Decision for dispute CAC-UDRP-101919

Case number	CAC-UDRP-101919
Time of filing	2018-03-19 09:54:01
Domain names	jcdaceux.com

Case administrator

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

Complainant

Organization	JCDECAUX SA

Complainant representative

Organization	Nameshield (Laurent Becker)

Respondent

Organization	Nil

OTHER LEGAL PROCEEDINGS

None of which the Panel is aware.

IDENTIFICATION OF RIGHTS

The Complainant is the registered owner of international trade mark registration no 803987 (based on an earlier French registration) for the work mark JCDecaux in classes 6, 9, 11, 19, 20. 35, 37, 38, 39, 41 and 42 dated 27 November 2001 and which has proceeded to grant in a number of states.

FACTUAL BACKGROUND

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

Since 1964, JCDecaux S.A. is the worldwide number one in outdoor advertising. Throughout the world, the company's success is driven by meeting the needs of local authorities and advertisers by a constant focus on innovation. For more than 50 years JCDecaux SA has been offering solutions that combine urban development and the provision of public services in approximatively 1,785 in 56 countries. The Complainant is currently the only group present in the three principal segments of outdoor advertising market: street furniture, transport advertising and billboard.

All over the world, the digital transformation is gathering pace: JCDECAUX® now have more than 49,300 screens across 30 countries in Airports, Rail and Metro Stations, Shopping Malls, on Billboards and Street Furniture.

The Group is listed on the Premier Marché of the Euronext Paris stock exchange and is part of Euronext 100 index. Employing a total of 12,000 people, the Group is present in more than 60 different countries and 3,700 cities and has generated revenues of €2,676m in 2013.

JCDecaux SA owns several trademarks “JCDECAUX” such as the international trademark registration “JCDECAUX” number 803987 registered since 2001-11-27.

JCDecaux SA is also the owner of a large domain names portfolio, including the same distinctive wording JCDECAUX ®, such as <jcdecaux.com> registered since 1997-06-23.

The disputed domain name <jcdaceux.com> was registered on February 28, 2018. The disputed domain name constitutes the misspelling of the Trademark JCDECAUX®, by the inversion of the letters “E” and “A.

The domain name is inactive since its registration.

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

The Panel accepts that this is a case of typosquatting with the disputed domain name (the "Domain Name") comprising and having been chosen and held because it comprises the Complainant's trade mark but with the letters A and E transposed and combined with the ".com" top level domain. There is no other obvious sensible reading of the Domain Name.

Given this it follows that the Domain Name is confusingly similar to the Complainant's registered trade mark (see paragraph 1.9 of the WIPO Overview 3.0).

Also since there is no obvious legitimate reason why the Respondent would register, hold or use a Domain Name that intentionally comprises a misspelling of the Complainants mark the Panel holds that the Respondent has no rights or legitimate interests in the Domain Name and that the Domain Name has been both registered and used in bad faith. Exactly why the Domain Name was registered is not clear, but the only sensible likely explanation was that it was registered and is held with the intention of taking some form of unfair advantage of those trade mark rights. That is sufficient for a finding of bad faith registration and use (see, for example, Match.com, LP v. Bill Zag and NWLAWS.ORG, WIPO Case No. D2004-0230).

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **JCDACEUX.COM**: Transferred

PANELLISTS

Name	**Matthew Harris**

DATE OF PANEL DECISION 2018-04-16

Publish the Decision