Decision for dispute CAC-UDRP-100396

Case number	CAC-UDRP-100396
Time of filing	2012-03-08 08:44:48
Domain names	propriétésdefrance.com

Case administrator

Name	Tereza Bartošková (Case admin)

Complainant

Organization	FIGARO CLASSIFIEDS

Complainant representative

Organization	Teissonnière Sardain Chevé A.A.R.P.I.

Respondent

Organization	PROPRIETES DE FRANCE

OTHER LEGAL PROCEEDINGS

The panel is not aware of any other relevant legal proceedings.

IDENTIFICATION OF RIGHTS

The Complainant owns the French trademarks “PROPRIETES DE FRANCE LE FIGARO MAGAZINE” filed on April 21, 1989 and registered under number 1525614 in classes 16 and 41 and “PROPRIETES DE FRANCE” filed on February 13, 2009 and registered under number 3629934 in classes 9, 16, 35 and 41. The Complainant is also the registrant of the domain name <proprietesdefrance.com> registered on July 09, 1997. The corresponding website specializes in real estate classified advertisements.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:
The Complainant is a subsidiary of the GROUPE FIGARO (one of the most famous media trusts in France) and is leader in France on Internet real estate classified advertisements, operating websites including « Propriétés de France ». It also edits « Propriétés de France », a real estate magazine.

The disputed domain name was registered on August 3, 2009. Shortly after a cease and desist letter from the Complainant dated December 20, 2011, the registration of the disputed domain name was transferred from the original registrant, Hoffman Schuler Foundation of Panama City, to the Respondent. Both prior to and after the transfer, the disputed domain

name resolved to a website promoting a real estate agency called IRCA, offering identical services to those offered by the Complainant under its registered marks and displaying the message “Propriétés de France (Groupe Figaro) welcomes the partnership with IRCA Immobilier Ross & Crosmann Architecture” . When clicking on the tabs listed on the website, internet users are redirected to the website <www.irca.com> which presents the same layout, design and content as the website <www.propriétésdefrance.com>.

The Respondent has not been licensed or otherwise authorized to use any of the Complainant’s trademarks or to apply for or use any domain name incorporating such trademarks.

In response to communications from the Complainant to IRCA, a person claiming to be the sole representative of the owner of the disputed domain name offered it for sale to the Complainant.

By e-mail dated December 14, 2011 sent from the e-mail address <proprietesdefrance@propriétésdefrance.com> several of the Complainant's business partners were falsely informed that Propriétés de France (Groupe Figaro) have concluded a partnership with IRCA real estate agency.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

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).

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).

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the 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

The Complainant has registered trademark rights and the disputed domain name is identical or confusingly similar to the marks.

The transfer of the domain name registration to the present Respondent constituted "cyberflying" in an attempt to evade this administrative proceeding.

In the absence of any response, the Complainant has established absence of rights or legitimate interests in the disputed domain name on the part of the Respondent.

By using the domain name, the Respondent has intentionally attempted to attract, for commercial gain, internet users to its web site by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of that web site . Under the Policy,paragraph 4(b)(iv), such use is evidence of both bad faith registration and use.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **PROPRIéTéSDEFRANCE.COM**: Transferred

PANELLISTS

Name	**Alan Limbury**

DATE OF PANEL DECISION 2012-04-17

Publish the Decision