

CHANNEL ISLANDS DOMAIN DISPUTES

C.I.D.D. DOMAIN DISPUTE SERVICE AND ARBITRATION
A TIMELY SERVICE

DRAFT – see Google Docs version as final

IN THE CASE OF THE DOMAIN NAME LEVELUP

Level Up Management BV

(Complainant)

- v -

Steven Hartley / MediaName.com

(Respondent)

DECISION OF THE ADJUDICATOR

1. This Complaint is made in accordance with the Channel Islands Dispute Resolution Service Policy, the Terms and Conditions for Domain Name Registration (GG/JE) v17.02, and the Channel Islands Domain Disputes Rules (C.I.D.D. Rules).
2. **THE COMPLAINANT**
The Complainant in this administrative proceeding is NCSOFT Corporation of Korea and filed via Beck Greener LLP.
3. **THE RESPONDENT**
The Respondent is listed in the registry records as Gustavo (Andreas Castro) Duenas (t/a AION eSports).
4. **DISPUTED DOMAIN NAME :**
AIONSPORTS.GG
5. Although the public registry entry shows that the Registrant is AION eSports, registered via NameCheap, Inc., with a “registered on” 20th May 2019 date, the full whois record which is available upon request from the Registry pursuant to the WHOIS policy which states that *“If you are a certificate authority, law enforcement agency or other legitimate enquirer (such as lawyer representing clients, or a party to a domain name dispute) you will need to contact the Registrar as shown in the Public WHOIS in the first instance. (NB: If the Registrar is listed as “Direct” or “Community” you should contact us with such enquiries)”*.
6. Unfortunately, the Complainant’s agent failed to ask for this information and if the Complainant’s agent had done so they would have received the following data:

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C.I.D.D. DOMAIN DISPUTE SERVICE AND ARBITRATION
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aionesports.gg

This computer produced extract contains information derived from changes to the registry database made by the registrar of the domain, and by systems administrators or automatic processes. The information in this report is stored as historical snapshots of the domain, and from imports of this information from external systems.

If you believe that the information in this abstract is incorrect, please contact the registry.

Current Status of the Domain

Domain Name	aionesports.gg
Registry Identifier	853826-CI
Registrant	Gustavo Duenas
Registrar	NameCheap, Inc
Status	Active
Fee Due Date	2021-05-20 00:01 UTC
Date Last Updated	2021-03-05 14:14 UTC
Date Created	2019-05-20 00:01 UTC
Name Servers	dns1.registrar-servers.com dns2.registrar-servers.com
Locks	Client and Server
Billing Contacts	Gustavo Duenas
Admin Contacts	Gustavo Duenas
Technical Contacts	Gustavo Duenas

Current Registrant

Name	Gustavo Duenas
Registry Identifier	853822-CI
Registrar	namecheap
Contact ID	wtaahgxix194l7aj
Email	viejitogamer@gmail.com
Phone	+966 505570445
International Address	Gustavo Duenas AION eSports KSA Rabigh, Rabigh,21911 Saudi Arabia
Date Created	2019-05-20 00:01 UTC
Locks	None
Status	Active

7. It is therefore the case that the Registrant is Gustavo Duenas (t/a AION eSports), possibly Gustavo Andreas (Castro) Duenas (t/a AION eSports).
8. It is not possible to file against a trading name only, which is not a legal form of recognised Respondent entity. The complaint should have been filed against Gustavo Duenas (t/a AION eSports) and not either the trading name AION eSPORTS or two people as indicated within the complaint form of (i) Gustavo Andres and (ii) Duenas Castro.

CHANNEL ISLANDS DOMAIN DISPUTES

C.I.D.D. DOMAIN DISPUTE SERVICE AND ARBITRATION
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9. As such the Complaint is mis-founded as not issued against the correct Defendant.
10. I am therefore required to dismiss the complaint, but without prejudice to the complaint being re-filed against the correct Respondent.
11. Although normally this would require the payment of a new filing fee, it is my recommendation that the new complaint against “Gustavo Duenas (t/a AION eSPORTS)” be permitted to be filed for 50% of the normal filing fee.

Nick Lockett

Nick Lockett

Solicitor (213086) and ex-Barrister (30499 Inner Temple)

Adjudicator C.I.D.D.

Dated *11th March 2021*