Decision for dispute CAC-UDRP-101244

Case number	CAC-UDRP-101244
Time of filing	2016-07-12 10:26:17
Domain names	rolandgarros2016live.com

Case administrator

Name	Lada Válková (Case admin)

Complainant

Organization	FEDERATION FRANCAISE DE TENNIS (FFT)

Complainant representative

Organization	Nameshield (Maxime Benoist)

Respondent

Name	john smith

OTHER LEGAL PROCEEDINGS

None

IDENTIFICATION OF RIGHTS

The Complainant is the owner of several trademarks, such as the international trademark “ROLAND GARROS” No. 459517 registered on April 1st, 1981.

The Complainant has also registered numerous domain names including the international trademark “ROLAND GARROS”.

FACTUAL BACKGROUND

The main page of the website attached to the domain name <rolandgarros2016live.com> registered on April 23rd, 2016 provides information in relation to the Complainant. Indeed, the website displays web links to “Roland Garros 2016 Live”, “Roland Garros 2016 Live Stream”, “Roland Garros Live Stream” or “Roland Garros Live”.

It appears that the Respondent would like to propose live streaming of the tournament. But this is prohibited because the Complainant has chosen selected official and exclusive broadcasters all around the world.

The Respondent displays on its website the Complainant’s official Roland Garros logo without any authorization. This reinforces the confusion regarding the source of the website for internet users.

PARTIES CONTENTIONS

PARTIES' CONTENTIONS:

COMPLAINANT:

The Complainant claims that the disputed domain name is confusingly similar to the Complainant's "ROLAND GARROS" registered trademark; that the Respondent has no rights or legitimate interests whatsoever with respect to the disputed domain name; and that the Respondent registered and is using the disputed domain name in bad faith.

RESPONDENT:

No administratively complaint 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

A) Confusingly similarity

The Complainant contends that the disputed domain name <rolandgarros2016live.com> is confusingly similar to the Complainant's international trademark "ROLAND GARROS".

Indeed, the Domain Name includes the above mentioned trademark in its entirety.

The Panel agrees with the Complainant's assertion that the addition of the generic terms "2016" and "LIVE" at the end of the Domain Name <rolandgarros2016live.com> and the gTLD ".COM" are not sufficient elements to escape the finding that the Domain Name is confusingly similar to the international trademark ROLAND GARROS.

B) Lack of legitimate rights or interests

The Domain Name is a highly distinctive non-descriptive name. It is inconceivable that the Respondent registered the Domain Name without having the Complainant firmly in mind. In the world of tennis (the context in which the disputed domain name is used) it identifies the Complainant and nobody else.

Furthermore, the Complainant's assertions that the Respondent is not commonly known by the Domain Name and is not affiliated with nor authorised by the Complainant are sufficient to constitute a prima facie showing of absence of rights or legitimate interest in the Domain Name on the part of the Respondent. The evidentiary burden therefore shifts to the Respondent to show by concrete evidence that it does have rights or legitimate interests in that 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 Domain Name.

C) Registered or Used in Bad Faith

The Complainant gives several sound bases for its contention that the Domain Name was registered in bad faith and that it has been used in bad faith.

Firstly, as stated above given the reputation of Complainant's trademark, its distinctiveness and the fact that the registration of the Complainant's trademark predates for many years the registration of the Domain Name the Panel finds on the balance of probabilities the Respondent was aware of the Complainant's trademark when registering the Domain Name. In any case, given the reputation of the Complainant's trademark as far as bad faith is concerned the Respondent should have been aware of the Complainant's rights as it was obliged to determine whether its domain name registration infringes or violates someone else's rights under paragraph 2 of the Policy.

Secondly, the Panel accepts the Complainant's unchallenged assertion that the Respondent has registered the Domain Name for commercial gain and that the Respondent's subsequent use of the Domain Name has been consistent with that aim. The Panel also accepts the Complainant's contention that the Domain Name has been used by the Respondent for the purposes of intentionally attempting to attract internet users for the purpose of disrupting the business of the Complainant, and probably to generate revenues.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **ROLANDGARROS2016LIVE.COM**: Transferred

PANELLISTS

Name	**Dr. Fabrizio Bedarida**

DATE OF PANEL DECISION 2016-08-09

Publish the Decision