Decision for dispute CAC-UDRP-101070

Case number	**CAC-UDRP-101070**
Time of filing	**2015-10-07 10:14:20**
Domain names	**dafa6655.com**

Case administrator

Name	**Lada Válková (Case admin)**

Complainant

Organization	**Emphasis Services Limited**

Respondent

Organization	**honbet**

IDENTIFICATION OF RIGHTS

The Complainant uses the domain names “dafabet.com” and “dafa888.com” which are connected to the official online gambling and betting websites of the Complainant. The Complainant is the holder of trademarks which consist of or include the name “DAFA” or “DAFABET” (e.g., Community trademark registration no. 012067088 “DAFABET”, in classes 38 and 41, registered since 17 February 2014; Malaysian trademark registration no. 2011019075, registered since 28 October 2011 in class 41).

FACTUAL BACKGROUND

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

According to the Complainant, Respondent’s registered domain name is confusingly similar to the “Dafa” mark owned by the Complainant. Essentially, the Respondent has appropriated the trademark Dafa and merely added numbers after the mark.

The Complainant denies any direct connection with the Respondent, and claims that Respondent’s use of the Complainant’s intellectual property in its domain name and website are unauthorized and illegal.

The Complainant claims its Dafa and Dafabet trademarks are well known thanks to sponsorship with the English Premier League and the World Snooker Championship.

The Respondent has allegedly indicated false and misleading whois data, has not responded to Complainant's cease and desist letter and has been passively holding the disputed domain name.

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 disputed domain name incorporates the Complainant's mark "DAFA", merely adding number "6655" and the suffix ".com". It is well established that the generic top level suffix ".com" may be disregarded when considering whether the disputed domain name is confusingly similar to the trade mark in which the Complainant has rights. The number "6655" is not distinctive in any way and does not detract from the confusing similarity with the Complainant's trade mark.

Therefore, the Panel finds that the disputed domain name "dafa6655.com" is confusingly similar to the Complainant's trademarks.

The Complainant contends that the Respondent has made no use or demonstrable preparations to use the disputed domain name in connection with a bona fide offering of goods or services, is not making a legitimate non-commercial or fair use of the disputed domain name, and is not commonly known under the disputed domain name.

The Panel notes that the domain name holder's name or contact details contain no reference to "DAFA", "DAFA6655" or similar word or name. The disputed domain name is not used for any active web site, although it was registered in June 2014.

The Panel considers the Complainant's assertions that the Respondent is not commonly known by the disputed domain name and is not affiliated with nor authorised by the Complainant sufficient to constitute a prima facie showing of absence of rights or legitimate interest in the disputed domain name on the part of the Respondent. Therefore, the evidentiary burden shifts to the Respondent to show by concrete evidence that it does have rights or legitimate interests in the disputed domain name. The Respondent has made no attempt to do so. Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.

The disputed domain name was registered on 19 June 2014, i.e. the Complainant's registered trademarks predate the registration of the disputed domain name by the Respondent. A quick Internet search revealed that the disputed domain name is listed for sale on sedo.com. In combination with the fact that the Respondent 1) seems to have provided false whois data, 2) failed to respond to the Complainant's cease and desist letter and 3) defaulted in the present proceedings, Respondent's general offer to sell the disputed domain name shows on the balance of probabilities that the disputed domain name has been registered and is being used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **DAFA6655.COM**: Transferred

PANELLISTS

Name	**Flip Petillion**

DATE OF PANEL DECISION 2015-11-17

Publish the Decision