Decision for dispute CAC-UDRP-102121

Case number	CAC-UDRP-102121
Time of filing	2018-08-03 09:15:34
Domain names	ratptravelretail.com

Case administrator

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

Complainant

Organization	REGIE AUTONOME DES TRANSPORTS PARISIENS (RATP)

Complainant representative

Organization	Nameshield (Enora Millocheau)

Respondent

Name	petek sarigul

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the Disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of several trademarks “RATP”, such as the European trademark RATP n° 008945966 registered since January 31, 2011, or the International trademark RATP n° 1091607 registered since March 9, 2011.

The Complainant applied for European trademark RATP TRAVEL RETAIL on July 11, 2018.

The Complainant is also the owner of several domain names containing the trademark RATP, such as <ratp.fr>, registered and used since January 1, 1995 and <ratp.com> registered and used since January 28, 1999.

FACTUAL BACKGROUND

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

Since 1949, REGIE AUTONOME DES TRANSPORTS PARISIENS (RATP) (the Complainant) has been designing, operating and maintaining metro, rail, bus and tramway networks in the Île-de-France region and around the world, via its numerous

subsidiaries. With 16 million daily travels, RATP is the 5th largest public transport operator in the world.

The Complainant is the owner of several trademarks “RATP”, such as the European trademark RATP n° 008945966 registered since January 31, 2011, or the International trademark RATP n° 1091607 registered since March 9, 2011.

The Complainant is also the owner of several domain names containing the trademark RATP, such as <ratp.fr>, registered and used since January 1, 1995 and <ratp.com> registered and used since January 28, 1999.

The Disputed domain name was registered on July 11, 2018.

The Disputed domain name resolves to a registrar parking page.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the Disputed domain name and he is not related in any way with the Complainant. The Complainant points out, that he does not carry out any activity for, nor has any business with the Respondent.

Neither license nor authorization has been granted to the Respondent to make any use of the Complainant’s trademarks or apply for registration of the Disputed domain name by the Complainant.

The Complainant contends that the Respondent has made no demonstrable preparations to use the Disputed domain name. Therefore, the Respondent is not using the Disputed domain name for a bona fide offering of goods or services.

The Disputed domain name has been registered on the day of the filling of the corresponding trademark RATP TRAVEL RETAIL. The Complainant contends that it evinces that the Respondent has knowledge of the Complainant and its filed trademark when he registered the Disputed domain name.

On those facts, the Complainant claims that the use of the Complainant’s trademark in the Disputed domain name gives rise to the inference that the Respondent ought to have registered the Disputed domain name for its trademark value.

Moreover, the Disputed domain name redirects to a registrar parking page. The Complainant contends that the Respondent fails to make an active use of the Disputed domain name. Failure to make an active use of a Disputed domain name is an evidence of bad faith.

Therefore, the Complainant states that the Respondent has registered the Disputed domain name in order to prevent the owner of the trademark from reflecting its trademark in a corresponding domain name.

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

A. Confusingly Simular

The Complainant has rights in the mark by virtue of its registered trademark RATP.

Many UDRP 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 (e.g.Volkswagen AG v. Nowack Auto und Sport - Oliver Nowack, WIPO Case No. D2015-0070 ; Chloé S.A.S. v. DVLPMNT Marketing, Inc., WIPO Case No. 2014-0039). The Panel shares this view in the case at issue where the Complainant's registered trademark RATP is fully included in the Disputed domain name and combined with the addition of the generic term "TRAVELRETAIL", and the gTLD suffix ".com".

The Panel agrees with the Complainant that the addition of the generic term "TRAVELRETAIL" without space or hyphen at the end of the Disputed domain name and the gTLD ".com" is not sufficient to escape the finding that the Disputed domain name is confusingly similar to the Complainant's trademark and does not change the overall impression of the designation as being connected to the trademark RATP, as the trademark RATP at the more important beginning of the Disputed domain name is the only distinctive part of the Disputed domain name. Furthermore, Complainant is a public transport operator, whose services and products are related to travel and likely to be sold in retail. Therefore the generic terms are related to Complainant business and are connected and associated with the Complainant, which can not leed out of the confusing similarity between the trademark and the Disputed domain name.

Therefore the Panel finds, that the Disputed domain name is confusingly similar to the Complainant's trademark RATP.

B. Rights or Legitimate Interests

When a respondent remains completely silent in the face of a prima facie case that it lacks any rights or legitimate interests in respect of a domain name, a complainant is generally deemed to have satisfied paragraph 4(a)(ii) of the Policy. Here the Complainant has presented an abundance of evidence to show that the Respondent has no plausible right or legitimate interest in respect of the Disputed domain name and the Panel so finds.

C. Bad Faith

The Panel believes that Respondent registered the Disputed domain name with knowledge of Complainant's rights. The Disputed domain name was registered more than seven years after the registration of the trademarks and more than a decade after the domain names of the Complainant and Complainant used it widely since then.

Moreover, the Complainant also claims that the Respondent knew of Complainant's rights in the RATP trademark prior to registration of the Disputed domain name since he chose to register the Disputed domain name on the same day.

Complainant has filled the corresponding trademark RATP TRAVEL RETAIL.

The Panel agrees with these views of Complainant, because it is hard to believe that this can be a coincidence.

Finally, Complainant is a public transport operator so the generic term TRAVELRETAIL is connected to Complainant´s

business, which in the view of the Panel is also no coincidence.

Moreover, the Disputed domain name redirects to a registrar parking page and Respondent is not making an active use of the Disputed domain name.

On these grounds, the Panel concludes that the Respondent has registered and is using the Disputed domain name in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **RATPTRAVELRETAIL.COM**: Transferred

PANELLISTS

Name	**Jan Christian Schnedler, LL.M.**

DATE OF PANEL DECISION 2018-09-04

Publish the Decision