# Decision for dispute CAC-UDRP-101662

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| Case number | CAC-UDRP-101662 |
| Time of filing | 2017-08-30 14:24:16 |
| Domain names | divastash.com |

## Case administrator

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| Name | Aneta Jelenová (Case admin) |

## Complainant

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| Name | KAMAL HAJIRI |

## Respondent

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| Organization | HOME OF DOMAINS |

OTHER LEGAL PROCEEDINGS

None.

IDENTIFICATION OF RIGHTS

EU trademark no. 016917536: figurative mark comprising a butterfly image and the words DIVA STASH in classes 18, 20, 21; application date 24 June 2017, publication date 5 July 2017, registration date 12 October 2017.

FACTUAL BACKGROUND

The Respondent registered the disputed domain name on 24 June 2017 and has offered it for sale for $950. The Respondent has not otherwise used the disputed domain name or any corresponding name.

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 the Policy), although the Complainant only acquired such rights when its trademark application was granted on 12 October 2017, subsequent to the filing of the Complaint and the appointment of the Panel.

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 not 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). The Respondent registered the disputed domain name on the same date as the Complainant filed the trademark application relied upon and before that application was published. The Complainant states that the name "DIVASTASH" was not used commercially and not known to the public before publication of the trademark application on 5 July 2017. There is no evidence that the Respondent could have known of the Complainant's interest in the trademark or in the name "DIVA STASH" when it registered the disputed domain name. Although the Respondent has offered the disputed domain name for sale, there is no evidence that it registered the domain name for the purpose of selling it to the Complainant or a competitor of the Complainant within the meaning of paragraph 4(b)(i) of the UDRP or has otherwise acted in bad faith.

PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under UDRP were met once the complaint was amended following an indication from the CAC.

PRINCIPAL REASONS FOR THE DECISION

No evidence of bad faith. Disputed domain name was registered on same date as trademark application filed and before it was published or granted.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Rejected

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

1. **DIVASTASH.COM**: Remaining with the Respondent

## PANELLISTS

| Name | **Jonathan Turner** |
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DATE OF PANEL DECISION 2017-10-14

Publish the Decision