Decision for dispute CAC-UDRP-102113

Case number	CAC-UDRP-102113
Time of filing	2018-07-27 09:35:20
Domain names	ratpgroupmovingtowardsabettercity.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	suntay ozcan

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 owner of several trademark registrations consisting of the term “RATP”, in particular European Union trademark no. 008945966 registered on January 31, 2011 and International trademark no. 1091607 registered on March 9, 2011.

FACTUAL BACKGROUND

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

The Complainant is REGIE AUTONOME DES TRANSPORTS PARISIENS (RATP). It results from the Complainant’s undisputed allegations that it 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 since 1949. With 16 million daily travels, RATP is the 5th largest public transport operator in the world. 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 Complainant applied for new European trademark “RATP GROUP MOVING TOWARDS A BETTER CITY” on July 10, 2018.

The disputed domain name was registered on July 10, 2018 and resolves to a registrar parking page.

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 finds that the disputed domain name is confusingly similar to the Complainant’s trademark, as it consists of the Complainant’s trademark RATP placed at the beginning of the disputed domain name and followed by the generic terms GROUP MOVING TOWARDS A BETTER CITY. Being the Complainant a public transport operator, those generic terms are related to the Complainant business and are likely to increase the possibility of confusion amongst consumers.

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.

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.

In addition, the website to which the disputed domain name resolves is a parking page. This Panel finds that 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.

Finally, the Panel finds that the disputed domain name has been registered and is being used in bad faith.

It is the view of this Panel that the Respondent has intentionally registered the disputed domain name which totally reproduces the trademark RATP of the Complainant, that has been established many decades ago. Moreover, this trademark is followed by the generic terms GROUP MOVING TOWARDS A BETTER CITY, which are related to the Complainant’s area of activity. 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 RATP. Furthermore, the Respondent registered the disputed domain name on the same day on which the Complainant applied for its new trademark RATP GROUP MOVING TOWARDS A BETTER CITY. The

Complainant also proved that the Respondent is using the disputed domain name to lead to a parking page. These facts, including the failure to submit a response, the fact the Respondent hides its identity behind a privacy shield and the fact that the Respondent registered the disputed domain name on the same day that the Complainant applied for its new European trademark “RATP GROUP MOVING TOWARDS A BETTER CITY”, also confirm that the disputed domain name has been registered and is being used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **RATPGROUPMOVINGTOWARDSABETTERCITY.COM**: Transferred

PANELLISTS

Name	**Dr. Federica Togo**

DATE OF PANEL DECISION 2018-09-10

Publish the Decision