Decision for dispute CAC-UDRP-101476

Case number	**CAC-UDRP-101476**
Time of filing	**2017-03-28 10:41:05**
Domain names	**ekomi-it.info**

Case administrator

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

Complainant

Organization	**eKomi Ltd.**

Complainant representative

Organization	**Barzano&Zanardo Milano S.p.A.**

Respondent

Name	**Nadia Emi**

OTHER LEGAL PROCEEDINGS

None of which the Panel is aware.

IDENTIFICATION OF RIGHTS

Various marks that comprise or incorporate the term EKOMI, including:

-EKOMI, EU Registration No. 011352788, filed on November 16, 2012 and registered on April 18, 2013, in class 35; class 38; class 42 and class 45; and

-EKOMI, IR Registration No. 1167749, designating inter alia, United States, of May 16, 2013, in connection with in class 35; class 38; class 42; and class 45.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

I. The Complainant

The Complainant eKomi, is one of the largest European independent provider of transaction-based reviews & ratings. Ekomi became a Google worldwide partner and currently has over 250 employees all over the world. The Complainant headquarters

are in Berlin, Germany and Los Angeles, California while other Offices are based in London, Paris, Madrid, and San Francisco.

To date eKomi has gathered and published over 40,000,000 reviews for customers. More than 14,000 companies think that eKomi´s social commerce solution enables trust, increases sales and reduces returns.

Ekomi is active in more than 26 countries all over the world through its website (http://www.ekomi.com/ The Complainant is also active in the main social networks, among which, we cite: facebook (https://it-it.facebook.com/, twitter (https://twitter.com/ and linkedin (https://www.linkedin.com/).

II. The disputed domain name

The disputed domain name, <ekomi-it.info> was registered on March 30, 2016. Since its creation, the disputed domain name directed to a website which reproduced a substantial portion of the Italian version of the Complainant's official website, adopting the same format and wording.

The disputed domain name was and still is registered through a proxy service, namely Domains By Proxy, LLC, so that the real owner is not disclosed. The Complainant has first approached the disputed domain name's web hoster (Go Daddy) asking to deactivate the website, which was actually done by Go Daddy. Later, the Complainant discovered the following page http://ekomi-it.info/ which proved that the disputed domain name was still active. In particular, this page shows that the fake site applies the eKomi ratings to specific companies. Therefore, the Complainant again approached GoDaddy, which only recently has deactivated also this link.

At the same time, the Complainant contacted the formal owner of the disputed domain name, namely Domains by Proxy, asking the cancellation of the disputed domain name. Domains by Proxy refused to do so, but, in turn, provided the information on the real owner of the disputed domain name, namely Nadia Emi, with an address in Rome. The Complainant has attempted to contact, through its counselors, the real Registrant of the disputed domain name, by sending a cease and desist letter. The letter was sent through ordinary postal office (but was returned due to unknown recipient) and by email, without receiving any reply.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT 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 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 the 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 the UDRP Policy).

PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under UDRP Policy were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

The disputed domain name comprises the entirety of the Complainant's registered EU trademark combined with the text "-it", and Top-Level Domain ".info". The Complainant has thereby clearly demonstrated that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights (see, for example, Research in Motion Limited v. One Star Global LLC, WIPO Case No. D2009-0227).

Further, the Panel accepts that the disputed domain name was registered and has been used falsely to impersonate the Complainant, including by reproducing on a web page operating from the disputed domain name large parts of the Italian version of the Complainant's website. There is no right or legitimate interest in the use of a domain name for such impersonation and such registration and use is in bad faith (see, for example, IM Production v. Wen Dong Wang, WIPO Case No. D2017-0062).

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **EKOMI-IT.INFO**: Transferred

PANELLISTS

Name	**Matthew Harris**

DATE OF PANEL DECISION 2017-05-05

Publish the Decision