

## Decision for dispute CAC-UDRP-102123

Case number CAC-UDRP-102123

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Time of filing 2018-08-13 09:00:39

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Domain names ORPI-FRANCE.SITE

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### Case administrator

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

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### Complainant

Organization SOPRODEV

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### Complainant representative

Organization CABINET BEAU DE LOMENIE

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### Respondent

Organization go forcey

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#### OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings that relate to the disputed domain name.

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#### IDENTIFICATION OF RIGHTS

The Complainant is the owner of various trademark registrations for ORPI throughout the world, and notably:

In France via the trademark registrations for:

- ORPI, No. 04 3 331 385, of 23 December 2004, duly renewed in 2014, in classes 16, 35, 36, 37 and 41
- ORPI (and logo) No. 95567586, of 13 April 1995, duly renewed in 2005 and 2015, in classes 16, 35, 36, 37 and 41
- ORPI (and logo) No. 08 3 577 363, of 26 May 2008, duly renewed in 2018, in classes 16, 36, 37, 38, 41 and 45

In several other countries, including the European Union via the International Registrations designating notably the EU for ORPI (and logo) No. 986898, of 10 November 2008, under priority of the above mentioned French trademark of 26 May 2008, duly renewed in 2018, in classes 16, 36, 37, 38, 41 and 45, this International Registration also designates several other countries such as Algeria, Morocco, Monaco, Russia, Switzerland, the USA, and the same trademark is also registered abroad in numerous countries, notably Tunisia, Seychelles, Mauritius.

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#### FACTUAL BACKGROUND

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

The Complainant's trademarks were applied for and registered before the date of reservation of the disputed domain name, 20 June 2018.

The Complainant's trademarks furthermore enjoy a reputation in France and a very high degree of recognition in France in association with real estate services.

The Complainant has built a strong reputation in the ORPI name through substantial marketing and promotional activities in association with said name, through its continuous and intensive use of the ORPI name for 33 years. In 2014, with a turnover of almost 1 billion Euros, the ORPI trademark was recognized as the second most spontaneously known trademark in the field of real estate (81% of French consumer with a project of real estate acquisition knew and recognized the ORPI trademark).

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#### PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

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#### 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).

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#### 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).

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#### 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).

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#### 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.

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#### PRINCIPAL REASONS FOR THE DECISION

The disputed domain name is confusingly similar to the Complainant's ORPI trademark (registered since 2004 in relation to real estate services) adding only a hyphen, the geographical description France where the Complainant is based and the gTLD.site none of which distinguish the disputed domain name from the Complainant's trademark.

The disputed domain name registered in 2018 has been used for competing real estate services and false who is details have been provided by the Respondent.

Use of a domain name confusingly similar to a trademark for competing services is not a bona fide offering of goods and services and as it is commercial cannot be a legitimate non-commercial fair use. The Respondent is not commonly known by the disputed domain name or authorised by the Complainant to use the Complainant's mark. The Respondent does not have any rights or legitimate interests in the disputed domain name.

The disputed domain name has been used to confuse Internet users and divert them from the Complainant to the

Respondent for commercial gain in a manner such as to disrupt the business of a competitor. In addition false contact details have been provided for the Who is data. As such the Panel holds that the Respondent has registered and used the disputed domain name in bad faith.

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FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

**Accepted**

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

1. **ORPI-FRANCE.SITE**: Transferred
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## **PANELLISTS**

<b>Name</b>	<b>Dawn Osborne</b>
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DATE OF PANEL DECISION **2018-09-13**

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**Publish the Decision**

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