Decision for dispute CAC-UDRP-101296

Case number	CAC-UDRP-101296
Time of filing	2016-09-30 13:59:34
Domain names	maersk-cargo.com

Case administrator

Organization	Iveta Špiclová (Czech Arbitration Court) (Case admin)

Complainant

Organization	A.P. Moller - Maersk A/S

Complainant representative

Organization	Plesner

Respondent

Organization	HOSTER NODE

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings relating to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant claims and provides evidence that it is the owner of following trademarks:

(i) MAERSK (word mark) EUTM 3483039 (application date 30/10/2003);
(ii) MAERSK (word mark) Danish trademark VR 1956 00383 (application date 14/12/1955);
(iii) MAERSK (logo) EUTM 3483013 (application date 30/10/2003).

FACTUAL BACKGROUND

The Complainant was founded in 1904 and has been the largest container ship operator and supply vessel operator since 1996. It has always operated under the mark MAERSK.

The Respondent registered the disputed domain name on 10 August 2016 without any authorisation of or connection with the Complainant. The Respondent is using the disputed domain name to locate a website marketing similar services to the Complainant's using the business name "Maersk Cargo Company S.A." and describing itself as "one of the international vehicle shipping companies, handling thousands of international shipping moves every year" and as "fully experienced in both the needs of the businesses and the private individual". The website falsely claims that this company has existed since

2001. Potential customers of the Respondent are invited to deposit substantial sums in advance to complete shipping transactions.

PARTIES CONTENTIONS

No Response has been filed.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed 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 domain name consists of the Complainant's well-known mark together with a word descriptive of its primary service and the generic top level domain suffix. Many Internet users would assume that the disputed domain name locates a website of the Complaint and is used by the Complainant for email.

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 disputed domain name (within the meaning of paragraph 4(a)(ii)of the Policy). The Respondent has not used the disputed domain name for a bona fide offering of goods or services or for a legitimate non-commercial or fair use. On the contrary, the Respondent is using the disputed domain name to mislead Internet users into believing that it is the Complainant to pay advance fees in reliance on the Complainant's reputation. Furthermore, the Respondent is not commonly known by the disputed domain name.

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown that the disputed domain name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii)of the Policy). The Respondent is using the disputed domain name fraudulently to attract Internet users to its website through confusion with the Complainant's mark as the source of the website and the services promoted on it and to deceive them into making advance payments. The presumption in paragraph 4(b)(iv) of the UDRP applies and there is no evidence controverting this presumption.

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

Disputed domain name consists of Complainant's well-known mark, descriptive term and generic TLD suffix. Respondent is using it fraudulently to attract Internet users to its website by creating a likelihood of confusion with Complainant's mark as to the source of the website and the services promoted on it and to deceive them into making advance payments.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **MAERSK-CARGO.COM**: Transferred

PANELLISTS

Name	**Jonathan Turner**

DATE OF PANEL DECISION 2016-11-10

Publish the Decision