court case No. A41-6284/2023

## The plaintiff

- ROWENTA WERKE GmbH
- Rightsholder of trademarks



## The defendant

- Akhmedov Elchin Alirza ogly
- Domain Name Administrator  
techport.ru



Domain name administrator held responsible despite having granted the right to use the domain name to another person





# Court case No. A41-6284/2023

The domain administrator and Seller LLC entered into an agreement on granting the right to use the domain dated 15.10.2018



**REJECTED**

The defendant wanted to involve Seller LLC as a third party, but the court refuse

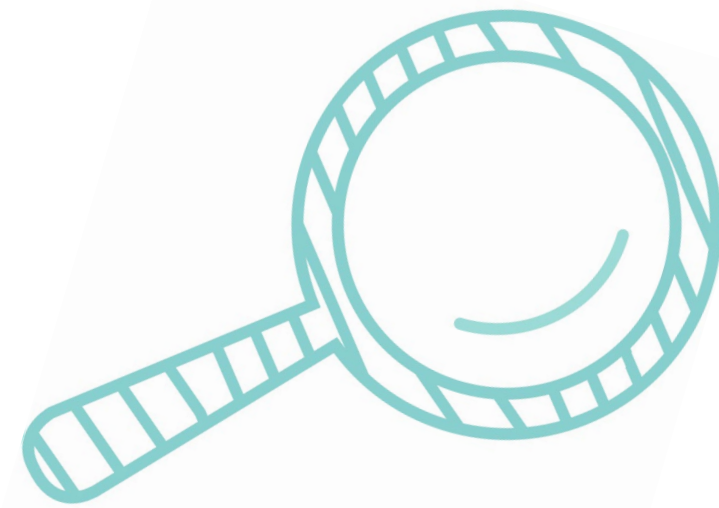


# Court case No. A41-6284/2023

## Terms of the Agreement:

- Transferred the right to use the domain for remuneration for placing information, including information of advertising nature, provided to the User by its counterparties on the basis of agreements concluded by the User with them was transferred
- CELLER LLC is obliged not to place materials contradicting the legislation of the Russian Federation, including the legislation on advertising, on the domain
- Akhmedov Elchin Alirza oglu shall have the right to control the fulfilment by CELLER LLC of the assumed obligations and restrictions in accordance with the terms of this Agreement

# Court case No. A41-6284/2023



No evidence of Akhmedov Elchin Alirza oglu's failure to use the Techport.ru domain as an administrator has been submitted by the Respondent in the case file

The defendant's argument about its status as an information intermediary is rejected as contrary to the law

The court recovered 30,000 roubles in compensation from the defendant (400,000 roubles had been claimed). The judgment of the Tenth Arbitration Court of Appeal of 5 July 2023 upheld the decision.



# Thank you!

## Contact details



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