

Case Name: Julia Fiona Roberts v. Russell Boyd

Case No #: Case No. D2000-0210

Plaintiff (Claimant): Julia Fiona Roberts

Defendant (Respondent): Russell Boyd

Date: May 29, 2000

Judges: Richard W. Page (Presiding Panelist), Sally M. Abel James Bridgeman (Panelists)

Facts:

Julia Fiona Roberts, commonly known as Julia Roberts in movies and entertainment world, is an Actress and have acted in many movies, few of them, if named, would be, Erin Brockovich, Notting Hill, Runaway Bride, Stepmom etc. Russell Boyd has registered the domain name www.juliaroberts.com on November 9, 1998. Till March 24, 2000 the domain name had a picture of a woman named 'Sari Locker'. Russell Boyd placed the domain name up for auction on eBay at the provided URL: <http://cgi.ebay.com/aw-cgi/eBayISAPI.dll?ViewItem&item=285891617>

The respondent also have over 50 domain names to his name many of those are related to famous personalities like Madeleine Stowe (madeleinstowe.com), Al Pacino (www.alpacino.com) and Yelena Produnova (elenaprodunova.com). Russell Boyd has an email address as mickjagger@home.com and he was offered USD 2550 in the auction for the domain name www.juliaroberts.com.

Issue:

Should Julia Fiona Roberts be given the right to possess the domain name www.juliaroberts.com, currently in possession with Russel Boyd?

Decision:

Yes

Rationale:

There court identified following:

- a) The domain name www.juliaroberts.com is identical to her name.
- b) Russel Boyd has no relationship with Julia Roberts and neither he has permissions to use her name or mark.
- c) By the time the domain name was registered (November 9, 1998), Julia has already been featured in several movies.
- d) One of the response provided by Russell was "I registered juliaroberts.com because, after seeing several of her movies, I had a sincere interest in the actor".
- e) The original content posted on the website had nothing to do with Julia Roberts.
- f) Russel posses many other domain names which are related to names of famous personalities.
- g) Russel placed the domain name www.juliarobert.com for auction on eBay.

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Based on the above points, it was clear that the domain name www.juliarobert.com was identical to Julia's common law trademark in her name "Julia Roberts". Russel was not having any legitimate interest in the domain name as he was using content featuring some other person. Also, Russel has a bad faith for the possession of domain name as he placed it for auction on eBay.

Holding:

The judges followed the Uniform Domain Name Dispute Resolution Policy Paragraph 4(a)(i), 4(a)(ii) and 4(a)(iii) for providing their judgment. Below are the points from the policy:

- 4 a. Applicable Disputes.** You are required to submit to a mandatory administrative proceeding in the event that a third party (a "complainant") asserts to the applicable Provider, in compliance with the Rules of Procedure, that
- (i) Your domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and
 - (ii) You have no rights or legitimate interests in respect of the domain name; and
 - (iii) Your domain name has been registered and is being used in bad faith.

The above law states that if a claimant proves that the person possessing the domain name does not have legitimate interest in it and it was registered and used in bad faith, and also the domain name is identical or somewhat similar to the claimant's name, the person who is having the current possession of the domain name, should submit it to the claimant.

Opinion:

The case was very weak on the respondent's side and he didn't had any strong evidence to prove which could have helped him retain the possession of domain www.juliaroberts.com.