Decision for dispute CAC-UDRP-101665

Case number	CAC-UDRP-101665
Time of filing	2017-09-15 11:20:06
Domain names	uophelp.com

Case administrator

Name	Aneta Jelenová (Case admin)

Complainant

Organization	Apollo Education Group, Inc.

Complainant representative

Organization	RODENBAUGH LAW

Respondent

Name	Vikash Ranaram

OTHER LEGAL PROCEEDINGS

There is no information about other legal proceedings the Panel is aware of which are pending or decided and which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

Complainant has continually used the UNIVERSITY OF PHOENIX trademark in commerce since as least 1980. Since that time, Complainant has also extensively used in commerce the UOPX and UNIVERSITY OF PHOENIX logo marks. Complainant has registered all of those marks with the United States PTO, to wit:

UNIVERSITY OF PHOENIX, Reg. No. 1540927, date of frst use June 16, 1980, reg. date May 23, 1989;
UOPX, Reg. No. 3716563, date of first use July 17, 2009, reg. date Nov. 24, 2009;
UNIVERSITY OF PHOENIX (logo), Reg. No. 2089210, date of first use Aug. 1, 1989, reg. date Aug. 19, 1997;
UNIVERSITY OF PHOENIX (logo), Reg. No. 3431022, date of first use Sept. 1995, reg. date May 20, 2008;
UNIVERSITY OF PHOENIX (logo), Reg. No. 3988757, date of first use July 9, 2010, reg. date June 5, 2011.

FACTUAL BACKGROUND

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

No administratively compliant Response has been filed. As such, the Panel omits the Complainant’s contentions.

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

The Panel finds that the disputed domain name <UOPHELP.COM> incorporates the Complainant's trademark in its entirety and the disputed domain name <UOPHELP.COM> is confusingly similar to the Complainant's trademark. 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).

The Complainant contends that the Respondent has made no use of, or demonstrable preparations to use, neither of the domain name in connection with a bona fide offering of goods or services, is not making a legitimate non-commercial or fair use of the disputed domain name, and is not commonly known under the disputed domain name. The Panel notes that the domain name's holder's name or contact details contain no reference to UOPHELP or similar word or name. In lack of any Response from the Respondent, or any other information indicating the contrary, the Panel concludes that the Respondent has no rights or legitimate interests in respect of <UOPHELP.COM>. 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).

The Complainant also proved that the Respondent intentionally attempted to divert Internet users by creating likelihood of confusion; Respondent registered the disputed domain name primarily for the purpose of disrupting Complainant's business.
Respondent was or should have been aware of Complainant's rights in the University of Phoenix and UOPX marks and registered the disputed domain in bad faith. These facts, including the absence of a Response on the part of Respondent also confirm that the domain name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii)of the Policy).

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **UOPHELP.COM**: Transferred

PANELLISTS

Name	**Mr. Ho-Hyun Nahm, Esq.**

DATE OF PANEL DECISION 2017-10-15