# Decision for dispute CAC-UDRP-101243

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| Case number | CAC-UDRP-101243 |
| Time of filing | 2016-07-12 10:14:46 |
| Domain names | FRENCHOPENACCOMMODATION.COM |

## Case administrator

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| Name | Lada Válková (Case admin) |

## Complainant

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| Organization | FEDERATION FRANCAISE DE TENNIS (FFT) |

## Complainant representative

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| Organization | Nameshield (Maxime Benoist) |

## Respondent

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| Name | Roya Elison |

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant is owner of the international trademark <FRENCH OPEN> with the registration number 538170, which was registered on June 22nd, 1989.

The Complainant is also the holder of a huge number of domain names including the trademark <FRENCH OPEN>, i.e. the actively used domain name “FrenchOpen.com”, created on December 18th, 1997, the domain name “FrenchOpen.org”, registered on June 20th, 2000, the domain name “FrenchOpen.events”, registered on May 3rd, 2006, the domain name “FrenchOpen.net”, created on May 8th, 2001, the domain name “FrenchOpen.paris”, registered on May 3rd, 2006, the domain name “FrenchOpenTennis.com”, created on March 8th, 2002 and the domain name “FrenchopenTennis.net”, created on November 11th, 2014.

FACTUAL BACKGROUND

The Complainant, the FEDERATION FRANCAISE DE TENNIS, was founded in 1920 and counts at this time about 1.1 million licensees. The Complainant promotes, organizes and develops tennis in France; the Complainant especially organizes major tournaments such as the International of France – also well-known as the “French Open” – at Stade Roland Garros. This

tournament is the second of the four Grand Slam tournaments and furthermore the biggest tournament of the tennis season on clay.

The disputed domain name <FrenchOpenAccommodation.com> was created on May 26th, 2016 by Roya Elison.

The disputed domain name <FrenchOpenAccommodation.com> is currently inactive. It displays an inactive page (“Adresse introuvable”).

The Complainant also defended its trademarks against cybersquatting, in several previous UDRP cases, for instance:

- WIPO - D2013-2024 - Fédération Française De Tennis (FFT) v. Ticketfinders International LLC / Michael Cook;
- WIPO - D2013-2021 - Fédération Française De Tennis (FFT) v. Versio, VERSIO.NL Domein Registratie;
- WIPO Case No. D2016-0530, Federation Francaise De Tennis (Fft) v. Kapil Kumar, <frenchopen2016livestreaming.com>;
- WIPO Case No. D2016-0354, Fédération Française de Tennis (FFT) v. Mahesh Shaksena, <frenchopen2016livex.com>;
- CAC Case No. 101211, Fédération Française de Tennis (FFT) v. Venkat, <frenchopenlive.org>.

PARTIES CONTENTIONS

PARTIES' CONTENTIONS:

COMPLAINANT:

As far as the Complainant contentions are concerned, the Complainant claims the disputed domain name <FrenchOpenAccommodation.com> to be confusingly similar to its trademark and its domain names associated. Furthermore, the Complainant contends that the Respondent has no rights or legitimate interest in the disputed domain name <FrenchOpenAccomomdation.com>. In that regard, the Complainant emphasizes that The Respondent, Roya Elison, is not known by the Complainant nor has any business with him. The Respondent is in no way affiliated with the Complainant or authorized by the Complainant to make any use of the Complainant’s trademark <FRENCH OPEN>. Finally, the Complainant states that the disputed domain name <FrenchOpenAccommodation.com> has been registered and used in bad faith.

The Complainant also refers to the following cases to support its submissions:

- WIPO case no. D2003-0455, Croatia Airlines d.d. v. Modern Empire Internet Ltd.;
- WIPO case No. D2000-1164, Boeing Co. v. Bressi;
- NAF case No. FA 933276 2007, George Weston Bakeries Inc. v. McBroom;
- WIPO - D2004-0673 - Ferrari S.p.A v. American Entertainment Group Inc.;
- WIPO - D2000-0003 - Telstra Corporation Limited v. Nuclear Marshmallows;
- WIPO - D2000-0400 - CBS Broadcasting, Inc. v. Dennis Treppen.

RESPONDENT: 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).

The disputed domain name <FrenchOpenAccommodation.com> is confusingly similar to the trademark <FRENCH OPEN>. The disputed domain name <FrenchOpenAccommodation.com> contains the trademark <FRENCH OPEN> in its entirety and differs only in the addition of the generic and purely descriptive term “accommodation” at the end of the disputed domain name. This addition is not sufficient to distinguish the disputed domain name <FrenchOpen-Accommodation.com> from the Complainant’s trademark <FRENCH OPEN>.

NO RIGHTS OR LEGITIMATE INTERESTS

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).

The disputed domain name <FrenchOpenAccommodation.com> is not being used since its registration and does not display any content; rather the disputed domain name is inactive.

The Respondent has not made any legitimate use of the disputed domain name <FrenchOpenAc-commodation.com>.The Respondent, Roya Elison, is not commonly known by the disputed domain name. Furthermore, the Respondent is not affiliated with the Complainant nor authorized by the Complainant to use the Complainant's trademark <FRENCH OPEN>. The Respondent also did not justify the registration of the disputed domain name <FrenchopenAccommodation.com> after receipt of the cease-and-desist letter. There is no other basis on which the Respondent could claim a right or legitimate interest in the disputed domain name <FrenchOpenAccommodation.com>.

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).

Given the notoriety of the Complainant's trademark <FRENCH OPEN> and its reputation it is highly unlikely that the Respondent would have been unaware of the Complainant's trademark at the time of registration; rather it must be assumed that the Respondent has registered the disputed domain name <FrenchOpenAccommodation.com> with full knowledge of the Complainants' trademark <FRENCH OPEN>. These findings, together with the finding that the Respondent has no rights or interests in the disputed domain name <FrenchOpenAccommodation.com>, lead to conclusion that the disputed domain name has been registered and used by the Respondent in bad faith.

The Respondent has provided no response to the complaint and the Panel is aware of no evidence of any actual or contemplated good faith use of the disputed domain name <FrenchOpenAccommodation.com>. Therefore, by registering the disputed domain name <FrenchOpenAccommodation.com> the Respondent obviously intended to prevent the Complainant from registering it.

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 Panel finds that the disputed domain name <FrenchOpenAccommodation.com> is confusingly similar to the <FRENCH OPEN> trademark in which the Complainant has rights.

Furthermore the Respondent has no rights or legitimate interests in the disputed domain name <FrenchOpenAccommodation.com>. The Panel finds that the Complainant has successfully submitted prima facie evidence that the Respondent has made no use of the disputed domain name. This prima facie evidence was not challenged by the Respondent.

In absence of a response, the Panel, considering the widespread awareness of the Complainant's trademark <FRENCH OPEN> and its reputation, infers that the Respondent had the Complainant's <FRENCH OPEN> trademark in mind when registering the disputed domain name <FrenchOpenAc-comodation.com>. The Panel is of the opinion that the Complainant's plausible allegation of bad faith of the Respondent regarding the registration and the use of the disputed domain name <Frenchopenaccommodation.com> is correct. Therefore, the disputed domain name was registered and 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. **FRENCHOPENACCOMMODATION.COM**: Transferred

## PANELLISTS

| Name | **Prof. Dr. Lambert Grosskopf, LL.M.Eur.** |
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DATE OF PANEL DECISION 2016-08-05

Publish the Decision