# Decision for dispute CAC-UDRP-102434

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| Case number | CAC-UDRP-102434 |
| Time of filing | 2019-04-12 12:32:43 |
| Domain names | 8rueducommerce.com |

## Case administrator

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| Name | Šárka Glasslová (Case admin) |

## Complainant

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| Organization | RueDuCommerce |

## Complainant representative

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| Organization | CHAIN AVOCATS |

## Respondent

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| Organization | supershop1000 |

OTHER LEGAL PROCEEDINGS

There are no other proceedings the Panel is aware of.

IDENTIFICATION OF RIGHTS

The Complainant is the Rue du Commerce Company, owner of several EUTM Registrations, including "RUE DU COMMERCE.COM" n. 8299381 since 2009, as well as gTLD domain names for "ruedecommerce.com" since then. The disputed domain name "8rueducommerce.com" has been created on September 4th 2018.

FACTUAL BACKGROUND

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

RueDuCommerce is the owner of a portfolio of Trademarks for the course of its internet-order selling business activities on web sites accessible in particular at the addresses www.rueducommerce.com and www.rueducommerce.fr.

During more than eleven years RueDuCommerce has gained an important notoriety among the French net surfers and consumers. It is now a major e-merchant in France whose honorability and reliability are well known from the Internet users.

Since its creation in 1999, RueDuCommerce has identified its products under the trademark “Rue du Commerce”.

During more than fifteen years, RueDuCommerce has gained an important notoriety among the net surfers and consumers. It is now a major e-merchant in France whose honorability and reliability are well known from the Internet users.

This active business is relayed by media (paper, internet and television).

Consequently, the trademark RueDuCommerce constitutes a well-known trademark and this notoriety goes beyond the French framework.

The disputed domain name www.8rueducommerce.com was registered on September 4th 2018 and it is used/registered without any legitimate interest and in bad faith.

When the RueDuCommerce Company was notified of these recording,the Complainant tried to contact the owner of these domain names and the recording unit several times, obtaining as a response an offer to sell the domain name. This element has been indicated as the bad faith of 8rueducommerce.com and the absence of rights or legitimate interest in the disputed domain name.
Moreover, the operator of the site deleted it after receiving the formal notice, implicitly acknowledging the illegitimacy of its activity.

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).

In particular, the Complainant is the owner of the following national French / EU trademark registrations:
- French TM « RUE DU COMMERCE », registered on 27 June 2000 under number 3036950, for goods and services class 9, 16, 28, 35, 38, 41 et 42;
- French TM “RDC.fr Rue du Commerce”, registered on 28 July 1999 under number 99805150, for goods and services class 35, 38, 42;
- EUTM « RUE DU COMMERCE.COM », registered on 14 May 2009 under number 8299381 for goods and services class 16, 35, 36, 37, 38, 41, 42;
- EUTM RUE DU COMMERCE », registered on 14 May 2009 under number 8299356 for goods and services class 16, 35, 36, 37, 38, 41, 42;
- EUTM « RUE DU COMMERCE », registered on 25 July 2013 under number 12014833 for goods and services class 9, 16, 35, 36, 37, 38, 41, 42.

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

The disputed domain names incorporates in full the Complainant's well-known trademarks, which is one of the most famous e-commerce sites not only on the Internet, also according to a number of previous UDRP disputes, namely: “wwwrueducommerce.com” (case no. 101028) dated September 22th, 2015; “rueducommerces.com” (case no. 101030) dated September 24th, 2015; “rue-ducommerce.com” and “ruedu-commercerd.biz” (cases no.100861 and no.100873) dated November 12th, 2014, and January 1st, 2015; “rueducommercerd.biz” (case no.100873) dated January 1st, 2015, and other.

Given the circumstances of the case, the Panel is persuaded this is a clear-cut case of Cybersquatting according the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **8RUEDUCOMMERCE.COM**: Transferred

## PANELLISTS

| Name | **Roberto Manno** |
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DATE OF PANEL DECISION 2019-06-20

Publish the Decision