# Decision for dispute CAC-UDRP-100796

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| Case number | CAC-UDRP-100796 |
| Time of filing | 2014-04-28 11:04:16 |
| Domain names | petrossiancaviarclub.com |

## Case administrator

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| Name | Lada Válková (Case admin) |

## Complainant

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| Organization | CAVIAR PETROSSIAN S.A. |

## Complainant representative

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| Organization | Nameshield (Anne Morin) |

## Respondent

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| Organization | Southern Star Imports.com |

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any legal proceedings.

IDENTIFICATION OF RIGHTS

The Complainant relies on its registered marks for PETROSSIAN, including its international marks, the first of which was registered in 1976 in 42 states (see #425498, 562901, 563199, 610716), and its national French marks (see #1358658 & 1588963) as well as its international reputation and goodwill in the name and mark and says that PETROSSIAN is a well known mark.

FACTUAL BACKGROUND

The Complainant is a French company established in 1920. It sells Caviar under the name and mark PETROSSIAN worldwide. It has various national and international registered marks for the word PETROSSIAN dating from 1976. Its website is at www.petrossian.com. In 2012 it received an award "Enterprise du Patrimoine Vivant."

The Respondent has the same address (and named individual) as that of a US based business also selling Caviar under the name Black River Caviar, based on Registrar verification. The disputed domain name resolves to www.blackrivercaviar.com. The Respondent registered the disputed domain name in February 2013.

PARTIES CONTENTIONS

The Complainant says the disputed domain name uses its highly distinctive name and mark in its entirety. Moreover, the addition of the name of the goods and the generic word 'club' do not add anything. The disputed domain name is confusingly similar to its well known name and marks. The diversion of visitors from the disputed domain name to the Respondent's website selling competing Caviar and the fame of the Complainant's name and mark show the Respondent had knowledge of the Complainant when it registered the disputed domain name and that it did so to divert trade and disrupt the Complainant's business.

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. The Respondent was served by post, fax and email and at least one email address confirmed a delivery.

PRINCIPAL REASONS FOR THE DECISION

While the mark is an Armenian surname and the name of the founders of the Complainant, it has become a very distinctive well known mark and badge of origin for the Complainant's Caviar after almost 100 years of use internationally. The Complainant has discharged its burden and the Respondent has failed to come forward and make any case, let alone show rights or legitimate interests. The re-direction of the traffic generated by the Complainant's reputation to its own site, selling competing goods, is blatant, aggravated bad faith. Given their status as competitors, it is unarguable that the Respondent acted without knowledge and the Panel finds it acted deliberately.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **PETROSSIANCAVIARCLUB.COM**: Transferred

## PANELLISTS

| Name | **Victoria McEvedy** |
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DATE OF PANEL DECISION 2014-05-27

Publish the Decision