Decision for dispute CAC-UDRP-101615

Case number	CAC-UDRP-101615
Time of filing	2017-07-25 10:20:14
Domain names	JODECAUX.COM

Case administrator

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

Complainant

Organization	JCDECAUX SA

Complainant representative

Organization	Nameshield (Maxime Benoist)

Respondent

Organization	Olivia Shpiruk

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings pending or decided between the same parties and relating to the Disputed Domain Name.

IDENTIFICATION OF RIGHTS

The Complainant is the registered owner of several trademark registrations consisting of the term “JCDECAUX”, in particular international trademark registration “JCDecaux” No. 803987, registered on 27.11.2001 with scope of protection for several countries worldwide for goods and services in classes 6, 9, 11, 19, 20, 35, 37, 38, 39, 41 and 42.

FACTUAL BACKGROUND

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

1.
The Complainant is active in the outdoor advertising since 1964. It employs a total of 12,000 people and is present in more than 60 different countries and 3,700 cities. The Complainant is also the owner of a large domain name portfolio, including the wording JCDECAUX, such as <jcdecaux.com> registered since 1997.

2.

It results from the registrar verification that the Respondent registered the Disputed Domain Name <jodecaux.com> on 10.07.2017. This website resolves to a placeholder page ("this site is temporarily unavailable") with information on the services of a commercial internet service provider.

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 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 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 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

1.
The Panel finds that the Disputed Domain Name <jodecaux.com> is confusingly similar to the Complainant’s trademark.

As a matter of fact, it reflects the Complainant’s trademark “JCDecaux” almost identically, merely substituting the letter “c” contained therein by an “o”. The Panel considers this misspelling as not being sufficient to render the Disputed Domain Name dissimilar to Complainant’s registered trademark.

2.
In the absence of any Response, or any other information from the Respondent indicating the contrary, the Panel further holds that the Complainant successfully presented its prima facie case and that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name.

In particular, the Respondent is neither affiliated with nor authorized by the Complainant in any way, and is not related in any way to the Complainant’s business. Moreover, the Respondent has not demonstrated any preparations to use the Disputed Domain Name in connection with a bona fide offering of goods or services; in fact the Disputed Domain Name does currently not lead to a true internet presence. Therefore, the Panel is of the view that the Respondent registered the Disputed Domain Name with the intention to obtain financial advantage from the similarity between the Disputed Domain Name and the Complainant's trademark.

3.
Finally, the Panel finds that the Disputed Domain Name has been registered and is being used in bad faith.

In fact, the Respondent has intentionally registered the Disputed Domain Name which reproduces the Complainant’s trademark with a typo (“o” instead of “c”). The Panel holds that the use of such misspelling is intended to confuse the users and therefore indicates bad faith. This result is confirmed by previous panels (see CAC Case no. 100740 <ARCELORNNITTAL.COM>). In addition, the Panel notes that Complainant’s mark is deemed well-known and highly

distinctive. Therefore, it is the view of this Panel that Respondent knew or should have known that the Disputed Domain Name is highly similar to the Complainant's trademark when registering the Disputed Domain Name. Registration of a confusingly similar domain name in awareness of a reputed trademark and in the absence of rights or legitimate interests amounts to registration in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **JODECAUX.COM**: Transferred

PANELLISTS

Name	**Dr. Tobias Malte Müller**

DATE OF PANEL DECISION 2017-09-07

Publish the Decision