Decision for dispute CAC-UDRP-102392

Case number	CAC-UDRP-102392
Time of filing	2019-03-13 13:21:23
Domain names	jcdecauxs.com

Case administrator

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

Complainant

Organization	JCDECAUX SA

Complainant representative

Organization	Nameshield (Enora Millocheau)

Respondent

Name	Charles Russam

OTHER LEGAL PROCEEDINGS

There are no other legal proceedings related to the disputed domain name.

IDENTIFICATION OF RIGHTS

Several trademarks “JCDECAUX” such as the international trademark registration JCDECAUX® n° 803987 registered since November 27, 2001.

FACTUAL BACKGROUND

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

Please see for instance FORUM Case No. FA 0956501, T.R. World Gym-IP, LLC v. William D'Addio (“The addition of the letter “s” and of the generic top-level domain “.com” is insufficient to distinguish the domain name from the mark. “).

Please see:

- FORUM Case No. 1765498, Spotify AB v. The LINE The Line / The Line (“Complainant contends the <spotfy.com> domain name differs from the SPOTIFY mark only by the omission of the letter “i" in the mark, and is thus a classic case of typosquatting. […] The Panel finds that Respondent’s registration of the domain name is typosquatting and indicates it lacks rights and legitimate interests in the domain name per Policy paragraph 4(a)(ii).”).

- FORUM Case No. 1597465, The Hackett Group, Inc. v. Brian Herns / The Hackett Group (“The Panel agrees that typosquatting is occurring, and finds this is additional evidence that Respondent has no rights or legitimate interests under Policy paragraph 4(a)(ii).”).

Please see FORUM Case No. FA 1798641, United Services Automobile Association v. I S / ICS INC (“Specifically, Complainant argues that Respondent uses the disputed domain name in furtherance of a phishing scam by redirecting users to websites that steal their financial and personal information. Using a domain name to conduct a phishing scheme to obtain internet users’ personal information does not constitute a bona fide offering of goods and services or a legitimate noncommercial or fair use per Policy paragraphS4(c)(i) and (iii).”).

Please see WIPO Case No. DCC2017-0003, JCDecaux SA v. Wang Xuesong, Wangxuesong (“The Panel is satisfied that the Respondent must have been aware of the Complainant's well-known JCDECAUX trade mark when it registered the Domain Name.”).

Please see for instance:

- FORUM case no. FA 877979, Microsoft Corp. v. Domain Registration Philippines (finding bad faith registration and use of the <microssoft.com> domain name as it merely misspelled the complainant’s MICROSOFT mark.)

- FORUM case no. FA 157321 Computerized Sec. Sys., Inc. v. Hu (finding that the respondent engaged in typosquatting, which is evidence of bad faith registration and use under Policy paragraph 4(a)(iii)).

Please see for instance FORUM Case No. FA 1822143, Postmates Inc. v. Thomas Creel (“by soliciting personal information on the resolving webpage, Respondent likely engages in a phishing scheme. Using a confusingly similar domain name to phish for personal or financial information can provide evidence of bad faith registration and use within the meaning of Policy paragraph 4(a)(iii).”).

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

1st CONDITION

To the Panel view, the disputed domain name <jcdecauxs.com> is confusingly similar (only with addition of a letter "s") to the Complainant's international trademark registration JCDECAUX n° 803987 (registered since November 27, 2001).

2nd CONDITION

The Complainant contends - without contradiction - that the Respondent (i) is not related in any way with the Complainant and (ii) does not carry out any activity for, nor has any business with, the Complainant.

3rd CONDITION

According to most panels, the complainant is required to make out a prima facie case that the domain name has been registered and is being used in bad faith. Once such prima facie case is made, the respondent carries the burden of demonstrating than this is not the case.

To the Panel view, elements and information provided for by the Complainant at that stage, are sufficient to establish such prima facie case, notably because of the following:

- Given the reputation of the Complainant, the Respondent could hardly ignore the Complainant's existence and activities when registering the disputed domain name.

- the registration of a domain name which varies from the Complainant’s trademarks by a single letter, is a sign of intentionally attracting visitors (misspelling case).

- the disputed domain name resolves to a OneDrive page asking the internet users to connect to a Microsoft account or another account to download a document: it could indicate that the Respondent is trying to collect personal information of the internet users which is not a bona fide offer of service.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **JCDECAUXS.COM**: Transferred

PANELLISTS

Name	**Mr. Etienne Wéry**

DATE OF PANEL DECISION 2019-04-22

Publish the Decision