Decision for dispute CAC-UDRP-100975

Case number	CAC-UDRP-100975
Time of filing	2015-04-27 10:22:18
Domain names	Adopteunmecgratuit.com

Case administrator

Name	Lada Válková (Case admin)

Complainant

Organization	GEB AdoptAGuy

Complainant representative

Organization	Nameshield (Anne Morin)

Respondent

Name	Jack Bronly

OTHER LEGAL PROCEEDINGS

None

IDENTIFICATION OF RIGHTS

French registered trademarks Nos. 405140 ("ADOPTE UN MEC") registered on 2 December 2013 and 4051417 ("adopteunmec" logo) registered on 2 December 2013; international registration No. 1039915 (device containing "ADOPTE UN MEC") registered on 19 March 2010.

Common law rights in the mark "adopte un mec" based on use and French law of unfair competition.

FACTUAL BACKGROUND

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

The Complainant is the proprietor of trademarks registered in France for "ADOPTE UN MEC" in plain capitals, "adopteunmec" in a logo using white letters on a black background, and a device mark registered internationally which includes the words "ADOPTE UN MEC".

The Complainant operates a popular on-line dating service directed at French users and clients under the mark "adopte un mec" through a website at www.adopteunmec.com. The Complainant has also registered adopteunmec.org and

adopteunmec.fr, as well as other domain names containing variants of this mark.

The disputed domain name was registered on 20 June 2013.

The disputed domain name currently resolves to a blank page.

As far as the contentions of the Complainant are concerned, the Complainant states that the disputed domain name is confusingly similar to its trademarks. Furthermore, the Complainant is of the opinion that the Respondent has no rights or legitimate interests in respect of the disputed domain name and the disputed domain name has been registered and is being used in bad faith.

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 domain name is clearly confusingly similar to the Complainant's mark "ADOPTE UN MEC" (one of which was registered prior to the registration of the disputed domain name), from which it differs only in the addition of the generic term "gratuit" (meaning "free" in French, which is the language of the Complainant's website and customers) and the gTLD suffix.

The Respondent is not using and has not made any demonstrable preparations to use the domain name or a corresponding name in connection with a bona fide offering of goods or services or for a legitimate non-commercial or fair use. The Respondent is not commonly known by the domain name or a corresponding name, and on the material in the file there does not appear to be any other basis on which the Respondent could claim any right or legitimate interest in respect of the domain name.

The domain name is so clearly related to the Complainant's distinctive and unusual mark that it has obviously been registered with a view to cause or threaten confusion and thereby to derive some benefit in bad faith. The holding of such a domain name constitutes a form of passive use in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **ADOPTEUNMECGRATUIT.COM**: Transferred

PANELLISTS

Name	**Jonathan Turner**

DATE OF PANEL DECISION 2015-06-04

Publish the Decision