

Case law

Case Details

National ID: 2A-421/2014

Member State: Lithuania

Common Name:link

Decision type: Court decision in appeal

Decision date: 28/04/2014

Court: Court of Appeal

Subject:

Plaintiff: Lietuvos advokatūra

Defendant: UAB "Lexis LT"

Keywords: black list, internet, unfair commercial practices

Directive Articles

Unfair Commercial Practices Directive, [Annex I, 4.](#)

Headnote

The use of the word "advokatas" (eng. attorney-at-law) in a domain name is considered to be an unfair commercial practice, if the holder of such a domain name does not have an attorney-at-law licence.

Facts

The defendant, a company providing legal services, registered domain names "eadvokatas.lt" (eng. "eattorney-at-law.lt") and "eadvokatai.lt" (eng. "eattorneys-at-law.lt").

The plaintiff (Lithuanian Bar Association) sued the defendant and requested the court to deregister both domain names or assign them to the plaintiff.

Legal issue

The court explained that under Lithuanian law, an attorney-at-law is a person, which, amongst other things, has an attorney-at-law license. Neither the defendant, nor its employees have attorney-at-law licences.

Taking the above into account, the court concluded that the defendant's domain names, containing the word advokatas (eng. attorney-at-law), misled the average consumer, because they could have thought that the legal services would be provided by an attorney-at-law. Since the defendant did not have an attorney-at-law licence, by registering and using such domain names, the defendant falsely claimed that he had the respective license and that is in compliance with fair commercial practices.

Decision

Can the use of the word "advokatas" (eng. attorney-at-law) in a domain name be considered as an unfair commercial practice, if the holder of such a domain name does not have an attorney-at-law licence?

URL: <http://liteko.teismai.lt/viesasprendimupaieska/tekstas.aspx?id=b68ff41a-9bc3-4db5-9b89-9e1132fa9f9e>

Full text: [Full text](#)

Related Cases

No results available

Legal Literature

No results available

Result

The court upheld the plaintiff's claim.