

## COMPLAINT TRANSMITTAL COVERSHEET

Attached is a Complaint that has been filed against you with the World Intellectual Property Organization (**WIPO**) Arbitration and Mediation Center (the **Center**) pursuant to the Uniform Domain Name Dispute Resolution Policy (the **Policy**) approved by the Internet Corporation for Assigned Names and Numbers (**ICANN**) on October 24, 1999, the Rules for Uniform Domain Name Dispute Resolution Policy (the **Rules**), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the **Supplemental Rules**).

The Policy is incorporated by reference into your Registration Agreement with the Registrar(s) of your domain name(s), in accordance with which you are required to submit to a mandatory administrative proceeding in the event that a third party (a **Complainant**) submits a complaint to a dispute resolution service provider, such as the Center, concerning a domain name that you have registered. You will find the name and contact details of the Complainant, as well as the domain name(s) that is/are the subject of the Complaint in the document that accompanies this Coversheet.

You have no duty to act at this time. Once the Center has checked the Complaint to determine that it satisfies the formal requirements of the Policy, the Rules and the Supplemental Rules, it will forward an official copy of the Complaint to you. You will then have 20 calendar days within which to submit a Response to the Complaint in accordance with the Rules and Supplemental Rules to the Center and the Complainant. You may represent yourself or seek the assistance of legal counsel to represent you in the administrative proceeding.

- The **Policy** can be found at <http://arbiter.wipo.int/domains/rules/>
- The **Rules** can be found at <http://arbiter.wipo.int/domains/rules/>
- The **Supplemental Rules**, as well as other information concerning the resolution of domain name disputes can be found at <http://arbiter.wipo.int/domains/rules/>
- A **model Response** can be found at <http://arbiter.wipo.int/domains/respondent/index.html>

Alternatively, you may contact the Center to obtain any of the above documents. The Center can be contacted in Geneva, Switzerland by telephone at +41 22 338 8247, by fax at +41 22 740 3700 or by e-mail at [domain.disputes@wipo.int](mailto:domain.disputes@wipo.int).

You are kindly requested to contact the Center to provide the contact details to which you would like (a) the official version of the Complaint and (b) other communications in the administrative proceeding to be sent.

A copy of this Complaint has also been sent to the Registrar(s) with which the domain name(s) that is/are the subject of the Complaint is/are registered.

By submitting this Complaint to the Center the Complainant hereby agrees to abide and be bound by the provisions of the Policy, Rules and Supplemental Rules.

Before the:

**WORLD INTELLECTUAL PROPERTY ORGANIZATION  
ARBITRATION AND MEDIATION CENTER**

Bjorn K. Andersen  
Direction  
Skovdalen 10  
DK-8766 Nr. Snede  
Denmark

**(Complainant)**

Direction International  
Private Registration  
Private Registration, Private  
Registration 6025  
AU

**(Respondent)**

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**Disputed Domain Name:**

direction.com

**COMPLAINT**  
(Rules, para. 3(b))

**I. Introduction**

[1.] This Complaint is hereby submitted for decision in accordance with the Uniform Domain Name Dispute Resolution Policy (the **Policy**), approved by the Internet Corporation for Assigned Names and Numbers (**ICANN**) on October 24, 1999, the Rules for Uniform Domain Name Dispute Resolution Policy (the **Rules**), approved by ICANN on October 24, 1999 and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the **Supplemental Rules**).

## **II. The Parties**

### **A. The Complainant**

(Rules, para. 3(b)(ii) and (iii))

[2.] The Complainant in this administrative proceeding is Bjorn Kassoe Andersen, personal owner of the company Direction, which is incorporated in Denmark where it has its principal place of business.

[3.] The Complainant's contact details are:

Address: Skovdalen 10, DK-8766 Nr. Snede, Denmark

Telephone: +45 75 77 03 30

Fax: +45 75 77 03 39

E-mail: bka@direction.dk

[4.] The Complainant deals with the case personally and does not use any authorized representative in this administrative proceeding.

[5.] The Complainant's preferred method of communications directed to the Complainant in this administrative proceeding is:

#### Electronic-only material

Method: e-mail

Address: bka@direction.dk

Contact: Bjorn K. Andersen

#### Material including hardcopy

Method: Fax or post/courier in case of problems with fax transmission

Address: Skovdalen 10, DK-8766 Nr. Snede, Denmark

Fax: +45 75 77 03 39

Contact: Bjorn K. Andersen

**B. The Respondent**

(Rules, para. 3(b)(v))

- [6.] According to OpenSRS Whois Utility (<http://precow.tucows.com/cgi-bin/whois.cgi>), the Respondent in this administrative proceeding is:

Direction International

Private Registration

Private Registration, Private Registration 6025

AU

Copies of the printout of the database search conducted on April 19, 2007 are provided as Annex 1.

- [7.] All information known to the Complainant regarding how to contact the Respondent is as follows:

E-mail addresses used when theft of direction.com took place:

sillworks4@gmail.com

stillworks20@gmail.com

Administrative contact according to the above mentioned whois lookup:

Manager, Domain

Private Registration

Private Registration, Private Registration 6025

AU

+61.898720196

direction.international@gmail.com

**III. The Domain Name[s] and Registrar[s]**

(Rules, para. 3(b)(vi) and (vii))

- [8.] This dispute concerns the domain name:  
direction.com

[9.] The registrar with which the domain name is registered is:

Tucows Inc.  
96 Mowat Avenue  
Toronto, ON  
Canada M6K 3M1  
Phone: 1-416-535-0123  
Fax: 1-416-531-5584

**IV. Jurisdictional Basis for the Administrative Proceeding**  
(Rules, paras. 3(a), 3(b)(xv))

[10.] This dispute is properly within the scope of the Policy and the Administrative Panel has jurisdiction to decide the dispute. The registration agreement, pursuant to which the domain name that is the subject of this Complaint is registered, incorporates the Policy. The ICANN Uniform Domain Name Dispute Resolution Policy applies to the domain name in question.

**V. Factual and Legal Grounds**  
(Policy, paras. 4(a), (b), (c); Rules, para. 3)

For a description of how the Respondent took over control over direction.com, please refer to Annex 2.

[11.] This Complaint is based on the following grounds:

**A. The domain name is identical to a trademark in which the Complainant has rights;**

(Policy, para. 4(a)(i), Rules, paras. 3(b)(viii), (b)(ix)(1))

- The Complainant has “Direction” as a registered trademark in Denmark, cf. Annex 5. The trademark was registered in 1994 and has been actively used by the Complainant for communication and consulting services in Denmark and internationally since the date of registration. Complainant has used Direction on the Internet as a trademark since 1995. The domain direction.com was acquired as a supplement to the already registered direction.dk by the Complainant in 1998 and has since been in use. The Complainant’s company was first registered in Denmark in 1989 (cf. Annex

6) and changed its name to Direction in 1994 when trademark registration was acquired. The company offers advisory and consulting services to major companies operating in Denmark and internationally as well as different Danish organisations and Government Agencies including the former Danish Council for IT Security.

- The domain direction.com now in the possession of the Respondent is identical to a trademark or service mark in which the Complainant has rights.

**B. The Respondent has no rights or legitimate interests in respect of the domain name;**

(Policy, para. 4(a)(ii), Rules, para. 3(b)(ix)(2))

- The Respondent should be considered as having no rights or legitimate interests in respect of the domain name that is the subject of the Complaint. Attention should be paid to the following:
  - It appears that the Respondent who acts under anonymity does not use the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services;
  - It appears that the Respondent (as an individual, business, or other organization) has not been commonly known by the domain name before taking over the domain;
  - It appears that the Respondent is not making a legitimate and fair use of the domain name as it after it is set up solely to run an advertising service through use of the service provider smartname.com, cf. the name server information in Annex 1 and screendump Annex 7.

**C. The domain name registered and being used in bad faith.**

(Policy, paras. 4(a)(iii), 4(b); Rules, para. 3(b)(ix)(3))

- The domain should be considered as having been registered and used in bad faith by the Respondent. Attention should be paid to the following:

- As described in detail in Annex 2, the Respondent took control over the domain through hacking and manipulation of access rights to the Complainant's registrar. Further the Respondent actively tried to discourage security experts at DK-CERT (www.cert.dk) from looking into the matter at the time when the Respondent took control over the domain. It appears that the Respondent has tried actively to cover up the hacking (servers in both Germany and Iran were used).
- The e-mail address used by the Respondent is on the Internet reported as being used by a domain hijacker, cf. Annex 3.
- The whois information provided by the Respondent appears to be not valid.

**VI. Remedies Requested**  
(Rules, para. 3(b)(x))

[12.] In accordance with Paragraph 4(i) of the Policy, for the reasons described in Section V above, the Complainant requests the Administrative Panel appointed in this administrative proceeding to issue a decision that direction.com be transferred to the Complainant following specific instructions from the Complainant with regard to security on how and to which registrar the transfer is to be made.

**VII. Administrative Panel**  
(Rules, para. 3(b)(iv))

[13.] The Complainant elects to have the dispute decided by a single-member Administrative Panel.

**VIII. Mutual Jurisdiction**  
(Rules, para. 3(b)(xiii))

[14.] In accordance with Paragraph 3(b)(xiii) of the Rules, the Complainant will submit, with respect to any challenges that may be made by the Respondent to a decision by the Administrative Panel to transfer or cancel the domain name that

is the subject of this Complaint, to the jurisdiction of the courts at the location of the principal office of the concerned registrar.

**IX. Other Legal Proceedings**  
(Rules, para. 3(b)(xi))

[15.] The theft of the domain has been reported to and is being investigated by the special unit for computer related crime under the Danish National Police.

**X. Communications**  
(Rules, paras. 2(b), 3(b)(xii); Supplemental Rules, paras. 3, 4)

[16.] A copy of this Complaint, together with the cover sheet as prescribed by the Supplemental Rules, has been sent or transmitted to the Respondent on April 20, 2007 to the email address available through the whois information (Annex 1) The electronic filing of this complaint to WIPO is sent cc to direction.international@gmail.com. No physical address of the Respondent is available.

[17.] A copy of this Complaint, has been sent or transmitted to the concerned registrars on April 20, 2007 by email to:  
legal@dotster.com and denyart@dotster.com  
(Darcy Enyeart, Legal Department, 000domains.com aka dotster.com)  
and  
pkarkas@tu cows.com  
(Paul Karkas, Senior Compliance Officer, Tucows)

[18.] This Complaint is submitted to the Center in electronic form (except to the extent not available for annexes), and in four (4) sets together with the original.

**XI. Payment**  
(Rules, para. 19; Supplemental Rules, Annex D)

[19.] As required by the Rules and Supplemental Rules, payment in the amount of USD 1500 has been made by bank transfer.

**XII. Certification**  
(Rules, para. 3(b)(xiv))

[20.] The Complainant agrees that its claims and remedies concerning the registration of the domain name, the dispute, or the dispute's resolution shall be solely against the domain name holder and waives all such claims and remedies against (a) the WIPO Arbitration and Mediation Center and Panelists, except in the case of deliberate wrongdoing, (b) the concerned registrar, (c) the registry administrator, (d) the Internet Corporation for Assigned Names and Numbers, as well as their directors, officers, employees, and agents.

[21.] The Complainant certifies that the information contained in this Complaint is to the best of the Complainant's knowledge complete and accurate, that this Complaint is not being presented for any improper purpose, such as to harass, and that the assertions in this Complaint are warranted under the Rules and under applicable law, as it now exists or as it may be extended by a good-faith and reasonable argument.

Respectfully submitted,

\_\_\_\_\_  
Bjorn Kasso Andersen

Date: \_\_\_\_\_