Decision for dispute CAC-UDRP-102119

Case number	CAC-UDRP-102119
Time of filing	2018-08-03 09:14:24
Domain names	ratprealestate.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	Sena yilmaz

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 trademark registrations, including the European trademark registration no. 008945966 "RATP", registered since January 31, 2011, and the International trademark registration no. 1091607 "RATP, registered on March 9, 2011 (hereinafter referred to as the "Trademark"). Furthermore, the Complaint applied for new European trademark RATP REAL ESTATE on July 12, 2018.

FACTUAL BACKGROUND

The Complainant is the world's 5th largest urban public transport operator, operating in 14 countries on four continents. It is operating since 1949 and today provides information on its services online under numerous domain names, such as <ratp.com> and <ratp.fr>.

The Complaint applied for the trademark "RATP REAL ESTATE" with the EUIPO on July 12, 2018. The disputed domain name was registered on the very same date and is used in connection with a parking website of the registrar.

PARTIES CONTENTIONS

PARTIES' CONTENTIONS:

COMPLAINANT:

The Complainant contends that the disputed domain name is confusingly similar to the Respondent's prior rights in the Trademark.

Furthermore, the Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. In this regard, the Complainant states that the Respondent is not commonly known by the disputed domain name, that it is not affiliated with nor authorized by the Complainant in any way, that the Complainant does not carry out any activity for, nor has any business with the Respondent, and that neither license nor authorization has been granted to the Respondent to make any use of the Trademark or apply for registration of the disputed domain name by the Complainant.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. It contends that the Respondent had knowledge of the Complainant and its filed trademark when he registered the disputed domain name and 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.

RESPONDENT:

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

Under paragraph 4(a) of the Policy, the Complainant must prove that each of the following three elements is present:

(i) the domain name is identical or confusingly similar to the Complainant's trade mark; and

(ii) the Respondent has no rights or legitimate interests in respect of the domain name; and

(iii) the domain name has been registered and is being used in bad faith.

1. The Panel accepts that the disputed domain name is confusingly similar to the Trademark as it fully includes the Trademark. It is well established that a domain name that wholly incorporates a trademark may be confusingly similar to such trademark for purposes of the Policy despite the addition of generic terms, such as "real estate".

2. The Complainant has substantiated that the Respondent has no rights or legitimate interests in the disputed domain name. The Panel finds that the Complainant has fulfilled its obligations under paragraph 4(a)(ii) of the Policy. The Respondent did not deny these assertions in any way and therefore failed to prove any rights or legitimate interests in the disputed domain name.

Based on the evidence before the Panel, the Panel cannot find any rights or legitimate interests of the Respondent either. Accordingly, the Panel finds that the Complainant has proven that the Respondent has no rights or legitimate interests in respect of the disputed domain name under paragraphs 4(a)(ii) and 4(c) of the Policy.

3.1 The Panel is satisfied that the Respondent registered the disputed domain name with full knowledge of the Complainant and its rights in the Trademark as the Trademark is highly distinctive and well-established and as the disputed domain name was registered on the very same day the Complainant filed its trademark application for "RATP REAL ESTATE" with the EUIPO.

3.2 The Panel is also satisfied that the disputed domain name is being used in bad faith under paragraph 4(b)(iv) of the Policy on the basis that the website operating under the disputed domain name is intentionally trying to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Trademark as to the source, sponsorship, affiliation, or endorsement of it.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **RATPREALESTATE.COM**: Transferred

PANELLISTS

Name	**Peter Müller**

DATE OF PANEL DECISION 2018-09-07

Publish the Decision