Decision for dispute CAC-UDRP-101754

Case number	CAC-UDRP-101754
Time of filing	2017-11-01 11:09:40
Domain names	cointreauus.com

Case administrator

Name	Aneta Jelenová (Case admin)

Complainant

Organization	COINTREAU

Complainant representative

Organization	Nameshield (Laurent Becker)

Respondent

Organization	CHINA CAPITAL INVESTMENT LIMITED

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 containing and or consisting of the term “COINTREAU” in particular international trademark no. 1184937 (designating also China) registered on 25.02.2013 for goods and services in classes 30, 33 and 41 (and also international word mark no. 224329 registered on 02.10.1959). Moreover, it is the owner of various domain names including the term “COINTREAU”, in particular <www.cointreau.com> created on 11.10.1995.

FACTUAL BACKGROUND

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

The Complainant was founded in 1849 in Angers (France) by Adolphe Cointreau, a confectioner, and his brother Edouard-Jean Cointreau. It produces a liqueur made of orange peels. The Complainant further contends that its distinctive trademark “COINTREAU” is well-known in the world.

The Disputed Domain Name <cointreauus.com> has been registered on 09.10.2017 and resolves to a parking webpage with

commercial links.

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 <cointreauus.com> is confusingly similar to the Complainant's trademarks. Many Panels have found that a disputed domain name is confusingly similar to a complainant's trademark where the disputed domain name incorporates the complainant's trademark in its entirety. This is the case in the case at issue where the Complainant's registered trademark "COINTREAU" is fully included in the Disputed Domain Name.

Furthermore, it is the view of this Panel that the addition of the geographic indication "us" does not add distinctive matter so as to distinguish it from Complainant's trademark. Previous panels have found that the addition of a geographic indication to a distinctive trademark does not diminish the distinctiveness of the trademark. In this particular case, this term rather leads to confusing the Internet users who will think that the website triggered through the disputed domain name may represent the US-American branch of the Complainant's business.

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 <cointreauus.com>.

In particular, the Respondent is not affiliated with nor authorized by the Complainant in any way, and he is not related in any way to the Complainant's business. In addition, the Respondent is not commonly known by the Disputed Domain Name. Finally, the website to which the Disputed Domain Name resolves is a parking page displaying sponsored links. Such use can neither be considered as bona fide offering of goods or services nor a legitimate non-commercial or fair use of the Disputed Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

3. Finally, the Panel finds that the Disputed Domain Name has been registered and is being used in bad faith.
The Complainant has been established more than a century ago and has a worldwide reputation for the production and commercialization of a liqueur and its trademarks have existed for a long time. Therefore, it is the view of this Panel that the Respondent has intentionally registered the Disputed Domain Name which totally reproduces the Complainant's trademark "COINTREAU". By the time the Disputed Domain Name was registered, it is unlikely that the Respondent did not have knowledge of the Complainant's rights on its trademarks. The Complainant also proved that the Respondent is using the

Disputed Domain Name to lead to a parking page, displaying sponsored links. These facts, including the failure to submit a response also confirm that the Disputed Domain Name is used to intentionally attempt to attract, for commercial gain, Internet users to the Respondent's web site or other on-line location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's web site or location, or of a product or service on the Respondent's web site or location.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **COINTREAUUS.COM**: Transferred

PANELLISTS

Name	**Dr. Federica Togo**

DATE OF PANEL DECISION 2017-12-11

Publish the Decision