# Decision for dispute CAC-UDRP-101853

| | |
|---|---|
| Case number | **CAC-UDRP-101853** |
| Time of filing | **2018-01-24 09:41:17** |
| Domain names | **eular18.com, eular18.org** |

## Case administrator

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

## Complainant

| | |
|---|---|
| Organization | **European League Against Rheumatism** |

## Complainant representative

| | |
|---|---|
| Organization | **BrandIT GmbH** |

## Respondent

| | |
|---|---|
| Name | **Atul Shukla** |

OTHER LEGAL PROCEEDINGS

None of which the Panel is aware.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of various registered trade mark around the world that incorporate the term "EULAR". They include:

USA TRADEMARK: EULAR
Reg: 5093368
Class: 09, 16, 35, 36, 38, 41, 42, 43 & 45
Date of Registration: 06.12.2016

SWISS TRADEMARK: EULAR
Reg: No. 678360
Class: 09, 16, 35, 36, 38, 41, 42, 43 & 45
Date of Registration: 25.09.2015

FACTUAL BACKGROUND

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

The European League Against Rheumatism (hereinafter “EULAR”) is the organisation which represents the patient, health professional and scientific societies of rheumatology of all the European nations. EULAR endeavours to stimulate, promote, and support the research, prevention, treatment and rehabilitation of rheumatic diseases. EULAR operates under the domain name <eular.org>.

EULAR is a truly pan-European organisation fostering a multitude of activities in areas of research, patient care, and education. To manage and promote its goals effectively, EULAR has set up a structure of committees and managerial bodies.

EULAR is set up of four types of institutional members: scientific societies, national organisations of people with arthritis/rheumatism and health professionals as well as corporate members.

With 45 scientific member societies, 36 PARE organisations and 25 health professionals associations, EULAR underscores the importance of combating rheumatic diseases not only by medical means, but also through a wider context of care for rheumatic patients and a thorough understanding of their social and other needs. 24 corporate members support EULAR financially with their membership fees.

Only one organisation from any one country is accepted as its representative.

The next EULAR Annual European Congress of Rheumatology will take place from 13–16 June 2018 in Amsterdam, Netherlands. The annual EULAR Congress continues to be a major event in the calendar of world rheumatology and Amsterdam 2018 will again provide an unique event for the exchange of scientific and clinical information tissue, locomotor and musculoskeletal systems. The official page regarding the Congress can be found in the following link www.congress.eular.org.

The Complainant has registered a number of domain names under generic Top-Level Domains ("gTLD") and country-code Top-Level Domains ("ccTLD") containing the term “EULAR”, for example, <eular.org> (created on April 02, 1996), <eular2018.com> (created on April 25, 1998). The Complainant uses these domain names to connect to a website through which it informs potential customers about its EULAR mark and its products and services.

The domain names <eular18.com> and <eular18.org> (hereinafter referred to as the “Domain Names”), which both were registered on 08.12.2017.

THE WEBSITES

1. The disputed domain name <eular18.com>

The Domain Name is pointing to pay-per-click (“PPC”) website where Internet visitors find related links to Complainant’s products and trademarks (see for example the advertisement placed at the Disputed Domain Name for “EULA”).

2. The disputed domain name <eular18.org>

Respondent is using the above Domain Name to attract internet users to its website where they are promoting the coming EULAR Annual European Congress of Rheumatology which will take place from 13–16 June 2018 in Amsterdam, Netherlands under the name of the Complainant without any authorization to do so. On their website, Respondent states “EULAR 2018 – European League Against Rheumatism”. Respondent has connected the Domain Name to a website which has the look and feel of an official EULAR domain name, however, the Complainant has not authorized in any way the Respondent to use any of its intellectual property rights as well as any other rights. Furthermore, the use of the word EULARS (i) in the Domain Name, (ii) in the e-mail address of info@eular18.com which is added as contact e-mail on the website and (iii) also in the text of the website multiple times in bold letters further create the impression that here is some official or authorized link with the Complainant for the purposes of promoting the coming Congress as well as to offer hotel

accomodation & flight enquiries. In addition, the website requests sensitive information (e-mail address, name, phone) from internet users for purposes of contacting the Respondent.

Respondent's use of the Domain Name creates an overall impression that they are the Complainant.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain names are 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 names (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 names have been registered and are 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

Each of the disputed domain names (the "Domain Names") incorporates the Complainant's registered trade mark in its entirety. The addition of the numbers "18" in each of the Domain Names does not detract from the similarity of the trade mark and each Domain Names. On the contrary, this would be likely to be understood (and the Panel concludes it was the Respondent’s intention that it would be understood) as a reference to the date 2018 and in particular the conference held by the Complainant on that date. In the circumstances, each of the Domain Names is clearly confusingly similar to a registered trade mark in which the Complainant has rights and the Complainant has made out paragraph 4(a)(i) of the Policy.

So far as rights or legitimate interests and bad faith are concerned, it is convenient to first consider <eular18.org>. The Panel accepts that this Domain Name has been registered and is being used for a website that impersonates the Complainant for the purposes of offering travel and accommodation services associated with the Complainant’s 2018 conference in Amsterdam. There is no right or legitimate interest in holding a domain name for the purposes of impersonation of another entity and registration and use for such a purpose clearly constitutes bad faith (see, for example, Weber-Stephen Products LLC v. WhoisGuard Protected, WhoisGuard, Inc. / Daniela Gebauer, Kitchenhelpers GmbH WIPO Case No. D2017-0118).

The second Domain Name, <eular18.com>, is instead being used for a pay per click ("PPC") page. However, it was registered by the same person and at the same time as the Domain Name <eular18.org>. In the circumstances, and given the nature of the Domain Name itself, the Panel is satisfied that it was registered and is being held with the intention of taking unfair advantage of the Complainant’s marks (whether by generating PPC revenue, in connection with the Respondent’s impersonation of the Complainant or otherwise). Accordingly, the Respondent has no right or legitimate interest in the Domain Names and the registration and use of the Domain Names is in bad faith.

In the circumstances, the Complainant has also made out in respect of each Domain Name paragraphs 4(a)(ii) and 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. **EULAR18.COM**: Transferred
2. **EULAR18.ORG**: Transferred

## PANELLISTS

| Name | **Matthew Harris** |
|---|---|

DATE OF PANEL DECISION 2018-02-27

Publish the Decision