Decision for dispute CAC-UDRP-101661

Case number	**CAC-UDRP-101661**
Time of filing	**2017-09-25 13:55:06**
Domain names	**avgcustomersupport.com**

Case administrator

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

Complainant

Organization	**AVAST Software B.V.**

Complainant representative

Organization	**Rudolf Leška, advokát**

Respondent

Name	**Waseem Shafi**

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 amongst others international verbal trademark registration “AVG” No. 930231, registered on 2.2.2007 designating several countries worldwide (i.e. AU, JP, KR, NO, SG, TR and by virtue of Article 9sexies of the Madrid Protocol also for CH, CN, HR, ME, RS, UA) for goods and services in classes 9 (software), 37 (repair and maintenance of computer) and 42 (consultancy in the area of software and hardware, installation, updating, renewal and maintenance of computer software).

FACTUAL BACKGROUND

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

1.
The Complainant provides antivirus software since 1991 with currently more than 200 million users worldwide. The Complainant distributes its antivirus software via its website www.avg.com (registered since 1.11.1994). Through this website, the Complainant also provides customer support.

2.
It results from the registrar verification that the Respondent registered the Disputed Domain Name on 9.2.2016.

The Disputed Domain Name resolves to a website offering “AVG Support” namely paid services regarding to the Complainant's customers such as installation or uninstallation of an existing version of AVG Antivirus, upgrades, renewal of existing antivirus subscription, activation of antivirus products, technical support. This website also displays the Complainant’s device logo.

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 <avgcustomersupport.com> is confusingly similar to the Complainant’s trademark, since it consists of the Complainant’s trademark “AVG” placed at the beginning of the Disputed Domain Name and combined with the generic terms "customer” and “support" that are descriptive and therefore likely to increase the possibility of confusion amongst consumers.

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 resolve to a commercial website offering services in connection with the Complainant’s products and displaying the Complainant’s logo as if it was an official website linked to the Complainant. The Panel therefore shares the Complainant’s 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 identically.

In addition, the Panel notes that Complainant's mark is deemed well-known and highly distinctive. Furthermore, the content of the website is clearly designed as a customer support page related to the Complainant, its products and trademarks. In the light of these facts and in the absence of any allegations and explanations from the Respondent indicating the contrary, the Panel has no doubts that Respondent actually knew 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. **AVGCUSTOMERSUPPORT.COM**: Transferred

PANELLISTS

Name	**Dr. Tobias Malte Müller**

DATE OF PANEL DECISION 2017-11-08

Publish the Decision