Decision for dispute CAC-UDRP-102110

Case number	**CAC-UDRP-102110**
Time of filing	**2018-07-26 09:27:30**
Domain names	**showromprive.com**

Case administrator

Name	**Sandra Lanczová (Case admin)**

Complainant

Organization	**SHOWROOMPRIVE.COM**

Complainant representative

Organization	**Nameshield (Daria Baskova)**

Respondent

Organization	**Domain Privacy Guard Sociedad Anónima Ltd**

OTHER LEGAL PROCEEDINGS

None of which the Panel is aware.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of the several trademarks including the wording “SHOWROOMPRIVE” and “SHOWROOMPRIVE.COM”. They include:

- French trade mark SHOWROOMPRIVE No. 3494511 registered on April 13th, 2007;

- French trade mark SHOWROOMPRIVE.COM No. 3484175 registered on February 26th, 2007;

- European trade mark SHOWROOMPRIVE.COM No. 005761374 registered on March 5th, 2007.

FACTUAL BACKGROUND

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

Created in 2006, SHOWROOMPRIVE.COM (the Complainant) is an innovative European player in the online private sales. The Complainant offers a daily selection of more than 2,000 brand partners on its mobile apps or online through its main website

www.showroomprive.com in France and eight other countries. It is listed on the Euronext Paris, and reported gross turnover of over 900 million euros in 2017, corresponding to net sales of 655 million euros, up 21% versus the previous year.

The company employs more than 1,150 people

The disputed domain name <showromprive.com> was registered on March 28th, 2007.

The disputed domain name resolve to the parking page with pay-per-click 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

The disputed domain name (the "Domain Name") is clearly at least confusingly similar to a trade mark in which the Complainant has rights. In this respect the Domain Name differs from the Complainant's European Union registered trade no 005761374 by just one letter. Further, the only sensible reading of the Domain Name is as a misspelling of that mark, with a missing letter "o" in the "room" aspect of this mark.

The nature of the Domain Name, and the fact that the Domain Name has only been used to display a pay-per click page make it clear that this is a case of "typosquatting", where the Respondent has registered and then used the Domain Name because of its similarity to the mark and domain name used by the Complainant and with a view to drawing to its website those who might, for example, mistype the Complainant's internet address into a browser. Typosquatting by reference to another's mark does not provide rights or legitimate interests and also involves registration and use in bad faith (see for example, the comment in sections 2.6.2, 3.1.4 and 3.2.1 of the WIPO Overview 3.0). In this case the use made of the Domain Name also falls within the scope of paragraph 4(b)(iv) of the Policy.

Further, it would appear that whoever is actually behind the registration, that person or entity has decided to use the services of a "privacy service" that does not reveal the identity of the underlying registrant in response to a registrar verification request made in the course of UDRP proceedings. That is also an indicator of bad faith registration and use (as to which see the last paragraph of section 3.6 of the WIPO Overview 3.0 and the decision in 1IQ PTY LTD v. 1337 Services LLC WIPO Case No. D2017-2156).

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **SHOWROMPRIVE.COM**: Transferred

PANELLISTS

Name	**Matthew Harris**

DATE OF PANEL DECISION 2018-08-24

Publish the Decision