Decision for dispute CAC-UDRP-102337

Case number	CAC-UDRP-102337
Time of filing	2019-02-04 09:44:07
Domain names	remy-conitreau.com

Case administrator

Name	Šárka Glasslová (Case admin)

Complainant

Organization	REMY COINTREAU

Complainant representative

Organization	Nameshield (Laurent Becker)

Respondent

Name	Danny Mccommick

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

Complainant owns amongst others the following trademarks:

International Registration number 895405 - RÉMY COINTREAU;
French National Trademark number 4092651 - REMY COINTREAU;

FACTUAL BACKGROUND

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

This is a case of "Typosquatting“, because the disputed domain name contains an obvious misspelling of the Complainant’s trademark. Previous panels have found that the slight spelling variations does not prevent a disputed domain name from being confusingly similar to the complainant’s trademark. Reference is made to prior UDRP case:
- CAC – 101900 – REMY COINTREAU v. F0rbo - <remy-coiintreau.com> (“The disputed domain name is confusingly similar to the Complainant's trademark REMY COINTREAU® as it contains a misspelling of the Complainant’s trademark REMY COINTREAU® with the addition of the letter “I” in the word “COINTREAU” which is not sufficient to prevent likelihood of

confusion. Nor is the addition of a gTLD such as ".com" sufficient to avoid such confusion.").

The disputed domain name was used to pass off as the Complainant in order to further a phishing scheme. Using a confusingly similar domain name to pass off as a complainant can evince a failure to make a bona fide offering of goods or services or a legitimate noncommercial or fair use. See Mortgage Research Center LLC v. Miranda, FA 993017 (Forum July 9, 2007) ("Because [the] respondent in this case is also attempting to pass itself off as [the] complainant, presumably for financial gain, the Panel finds the respondent is not using the <mortgageresearchcenter.org> domain name for a bona fide offering of goods or services pursuant to Policy paragraph 4(c)(i), or a legitimate noncommercial or fair use pursuant to Policy paragraph 4(c)(iii).").

The disputed domain name is used for a parking site with commercial ads and sponsored links redirecting to websites offering goods and services of various types. The Respondent attempts to attract Internet users by creating a likelihood of confusion with the Complainant's trademark. See WIPO Case No. Case No. D2017-2003, Association des Centres Distributeurs E. Leclerc - A.C.D Lec v. Milen Radumilo ("The Panel takes the view that the redirection of the disputed domain name, which is confusingly similar to Complainant's LECLERC trademark, by means of a typical typo-squatting to a generic PPC website in order to generate pay-per-click revenues without Complainant's permission to do so, is a clear indication that Respondent intentionally attempted to attract, for commercial gain, Internet users to his own website, by creating a likelihood of confusion with Complainant's LECLERC trademark as to the source, sponsorship, affiliation or endorsement of Respondent's website. Such circumstances are evidence of registration and use of the disputed domain name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy.").

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 the trademarks of the Complainant (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 has 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

Three reasons:

Reason 1. The disputed domain name contains an obvious misspelling of the Complainant's trademark. Slight spelling variations do not prevent a disputed domain name from being confusingly similar to the complainant's trademark.

Reason 2: The disputed domain name was used to pass off as the Complainant in order to further a phishing scheme. Using a confusingly similar domain name to pass off as a complainant can manifest a failure to make a bona fide offering of goods or services or a legitimate noncommercial or fair use.

Reason 3:
The disputed domain name is used for a parking site with commercial ads and sponsored links redirecting to websites offering goods and services of various types. The Complainant contends that the Respondent attempts to attract Internet users by creating a likelihood of confusion with the Complainant's trademark.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **REMY-CONITREAU.COM**: Transferred

PANELLISTS

Name	**Mr. E.J.V.T. van den Broek**

DATE OF PANEL DECISION 2019-03-06

Publish the Decision