

# AMERICAN ARBITRATION ASSOCIATION AWARD

---

**In the Matter of the Arbitration between:**

Bundesrepublik Deutschland  
(Federal Republic of Germany)  
("Complainant")  
and

Gary Lauck; RJG Engineering, Inc.  
("Respondent")

**Domain Names In Dispute:**  
bundesrepublikdeutschland.us  
federalrepublicofgermany.us

**Case #:** 49 413 00001 05

---

I, THE UNDERSIGNED ARBITRATOR having been designated in accordance with the American Arbitration Association's Supplemental Rules for Domain Name Disputes and having been duly sworn, find and award, as follows:

- 1) This award is rendered in accordance with the usTLD Dispute Resolution Policy (the "Policy"), the Rules for the usTLD Dispute Resolution Policy (the "usTLD Rules") and the American Arbitration Association's Supplemental Rules for Domain Name Disputes.
- 2) Article 15 of the usTLD Rules states that an arbitrator shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy and any rules and principles of law that it deems applicable.
- 3) The arbitrator has reviewed the following documents submitted by the Complainant and the Respondent in this case and this award is based on such documents:
  - Complainant's Complaint dated February 19<sup>th</sup> 2005
  - Respondent's Response dated April 3<sup>rd</sup> 2005 and amended on April 6<sup>th</sup> 2005
  - Complainant's Reply to Defence (sic) Plea dated April 14<sup>th</sup> 2005.
- 4) "Bundesrepublik Deutschland" is the official name of Germany pursuant to the German Constitution. The internationally used and authorized translation in English of "Bundesrepublik Deutschland" is "Federal Republic of Germany".

- 5) Complainant has established that it has sufficient contacts with the US to bring this complaint.
- 6) Complainant holds common law service mark rights in the notion Bundesrepublik Deutschland and in the notion Federal Republic of Germany (collectively "Complainant's Service Marks") and renders services, such as providing information, under these names. Complainant's use of Complainant's Service Marks has been continuous and on-going and secondary meaning has been established.
- 7) The domain names subject to this dispute are identical to or confusingly similar to Complainant's Service Marks.
- 8) Complainant has alleged that Respondent has no legitimate interests in the domain names but uses them to direct internet users to Respondent's own website and thus takes improper advantage of the reputation associated with Complainant's Service Marks. Respondent has failed to show any legitimate interests in respect of the disputed domain names. The arbitrator finds that Respondent has no legitimate interests in the disputed domain names.
- 9) As reflected by the postings on Respondent's websites and cited in Complainant's complaint, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent's web sites by creating a likelihood of confusion with Complainant's Service Marks as to the source or endorsement of the web sites identified by the disputed domain names.
- 10) Accordingly, the arbitrator orders that the registration of the domain names "bundesrepublikdeutschland.us" and "federalrepublicofgermany.us" be transferred to Complainant.
- 11) The administrative fees of the American Arbitration Association and the compensation of the arbitrator totaling \$2,000.00 shall be borne as incurred.

This Award is in full settlement of all claims submitted to this Arbitration. All claims not expressly granted herein are, hereby denied.

SIGNED: S. She McIlenny

Arbitrator

DATED: May 3rd 2005