Decision for dispute CAC-UDRP-100324

Case number	CAC-UDRP-100324
Time of filing	2011-10-13 15:55:55
Domain names	comperthemarket.com

Case administrator

Name	Tereza Bartošková (Case admin)

Complainant

Organization	BGL Group Limited

Complainant representative

Organization	TLT LLP

Respondent

Organization	Media Limited

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant BGL Group Limited owns the following trademarks, all registered in classes 35 and 36:
UK Trademark 2456693A for a word and device mark for "comparethemarket.com - FOR CHEAPER INSURANCE, NO ONE ELSE COMPARES"
UK Trademark 2456693B for a word and device mark for "comparethemarket.com"
UK Trademark 2456693C for a word and device mark for "comparethemarket"
UK Trademark 2456693D for the following mark "comparethemarket - FOR CHEAPER INSURANCE, NO ONE ELSE COMPARES"
UK Trademark 2522721 for "comparethemarket", which was filed on 23 July 2009 and registered on 5 February 2010
UK Trademark 2486675 for "comparethemarket.com", which was filed 2 May 2008 on and registered on 19 December 2008, and
UK Trademark 2504071 for "comparethemeerkat.com".
The Complaint only submitted copies of UK Trademark 2522721 and UK Trademark 2486675.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

1 This Complaint is submitted on behalf of the Complainant by TLT LLP, a firm of solicitors regulated in the United Kingdom by the Solicitors' Regulation Authority, on behalf of BGL Group Limited. The Czech Arbitration Court is requested to submit this Complaint for decision in accordance with the Uniform Domain Name Dispute Resolution Policy, the Rules for Uniform Domain Name Dispute Resolution Policy, and CAC's UDRP Supplemental rules of the Czech Arbitration Court.

2 The Complainant, BGL Group Limited ("BGL") is a company incorporated in England and Wales with company number 02593690. It was incorporated on 21 March 1991.

3 BGL originally operated as an insurance underwriter through its wholly-owned subsidiaries BFSL Ltd and BISL Ltd. From 1997, BGL has operated (through those subsidiaries) as an intermediary for UK personal-lines insurance.

4 In 2005, BGL created its "Compare the Market" ("CtM") brand as part of its business as a personal-lines insurance intermediary. As part of the CtM brand, BGL created the website www.comparethemarket.com. This was, and is, a price-comparison website for personal-lines insurance products.

5 The domain comparethemarket.com was registered on 21 September 2004. It is registered to BISL Ltd, which is a wholly owned subsidiary of BFSL Ltd. BFSL Ltd is in turn a wholly-owned subsidiary of BGL. In effect BGL owns the domain comparethemarket.com.

6 In early 2009, the CtM brand was re-launched. The re-launch included television adverts featuring Aleksandr the Meerkat, an anthropomorphized meerkat character. A companion website was also created at www.comparethemeerkat.com.

7 The domain comparethemeerkat.com was registered on 3 October 2007. It is registered to BGL.

8 The CtM brand is very well-known in the UK, particularly by reference to the Aleksandr the Meerkat character. For example:
8.1 VCCP, the advertising agency which created the Aleksandr character for BGL, has won awards for its work: see for example http://www.vccp.com/news/2009/06/vccp-win-double-at-nma-awards.
8.2 BGL won the Marketing Week Engage 2010 Brand of the Year award for their CtM brand: http://www.marketingweek.co.uk/news/congratulations-to-the-winners-of-the-marketing-week-engage-awards/3013601.article
8.3 VCCP maintain a webpage on their work for BGL here: http://www.vccp.com/work/comparethemarketcom/comparethemarketcom

9 BGL owns the "Trademarks") as klisted in the previous paragraph of this decision.

10 BGL also owns the goodwill in the CtM brand, and in associated marketing.

11 The Respondent is the registrant of the domain comperthemarket.com ("the Domain"). The Domain was registered on 20 June 2007, nearly three years after BGL registered comparethemarket.com.

12 Apart from 'compare' being mis-spelt as 'comper' rather than 'compare', the Domain is identical to BGL's domain name comparethemarket.com and UK Trademark 2486675 for "comparethemarket.com". "Comper" is not an English word, and in the circumstances can only be understood as a mis-spelling of "compare". A screenshot of a Google search for "comper" will be provided, and which shows that in response Google suggests "Did you mean: compare". As such, the Domain is confusingly similar to BGL's domain name and trademark.

13 The Registrant has no rights or legitimate interest in the Domain. The Domain is not being used to host any legitimate site (or, at the last check, any site at all). The Respondent is 'typosquatting' in order to take advantage of mis-spellings of BGL's domain name comparethemarket.com and/or in an attempt to extract money from BGL.

14 The Domain was registered in bad faith because the Registrant seeks only to take unfair advantage of BGL's CtM brand. No legitimate interest is being pursued through the Domain. The sole motivation is to benefit from typographical errors made by people seeking BGL's website at comparethemarket.com. It might be helpful to refer to the Panel Decision in Case Number 100186, where the Panel accepted a similar complaint in regards to the site comparethemeerkart.com. Here it was accepted the site was being used in bad faith, in order to take advantage of a slight mis-spelling of BGL's comparethemeerkat.com.

PARTIES CONTENTIONS

No Response has been filed.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is confusingly similar to the Complainant's registered trademarks "comparethemarket" in which the Complainant has rights (within the meaning of paragraph 4(a)(i)of the Policy).

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 disputed domain name (within the meaning of paragraph 4(a)(ii)of the Policy).

BAD FAITH

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

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.

PRINCIPAL REASONS FOR THE DECISION

1. The Panel finds that the disputed domain name is confusingly similar to the Complainant's trademarks "comparethemarket" as the difference between the disputed domain name and the Complainant's trademarks are insignificant to the overall impression.

2. The Panel finds that the Complainant successfully submitted prima facie evidence that the Respondent has made no use of, or demonstrable preparations to use, neither of the disputed domain name in connection with a bona fide offering of goods or services, nor is making a legitimate non-commercial or fair use of the disputed domain name, nor is commonly known under the disputed domain name. This prima facie evidence was not challenged by the Respondent.

3. In the absence of a Response, the Panel infers that the Respondent had the Complainant's trademarks "comparethemarket" in mind when registering the Domain Name, which was therefore registered and is being (passively) used in bad faith, in order to take advantage of a slight mis-spelling of the Complainant's trademarks.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. **COMPERTHEMARKET.COM**: Transferred

PANELLISTS

Name	**Alfred Meijboom**

DATE OF PANEL DECISION 2011-11-14

Publish the Decision