Decision for dispute CAC-UDRP-101504

Case number	CAC-UDRP-101504
Time of filing	2017-04-12 10:07:09
Domain names	salomontaiwan.com

Case administrator

Name	Aneta Jelenová (Case admin)

Complainant

Organization	SALOMON SAS

Complainant representative

Organization	Nameshield (Maxime Benoist)

Respondent

Organization	TJJT / wang nima

OTHER LEGAL PROCEEDINGS

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

IDENTIFICATION OF RIGHTS

The Complainant is the owner of various "SALOMON" trademarks, including the international trademark registration no. 375807, registered on November 24, 1970, covering various goods and services in International classes 09, 12, 22, 25, 28, and 40.

The Disputed domain name was registered on April 04, 2016, i.e. the Complainant’s trademark predates the registration of the disputed domain name.

FACTUAL BACKGROUND

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

Founded in France in 1947, the Complainant produces sports equipment for various markets, including trail running, hiking, climbing, adventure racing, skiing and snowboarding in over 40 countries. In addition to its trademarks, the Complainant owns and uses various domain names which include the word “SALOMON”, inter alia the domain names <salomon.tw> and <salomon.com>

The Respondent uses the Disputed domain name <salomontaiwan.com > to automatically forward web users to the address <www.salomontw.net>. This address resolves to an active website in English and Chinese, prominently featuring the Complainant's word and figurative marks and offering “Salomon” branded sports shoes for sale. The footer of this website reads "(c) 2017 www.salomontw.net. Powered by Salomon". This Respondent website is identical to the website previously operated by the same Respondent under the domain name <salomontw.COM>, which was subject of the earlier CAC Case No. 101284.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown that 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). Apart from the descriptive geographical suffix "taiwan" the Disputed domain name is identical to the Complainant’s protected brand name "SALOMON".

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown that the Respondent has no rights or legitimate interests in respect of the Disputed domain name (within the meaning of paragraph 4(a)(ii)of the Policy). The Disputed domain name is not being used to host a legitimate site, but rather used for a site that falsely pretends to be “Powered by Salomon", i.e. falsely pretends to be operated by the Complainant.

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). By using the Disputed domain name to redirect internet users to the web site described above the Respondent intentionally attempts to attract, for commercial gain, internet users to an unauthorized online shop by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of this web site.

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 fully agrees with the panelist Alan Limbury’s reasoning in his earlier panel decision in CAC case no. 101284 regarding <salomontw.com>. Except for a slight difference in the spelling of the Disputed domain name the parties and the facts of both cases are completely identical.

The Panel particularly finds that the Disputed domain name is confusingly similar to the Complainant's trademark cited above. The only difference between the Disputed domain name and the "SALOMON" mark is the descriptive geographic suffix "TAIWAN", which is insignificant to the overall impression.

The Panel also finds that the Complainant successfully submitted prima facie evidence that the Respondent has made no use of, or demonstrable preparations to use, the Disputed domain name in connection with a bona fide offering of goods or services, nor is the Respondent making a legitimate non-commercial or fair use of the Disputed domain name, nor is the Respondent commonly known under the Disputed domain name. This prima facie evidence was not challenged by the Respondent.

In the absence of a Response, the Panel infers that the Respondent had the Complainant's trademark in mind when registering and using the Disputed domain name as described above, which was therefore registered and is being 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. **SALOMONTAIWAN.COM**: Transferred

PANELLISTS

Name	**Dr. Thomas Schafft**

DATE OF PANEL DECISION 2017-05-17

Publish the Decision