Decision for dispute CAC-UDRP-101307

Case number	CAC-UDRP-101307
Time of filing	2016-09-30 10:50:49
Domain names	riemann.info

Case administrator

Name	Aneta Jelenová (Case admin)

Complainant

Organization	Riemann Trading ApS

Complainant representative

Organization	BrandIT GmbH

Respondent

Organization	Domain Admin, NameNation.com

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) RIEMANN (word mark) EUTM 227835 registered 13/5/1998;
(ii) RIEMANN P20 (device mark) International Mark 999404, designating USA, registered 28/2/2009;
(iii) RIEMANN P20 (device mark) US trademark 3784953, registered 4/5/2010.

FACTUAL BACKGROUND

The Complainant was founded in 1979 in Denmark by Claus Riemann. The company currently focuses on two successful niche brands, an antiperspirant “Perspirex”, and a sunscreen “P20”.

The disputed domain name was registered on 1 May 2016 and is pointed to a web page which displays sponsored links to websites promoting products competing with the Complainant's.

The Complainant sent a cease and desist letter to the Respondent and several reminders but received no reply.

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 disputed domain name consists of the Complainant's registered mark together with the generic top level domain suffix.

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, nor is it making a legitimate non-commercial or fair use of the disputed domain name. The Respondent is not commonly known by the disputed domain name.

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). The Respondent has used the disputed domain name intentionally to attract Internet users to its web page for commercial gain in the form of click-through commissions on sponsored links, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation or endorsement of this web page and products promoted on it. The presumption in paragraph 4(b)(iv) of the UDRP applies and there is no evidence displacing 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

Domain name consists of Complainant's registered mark and gTLD suffix. Respondent is using it for web page with sponsored links to Respondent's competitors. Paragraph 4(b)(iv) of the UDRP applies.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **RIEMANN.INFO**: Transferred

PANELLISTS

Name	**Jonathan Turner**

DATE OF PANEL DECISION 2016-11-10

Publish the Decision