

ISNIC the .is Registry 冰岛 Reykjavik Iceland



Case 25/2012

Domain disputes resolved with consumer and competition law

**a decision on the rights to a domain field
by the Icelandic Consumer Agency**

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The complaint

The helicopter company "Nordurflug Ltd." (estb. 2006, holder of "nordurflug.is") complains about the domain registration "nordurflug.com", which another icelandic helicopter company, named "Þyrlupjónustan Ltd., registered in USA 2011.

Nordurflug Ltd. demands that Þyrlupjónustan Ltd. transfers the domain "nordurflug.com" to them.

The Consumer Agency

established 1. July 2005.

Governmental agency entrusted with:

- market surveillance of business operators
- good functioning and transparency of the market
- enforcement of legislation

The Agency is very efficient in resolving domain disputes.

The law

Act No. [57/2005](#) is a law about the surveillance of unfair business practices, marketing and market transparency.

This Act is based on a section in the old competition Act. The competition authorities were responsible for the supervision of unfair business practices and market transparency. These tasks were assigned to the [Consumer Agency](#) in 2005.

Articles suitable for domain disputes:

Article 5.

"Unfair commercial practices are forbidden. This prohibition applies prior to, while and after business in goods is undertaken or service is rendered."

What is unfair?

Art. 8 says:

"Commercial practices are unfair if these violate good commercial practices vis-à-vis consumers, and considerably upset or are likely to upset considerably the financial conduct of consumers."

Article 15 (a)

"It is forbidden to use in business operations the name of a firm, business designation or the like (e.g. domain) to which the user is not entitled, or to operate a business in a name (e.g. domain) granting misleading information about an operator's property right or responsibility."

"Anyone is also forbidden to use a designation to which he is entitled in such a manner as may lead to confusion thereof and another designation which another firm uses with full right."

The use of the domain "nordurflug.com"

The domain "nordurflug.com" was forwarded automatically to "helicoptericeland.com" which is the website of Þyrlupjónustan Ltd., the competitor of Nordurflug Ltd. (nordurflug.is).

Conclusion

The registrant has violated the right of its competitor to the company name "Nordurflug Ltd." Nordurflug is a specific name (word) with private ownership, obwohl it is not a trademark.

The registration of the domain nordurflug.com is misleading and confusing.

The registration of the domain nordurflug.com is not done in good faith.

The decision

"Þyrlupjónustan Ltd. has with the registration and the use of the domain *nordurflug.com* violated law nr. 57/2005, article 5 and 15(a)."

In icelandic: Ákvörðunarorð: „Þyrlupjónustan hf. Fluggörðum 23, Reyjavík hefur með skráningu og notkun lénsins nordurflug.com brotið gegn ákvæðum 5. og 15. gr. a. laga um eftir lit með viðskiptaháttum og markaðssetningu nr. 57/2005.