Decision for dispute CAC-UDRP-101491

Case number	CAC-UDRP-101491
Time of filing	2017-04-03 12:23:32
Domain names	wwwcourir.com

Case administrator

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

Complainant

Organization	GROUPE GO SPORT

Complainant representative

Organization	CLAIRMONT AVOCATS - Me Alexandre NAPPEY

Respondent

Name	GAO LEI

OTHER LEGAL PROCEEDINGS

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

IDENTIFICATION OF RIGHTS

The Complainant is the proprietor of the following registered trademarks for the word COURIR in classes 25 and 28:

- French trademark no. 1584120 filed on 26 March 1990

- French trademark no. 3436564 filed on 22 June 2006

- International trademark no. 941035 filed on 25 September 2007

The Complainant is also the proprietor of EU trademark no. 6848881 filed on 4 April 2008 for a logo consisting primarily of the word COURIR in classes 25 and 28.

FACTUAL BACKGROUND

The Complainant is a major French company specialized in the distribution of sporting and leisure goods. It operates two networks of stores: GROUPE GO SPORT, created in 1978 and COURIR, created in 1980. At the end of 2015, the COURIR brand had 174 individual stores and 23 affiliated stores in metropolitan France, as well as 11 franchised retail outlets in Morocco,

Ivory Coast, Reunion Island, Abu Dhabi, Israel, Egypt, Kuwait and Saudi Arabia.

The Complainant is the registered owner of a large number of trademarks consisting or including the wording COURIR in France and abroad. The most relevant are identified above. These rights have been continuously used in commerce since their registration. The Complainant also offers its sporting and leisure goods for sale online through its official website located at http://www.courir.com.

According to the WHOIS database, the current registrant of the domain name in dispute is GAO LEI and is based in China.

The Respondent has no relationship with the Complainant. At the date of the Complaint, the disputed domain name <WWWCOURIR.COM> resolved to a website offering pornographic and obscene content as well as online gaming.

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 UDRP 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 disputed domain name (within the meaning of paragraph 4(a)(ii)of UDRP Policy).

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii)of UDRP 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 Complainant has longstanding registered rights in the mark COURIR. It also has a substantial business and reputation under this mark. The disputed domain name is confusingly similar to this mark, which it incorporates in its entirety. Internet users are liable to type the disputed domain name by mistake instead of the address of the Complainant's website, www.courir.com, by omitting the full stop after the prefix www.

The Complainant has no rights of legitimate interests in respect of the disputed domain name. He has not made or prepared to make a bona fide offering of goods or services using the disputed domain name, nor any fair or legitimate non-commercial use of it. He is not commonly known by the disputed domain name and he has no connection with the Complainant.

The domain name was registered and is being used in bad faith. In particular, by using the disputed domain name, the Respondent has intentionally attempted to attract Internet users to his web site for commercial gain in the form of sales of pornographic material and online gambling, by creating a likelihood with the Complainant's mark as to his website's source, sponsorship, affiliation or endorsement. The presumption of bad faith registration and use in paragraph 4(b)(iv) of the UDRP Policy applies.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **WWWCOURIR.COM**: Transferred

PANELLISTS

Name	**Jonathan Turner**

DATE OF PANEL DECISION 2017-04-30

Publish the Decision