Decision for dispute CAC-UDRP-102209

Case number	CAC-UDRP-102209
Time of filing	2018-10-29 11:30:26
Domain names	jcdescaux.com

Case administrator

Name	Šárka Glasslová (Case admin)

Complainant

Organization	JCDECAUX SA

Complainant representative

Organization	Nameshield (Enora Millocheau)

Respondent

Name	Russell Juliano

OTHER LEGAL PROCEEDINGS

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

IDENTIFICATION OF RIGHTS

The Complainant relies on its international trademark registration no. 803987 of the mark JCDECAUX registered pursuant to an application dated 27 November 2001.

FACTUAL BACKGROUND

The Complainant is the leading international company in the provision of facilities for outdoor advertising. The business has operated for 50 years and now employs over 13,000 people in more than 80 countries. It has over 1 million advertising panels in airports, railway stations, malls, billboards and street furniture. Its revenue in 2017 exceeded 3.4 billion euros.

The disputed domain name resolves to a parking page.

PARTIES CONTENTIONS

No administratively compliant Response has been filed.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown that the disputed domain name is identical or confusingly

similar (within the meaning of paragraph 4(a)(i) of the Policy) to its registered mark JCDecaux, from which it differs only in the insertion of a letter 's' (which would not normally be pronounced in French) and the generic .com suffix.

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.

The Panel finds on the undisputed evidence that the Respondent has not made any use or preparations for use of the disputed domain name or any corresponding name for a bona fide offering of goods or services or any legitimate non-commercial or fair use. It is also clear that the Respondent is not commonly known by the disputed domain name and that there is no other basis on which the Respondent could claim any right or legitimate interest in respect of the disputed domain name.

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).

The disputed domain name is so similar to the Complainant's well-known and distinctive mark that it is to be inferred that the Respondent knew of that mark and chose the disputed domain name because it would be confused with it. Furthermore, the miss-spelling of the Complainant's mark in the disputed domain name is inconsistent with any bona fide use of it with reference to the Complainant. In short, this is a typical case of typo-squatting. In these circumstances it is appropriate to conclude that the disputed domain name was registered and is being passively used in bad faith.

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 is very similar to the Complainant's distinctive and well-known mark. No bona fide use or preparations for use have been identified by the Panel. The disputed domain name is a clear case of typosquatting in which bad faith is to be inferred.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **JCDESCAUX.COM**: Transferred

PANELLISTS

Name	**Jonathan Turner**

DATE OF PANEL DECISION 2018-12-05

Publish the Decision