# Decision for dispute CAC-UDRP-101514

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| Case number | CAC-UDRP-101514 |
| Time of filing | 2017-05-29 14:43:09 |
| Domain names | postabiztosito.com |

## Case administrator

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| Name | Aneta Jelenová (Case admin) |

## Complainant

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| Organization | MAGYAR POSTA BIZTOSÍTÓ Zrt. |

## Complainant representative

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| Organization | Mayer és Társai Ügyvédi Iroda |

## Respondent

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| Name | Antony Mann |

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings.

IDENTIFICATION OF RIGHTS

According to the evidence submitted by Complainant, Complainant is the owner of the following Hungarian figurative trademark: POSTA BIZTOSÍTÓ, number 186798, case no. M0502366, filing date 15 July 2005 and date of registration 17 October 2006.

FACTUAL BACKGROUND

According to the information provided Complainant provides insurance services, was founded in 2002 and is widely known in Hungary as Posta Biztosito.

The disputed domain name, <postabiztosito.com>, was registered on 15 February 2017. According to an informal nonstandard communication sent by Respondent on 7 June 2017, the website to which the disputed domain name resolves is used to post judgements of court cases against Complainant.

The trademark registration of Complainant has been issued prior to the registration of the disputed domain name.

According to Complainant the disputed domain name is identical to Complainant's trademark.

According to Complainant, Respondent has no rights or legitimate interest in the disputed domain name. Complainant has never licensed or otherwise authorized Respondent to use the trademark of Complainant. Respondent uses the disputed domain name to divert consumers to his own website under the disputed domain name where unlawful information is found about Complainant in order to injure Complainant's reputation. Respondent is not known under the term "postabiztosito" and Complainant has no business relationship with Respondent and finally, has not authorized or licensed Respondent neither to use its POSTA BIZTOSITO trademark nor to register the disputed domain name.

According to Complainant the disputed domain name is registered and is being used in bad faith. Respondent serves unlawful information under the disputed domain name. Consumers who are seeking Complainant's services are confused between Complainant's website under the domain name “postabiztosito.hu” and the website of Respondent using the disputed domain name <postabiztosito.com> and they may also find injurious and libelous content that violates Complainant's rights. The content served by Respondent under the disputed domain name is able to injure the reputation of Complainant.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

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 Complainant has rights (within the meaning of paragraph 4(a)(i)of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

Complainant has, to the satisfaction of the Panel, shown 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).

BAD FAITH

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 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

In the opinion of the Panel the disputed domain name is identical to Complainant's POSTA BIZTOSITO trademark (Policy, Par. 4(a)(i)). Many UDRP decisions have found that a disputed domain name is identical or confusingly similar to a complainant’s trademark where the disputed domain name incorporates the complainant’s trademark or the principal part thereof in its entirety. The POSTA BIZTOSITO trademark of Complainant predates by many years the registration date of the disputed domain name.

In the opinion of the Panel Complainant has made a prima facie case that Respondent lacks rights or legitimate interest in the disputed domain name. Complainant has not licensed or otherwise permitted Respondent to use its trademark or to register the disputed domain name incorporating its mark. Respondent is not commonly known by the disputed domain name nor has it acquired trademark rights. Complainant has no relationship with Respondent. Respondent did not submit any formal response. In its informal email communication of 7 June 2017 Respondent stated that the intention with respect to the disputed domain name was to post court judgments against Complainant.
In the view of the Panel the right to criticize by posting court judgments does not extend to the registration and use of the disputed domain name that is identical to the trademark of Complainant. This is especially the case where Respondent is using the trademark of Complainant alone as the disputed domain name.

Under these circumstances, the Panel finds that Respondent has no rights or legitimate interests in the disputed domain name (Policy, Par. 4(a)(ii)).

The Panel finds that the disputed domain name has been registered and is being used in bad faith (Policy, Par. 4(a)(iii)). The trademark of Complainant has been existing for a long time. Respondent knew or should have known that the disputed domain name included Complainant's trademark. In addition, in its informal communication Respondent acknowledged that the use of the website to which the disputed domain name resolves was intended to harm the reputation of Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **POSTABIZTOSITO.COM**: Transferred

## PANELLISTS

| Name | **Dinant T.L. Oosterbaan** |
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DATE OF PANEL DECISION 2017-06-26

Publish the Decision