

(NOTE: This is a model decision in a non-existent case but it is based on existing UDRP and .eu decisions.)

Panel Decision

§ 15 of the UDRP Rules (Rules), § 9 of the CAC's Supplemental Rules (Supplemental Rules)

Case No.	xxxxxx
Time of Filing	2010-03-15 00:00:00
Disputed domain name	claritair.com, klaritair.com
Case Administrator	Thomas Administrator
Complainant	
Name	Complainant Company
Address	Casa 100, 100 Primera Calle
City, State (if applicable)	Barcelona
Country	Spain
ZIP/Postal Code	XXXX XXX
E-mail	company@complainant.es
Telephone	00340000000000
Fax	00340000000000
Respondent	
Organization	Jane Respondent
Address	Flat 200, 200 Short Street
City, State (if applicable)	London
Country	United Kingdom
ZIP/Postal Code	YYYY YYY
E-mail	jane@respondent.com
Telephone	00441111111111
Fax	00441111111111

1. IDENTIFICATION OF RIGHTS

The Complainant uses the domain name "claritair.es" which is connected to the official web site of the Complainant, and is also the owner of the trademark for the name "CLARITAIR" (Spanish trademark registration n. _____ "CLARITAIR", in classes __ , __ and __, priority June 16, 2007).

2. FACTUAL BACKGROUND

FACTS ASSERTED BY COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

(NOTE: This part is populated automatically by the on-line platform, editable by the Panellist).

The Complainant is a company with its legal seat in Barcelona, Spain. The Complainant is leading producer of famous Spanish cheese CLARIT. The Complainant uses the domain name "claritair.es" and its trademark CLARITAIR for its popular promotion connecting purchases of the CLARIT cheese and air miles from 10 European airways companies.

The Respondent registered the domain names "claritair.com" and "klaritair.com" on September 19, 2007. The domain names are not currently used for an active website, and it appears that they have never been used for an active website since they were registered.

3. NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

4. RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

5. NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the Domain Name (within the meaning of paragraph 4(a)(ii) of the Policy).

6. BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the Domain Name to have been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

7. PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

8. PRINCIPAL REASONS FOR THE DECISION

The Panel finds that the disputed domain name "claritair.com" is identical to the Complainant's trademark and the disputed domain name "klaritair.com" is confusingly similar to the Complainant's trademark.

The Complainant contends that the Respondent has made no use of, or demonstrable preparations to use, neither of the domain names in connection with a bona fide offering of goods or services, is not making a legitimate non-commercial or fair use of the disputed domain names, and is not commonly known under the disputed domain names.

The Panel notes that the domain names holder's name or contact details contain no reference to CLARIT or KLARIT or CLARITAIR or similar word or name. The domain names are not used for any active web site, although they were registered more than two years ago.

In lack of any Response from the Respondent, or any other information indicating the contrary, the Panel concludes that the Respondent has no rights or legitimate interests in respect of "claritair.com" and/or "klaritair.com".

The Complainant also proved that the Respondent has engaged in a pattern of conduct regarding bad faith domain name registration and use of domain names.

These facts, including the absence of a Response and pattern of conduct on the part of Respondent also confirm that the domain names have been registered in order to prevent the trademark holder - Complainant - from reflecting the CLARITAIR name in a corresponding domain name under .com and the lack of use in a relevant way for more than two years is also a proof of the bad faith of the Respondent.

9. Decision

For the reasons set out above, the Complaint is	Accepted
and the disputed domain names	claritair.com and klaritair.com
are to be	Transferred to the Complainant