# Decision for dispute CAC-UDRP-100714

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| Case number | CAC-UDRP-100714 |
| Time of filing | 2013-11-29 11:42:06 |
| Domain names | dessangeusa.com |

## Case administrator

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| Name | Lada Válková (Case admin) |

## Complainant

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| Organization | DESSANGE INTERNATIONAL |

## Complainant representative

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| Organization | Nameshield (Anne Morin) |

## Respondent

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| Organization | YourJungle Privacy Protection Service |

OTHER LEGAL PROCEEDINGS

None.

IDENTIFICATION OF RIGHTS

The Complainant owns several trademarks including the trademark for the word DESSANGE.

FACTUAL BACKGROUND

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

This Complaint is based on the following factual and legal grounds:
This is a Complaint filed on behalf of Dessange International. The disputed domain <dessangeusa.com> name has been registered on 20 November 2013. The domain name at issue is owned by YourJungle Privacy Protection Service – Whois Agent.
The Complainant states that the disputed domain name is confusingly similar to its trademarks and branded goods DESSANGE.
Trademark information: ICANN Rule 3(b)(viii).

Complainant, Dessange International is the owner of the International trademark registration no. 822605, issued 11 March 2004 for the word DESSANGE for “Soaps, perfumery, essential oils, cosmetics, make-up and make-up removing products,

make-up, lipstick, powders, hair lotions, shampoos, beauty creams, face and body creams and lotions, toiletries, hair dye products and hair bleaching preparations, hair tints, depilatory wax, cosmetic products for slimming, cosmetic suntan preparations, deodorants for personal use, dentifrices" in international class 03, and "Hairdressing salons and massage salons, beauty salons, manicure services" in international class 44.
Furthermore, the word DESSANGE is only known in relation to the Complainant. It has no meaning whatsoever in English or in any other language. DESSANGE is the Dessange International society founder's family name.
Dessange International is a well-known society founded in 1954 and specialized in hairstyling and hairdressing products and salons.

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

In absence of arguments to the contrary and on the basis of the arguments and evidence submitted by the Complainant, the Panel established that the Complaint satisfied all three elements of paragraph 4(a) of the Policy for the following reasons:

(i) the disputed domain name includes the entire DESSANGE trademark in which the Complainants has rights, combined with the geographic term "USA" and the top level domain ".com". The addition of the term "USA" to DESSANGE does not take away the confusion, as it does not alter the trademark to which it is added. According to the standard case law, the top level domain is disregarded for the likelihood of confusion test;
(ii) the Complainant provided prima facie evidence that the Respondent does not have rights or legitimate interests in respect of the disputed domain name as it was not commonly known under the disputed domain name and was not authorized to use the disputes domain name by the Complainant; and
(iii) the Panel is of the opinion that the disputed domain name has been registered and used in bad faith because the Panel considers it obvious that the Respondent must have had the DESSANGE trademark, which is distinctive and unique for the registered services, in mind when it registered and used the disputed domain name for web site that diverts Internet users to, inter alia, websites of the Complainant's competitors and offers the disputed domain name for sale.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **DESSANGEUSA.COM**: Transferred

## PANELLISTS

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| Name | **Alfred Meijboom** |

DATE OF PANEL DECISION 2014-01-09

Publish the Decision