Decision for dispute CAC-UDRP-100609

Case number	CAC-UDRP-100609
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Domain names	alamorentalcars.info, alamorentcars.info, nationalrentalcars.info, enterpriseplus.info, enterpriseonline.mobi, ehicarrental.info

Case administrator

Name	Lada Válková (Case admin)

Complainant

Organization	Vanguard Trademark Holdings USA LLC
Organization	Enterprise Holdings, Inc.

Complainant representative

Organization	Harness, Dickey & Pierce, PLC

Respondent

Name	David Danier

OTHER LEGAL PROCEEDINGS

None

IDENTIFICATION OF RIGHTS

First Complainant: ALAMO, ALAMO RENT-A-CAR, NATIONAL and NATIONAL CAR RENTAL unregistered marks; ALAMO, ALAMO RENT A CAR and NATIONAL CAR RENTAL registered marks in EU, Canada and USA

Second Complainant: ENTERPRISE, ENTERPRISE PLUS and EHI unregistered marks; ENTERPRISE and ENTERPRISE PLUS registered marks in EU, Canada and USA; EHI registered mark in EU and USA

FACTUAL BACKGROUND

First Complainant Vanguard is the owner of the ALAMO, ALAMO RENT-A-CAR, NATIONAL and NATIONAL CAR RENTAL marks for vehicle rental services including car rental services, which it licenses to Alamo Rent A Car (“Alamo”) and National Car Rental (“National”) respectively.

Since long prior to the initial registration of the alamorentalcars.info and alamorentcars.info domain names in February 2012, First Complainant’s licensee, Alamo has been engaged in the rental car business under the ALAMO and ALAMO RENT

A CAR marks.

Started in 1974, Alamo has locations in more than 42 countries worldwide, with more than 1,200 Alamo rental car locations throughout Europe, the United States, Canada, Mexico, the Caribbean, Latin America and Asia. Alamo started the rental car industry's first real-time Internet booking engine in 1995 and the first online check-in system in 2005. Alamo is the largest rental car provider to international travelers visiting North America and is the "Official Rental Car" of Walt Disney World ® Resort and Disneyland® Resort. Alamo operates on-line car rental car sites at www.alamo.com (to which www.alamorentacar.com also revolves), www.alamo.ca (to which www.alamorentacar.ca also resolves), www.alamo.de and www.alamo.co.uk.

Since long prior to the initial registration of the nationalrentalcars.info domain name in February 2012, First Complainant's licensee, National Car Rental, has been engaged in the rental car business under the NATIONAL and NATIONAL CAR RENTAL marks.

Started in 1948, National Car Rental is a premium, internationally recognized brand serving the daily car rental needs of the frequent airport business traveler throughout the United States, Canada, Mexico, the Caribbean, Europe, Latin America, Asia and the Pacific Rim. First Complainant's licensee operates an on-line car rental site at www.nationalcar.com, www.nationalcar.ca, www.nationalcar.de and www.nationalcar.co.uk.

Second Complainant Enterprise is the owner of the ENTERPRISE, ENTERPRISE PLUS and EHI marks which, through its operating subsidiaries, are used in connection with Enterprise vehicle rental and used car sales business and which includes car rental services.

Since long prior to the Respondent's registration of enterpriseonline.mobi in October 2011, and enterpriseplus.info and ehicarrental.info in February 2012, Second Complainant's licensee, Enterprise Rent-A-Car, has been engaged in the car rental business under the ENTERPRISE and ENTERPRISE PLUS marks. Second Complainant began renting cars in 1957 and has used the ENTERPRISE mark for car rental services in the United States since 1969 and Canada since 1984. Second Complainant is one of the largest vehicle rental companies in the world with revenues in excess of $9 billion and in excess of 850,000 vehicles. With over 7000 offices worldwide, Enterprise is a recognized leader in the vehicle rental business. Second Complainant expanded its car rental business to Europe in 1994 and has operations in the United Kingdom, Germany and Ireland.

Enterprise Rent-A-Car operates on-line car rental sites at www.enterprise.com, www.enterprise.ca, www.enterprise.de and www.enterprise.co.uk and a web site at www.enterpriseplus.com for its "loyalty program" that allows members of such loyalty program to make on-line car rental reservations.

First Complainant Vanguard is the owner of the following registrations for the ALAMO and ALAMO RENT A CAR marks in the European Community, Canada and the United States:

European Community Trademark Registration No. 1860592 registered 16 September 2002 for ALAMO for, among other goods and services: "Provision of transport services including for both leisure and business purposes; hiring of transport vehicles including the provision of such services to the functioning of airports; loaning of vehicles; vehicle parking; hiring of vehicle accessories; inspection of vehicles before transport; travel for and escorting of travellers; provision of information about the transport of goods and information relating to tariffs, timetables and methods of transport; transport reservation and arranging services; vehicle rental, reservation and leasing services; relating online services; and related promotional and discount services; automobile rental and leasing services; car leasing services; vehicle rental, reservation and leasing services. automobile rental and reservation services."

Canadian Trademark Registration No. TMA403563 registered 09 October 1992 for ALAMO RENT A CAR & Design for "(1) Automotive reservation services. (2) Automobile renting and leasing services."

United States Trademark Registration No. 1097722 registered 25 July 1978 for ALAMO for "Automobile renting and leasing

services”

First Complainant is the owner of the following registrations for the NATIONAL CAR RENTAL mark in the European Community, Canada and the United States:

European Community Trademark Registration No. 000190439 issued 12 March 2003 for NATIONAL CAR RENTAL for “automobile rental and reservation services in International Class 39.”

Canadian Trademark Registration No. TMA343651 registered 12 September 1988 for NATIONAL CAR RENTAL for “(1) Services comprising the following specific services, namely, automobile and truck rental and leasing services.”

United States Registration No. 1,540,913 issued 23 May 1989 for NATIONAL CAR RENTAL (“Car Rental” disclaimed) in International Class 39 for “automobile rental services.”

Second Complainant has registered its ENTERPRISE and ENTERPRISE PLUS marks in the European Community, the United States and Canada and the EHI mark in the European Community and the United States. Second Complainant owns the following registrations:

European Community Trademark Registration No. 000036394 dated 01 December 1998 for ENTERPRISE for, among other goods and services, “Vehicle rental services; vehicle leasing services; vehicle towing services; vehicle breakdown recovery services; recovery of vehicles; vehicle rental and leasing, and reservation services for vehicle rental and/or leasing.”

European Community Trademark Registration No. 010056398 dated 26 October 2011 for ENTERPRISE PLUS in Classes 39 for “Vehicle rental and leasing services, and reservation services for the rental and leasing of vehicles.”

European Community Trademark Registration No.008441263 dated 28 January 2010 for EHI for, among other goods and services “vehicle rental and leasing services” in Class 39.

Canadian Trademark Registration No. TMA535866 registered 26 October 2000 for ENTERPRISE for, among other services, “Car and truck rental and leasing.”

Registration No. 1,343,167 issued 18 June 1985 for ENTERPRISE for, among other services, “Short-Term Rental and Leasing of Automobiles and Trucks.”

Registration No. 3,744,750 issued 02 February 2010 for ENTERPRISE PLUS in International Class 39 for “Vehicle rental and leasing services, and reservation services for the rental and leasing of vehicles.”

Registration No. 3,856,949 issued 05 October 2010 for EHI in International Class 39 for, among other goods and services, “Vehicle rental and leasing services.”

Each of the domain names at issue is confusingly similar to one or more trademarks owned by the Complainants.

The alamorentalcars.info domain name merely adds the letter “l” after “Rent-A” in the ALAMO RENT-A-CAR mark and makes “car” plural.”

The alamorentcars.info domain name merely deletes the letter “a” between “Rent” and “Car” in ALAMO RENT-A-CAR and makes “car” plural.

The nationalrentalcars.info domain name merely reverses “car” and “rental” in NATIONAL CAR RENTAL and makes “car” plural.”

The enterpriseplus.info domain name appropriates the ENTERPRISE PLUS mark in its entirety and merely adds the non-

distinctive “.info” TLD.

The enterpriseonline.mobi domain name appropriates the ENTERPRISE mark in its entirety and merely adds the descriptive word “online” and the non-distinctive “.mobi” TLD.

The ehicarrental.info domain name appropriates the EHI mark in its entirety and merely adds the descriptive phrase “car rental” which describes the services for which the EHI mark is registered and the non-distinctive “.info” TLD.

alamorentalcars.info and alamorentcars.info are confusingly similar to the ALAMO and ALAMO RENT A CAR marks, nationalrentalcars.info is confusingly similar to the NATIONAL CAR RENTAL mark, enterpriseonline.mobi is confusingly similar to the ENTERPRISE mark, enterpriseplus.info is confusingly similar to the ENTERPRISE PLUS mark and ehicarrental.info is confusingly similar to the EHI mark.

All of the domain names at issue are on the domain name servers "NS1.SEDOPARKING.COM" and "NS2.SEDOPARKING.COM" and from the time they were registered have resolved to generic web pages commonly used by domain name owners seeking to “monetize” their domain names through “click-through” fees.

For example, the alamorentalcars.info domain name currently resolves to a web page carrying the heading “ALAMORENTALCARS.INFO.” Beneath that heading are the following “Sponsored Links”:

Certified Pre-Owned Car

Explore Great Savings & Low APR Rates on a Used Car Now.
www.VW.com/Pre-Owned

Ford® Car Deals

See Our Cash Back Offers. Visit a Local Ford Dealer Now.
www.MidAtlanticFordDealers.com

AutoTrader.com®

The Ultimate Automotive Marketplace to Buy, Sell or Trade-In your Car.
www.AutoTrader.com

2012 - 2013 Audi Sale

Top Volume Audi Dealer in VA,DC,MD Get Your Incredible Price Quote
www.AudiOfAlexandria.com

Mazda 3 Memorial Day Deal

Buy at Browns Mazda for $14,455 with 0% APR for 60mths. Ends Monday
ChantillyMazda.com

New Honda Fit Dealer Sale

Many 2013 Fit Models in Stock! Get Your Special Honda Fit Price
www.landmarkhonda.com/Honda_Fit

Official Ford Site

Powerful, Fuel-Efficient, Techno- Savvy. Ford Vehicles Have It All!
www.ford.com

Mini Sales & Service

Expert Sales and Service Center Free Loaners - Monthly Coupons!
www.advantagecertified.com

The Honda Fit EV

100% Electric. Not a drop of gas. Learn more at the Official Site.
www.Honda.com

Safford Jeep

Buy Your New Jeep At Safford Jeep. Search Jeep Inventory Or Call Us.
www.saffordofspringfield.com

Clicking on any of those links takes the user to another web page unrelated to either of the Complainants.

The ehicarrental.info domain name currently resolves to a web page carrying the heading “EHICARRENTAL.INFO.” Beneath that heading are the following “Sponsored Links”:

• Ford EcoBoost® Challenge
Take on the CompetItion in a Ford Focus During the Challenge Now!
www.MidAtlanticFordDealers.com

• AutoTrader.com®
The Ultimate Automotive Marketplace to Buy, Sell or Trade-In your Car.
www.AutoTrader.com

• Your Car's Book Value
Value Your Car Online in 60 Seconds We Buy Any Car From $50 to $100,000
www.webuyanycar.com/book-value-cars

• 2012 - 2013 Audi Sale
Top Volume Audi Dealer in VA,DC,MD Get Your Incredible Price Quote
www.AudiOfAlexandria.com

• Save $70: Michelin Tires
Need New Tires? Save $70 Today. Fast, Free Shipping Available.
TireBuyer.com/Michelin-Tires

• Safford Jeep
Buy Your New Jeep At Safford Jeep. Search Jeep Inventory Or Call Us.
www.saffordofspringfield.com

• New Honda Fit Dealer Sale
Many 2013 Fit Models in Stock! Get Your Special Honda Fit Price
www.landmarkhonda.com/Honda_Fit

• Official Ford Site

Powerful, Fuel-Efficient, Techno- Savvy. Ford Vehicles Have It All!
www.ford.com

• Bad Credit Car Dealers
$200-$500 down, $300 per month gets you car in 2 days. Get Approved Now
CommunityAutoCredit.com/Car-Dealers

• Mazda 3 Memorial Day Deal
Buy at Browns Mazda for $14,455 with 0% APR for 60mths. Ends Monday
ChantillyMazda.com

Clicking on any of those links takes the user to a web page unrelated to either of the Complainants.

Neither of the Complainants has licensed or otherwise permitted Respondent to use the ALAMO, ALAMO RENT A CAR, NATIONAL, NATIONAL CAR RENTAL, ENTERPRISE, ENTERPRISE PLUS and EHI marks (or variations thereof) in connection with car rental or rental car services or any other goods or services or to apply for any domain name incorporating the ALAMO, ALAMO RENT A CAR, NATIONAL, NATIONAL CAR RENTAL, ENTERPRISE, ENTERPRISE PLUS or EHI marks. In addition, Respondent is not making any legitimate noncommercial or fair use of alamorentalcars.info, alamorentcars.info, nationalrentalcars.info, enterpriseplus.info, ehicarrental.info or enterpriseonline.mobi. The web pages to which these domain names resolve are virtually identical generic web pages commonly used by domain name owners seeking to “monetize” their domain names through “click-through” fees.

Respondent is not commonly known as “Alamo Rental Cars,” “Alamo Rent Cars,” “National Rental Cars,” “Enterprise Plus,” “Enterprise Online,” or “EHI Car Rental,”

Because of the commercial nature of the web sites to which the domain names at issue resolve, the use of the domain names at issue is not a noncommercial or fair use under the Policy.

The web pages to which the domain names at issue resolve are so-called “parking pages” designed for the sole purpose of generating “click-through” fees. The Respondent set up the web sites at the domain names at issue with a view to commercial gain from “click-through” payments from Internet users seeking the Alamo Rent-A-Car, National Car Rental, Enterprise Rent-A-Car and Enterprise Plus vehicle rental web sites.

Respondent does not operate businesses known as “Alamo Rental Cars,” Alamo Rent Cars,” “National Rental Cars,” “Enterprise,” “Enterprise Plus,” “EHI,” “National Rent A Car or “Alamo Rent A Car”.

Respondent David Danier has registered other domain names that are confusingly similar to domain names owned by Complainants. The United States District Court for the Eastern District of Virginia, in the matter of Enterprise Holdings, Inc. and Vanguard Trademark Holdings USA, LLC v. Alamocarrentals.net, et al. ordered the transfer to Complainants of twenty-six domain names owned by “David Danier,” 511 Elliott Street, Whitehorse, Yukon Territory Y1A 2A5 Canada, namely, enterpriserentcars.org, enterprisecar.us, enterprisecars.us, enterpriseonline.us, enterpriseplus.us, enterpriserentalcars.us, enterpriserentcars.us, alamocarrentals.net, alamorentcars.net, nationalrentcars.net, alamocarrentals.us, alamocars.us, alamorental.us, alamorentals.us, alamorentalcars.us, alamorentcars.us, nationalcarhire.us, nationalrentalcars.us, nationalrentcars.us, alamocarrentals.org, alamocars.org, alamorentalcars.org, alamorentals.org, alamorentcars.org, nationalrentalcars.org and nationalrentcars.org.

PARTIES CONTENTIONS

PARTIES' CONTENTIONS:

COMPLAINANT:

The requirements for a Class Complaint are satisfied.

Each of the domain names is confusingly similar to one or more marks in which the First or Second Complainants has/have rights. The Respondent has no rights or legitimate interests in respect of the domain names in issue. The domain names were registered and are being used in bad faith, in particular intentionally to attempt to attract Internet users to Respondent's web pages by creating a likelihood of confusion with the Complainant's respective marks as to their source, sponsorship affiliation or endorsement, for commercial gain in the form of click-through commissions on sponsored links. Para 4(b)(iv) of the UDRP applies.

RESPONDENT:
None

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the Domain Names are 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 Names (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 Names have been registered and are 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

Each of the domain names is confusingly similar to a corresponding mark of the First or Second Complainant.

The Respondent has no rights or legitimate interests in respect of any of the domain names. His use of the domain names for parking pages automatically generated by Sedo to maximise click through commissions on sponsored links does not constitute a bona fide offering of goods or services. He is not commonly known by any of the domain names or any corresponding name. His use of the domain names is not a legitimate non-commercial or fair use. On the material in the file there is no other basis on which the Respondent could claim any right or legitimate interest.

Respondent has registered and is using the domain names in bad faith, by intentionally attempting to attract Internet users to his web pages by creating a likelihood of confusion with the Complainant's respective marks as to their source, sponsorship affiliation or endorsement, for commercial gain in the form of click-through commissions on sponsored links. Para 4(b)(iv) of the UDRP applies. There is no evidence displacing this presumption and it is reinforced by the registration by the Respondent of other domain names confusingly similar to the Complainants' marks as found by a US District Court in December 2012.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **ALAMORENTALCARS.INFO**: Transferred
2. **ALAMORENTCARS.INFO**: Transferred

3. **NATIONALRENTALCARS.INFO**: Transferred
4. **ENTERPRISEPLUS.INFO**: Transferred
5. **ENTERPRISEONLINE.MOBI**: Transferred
6. **EHICARRENTAL.INFO**: Transferred

PANELLISTS

Name	**Jonathan Turner**

DATE OF PANEL DECISION 2013-07-21

Publish the Decision