Decision for dispute CAC-UDRP-102506

Case number	CAC-UDRP-102506
Time of filing	2019-05-24 09:14:07
Domain names	melacyan.com

Case administrator

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

Complainant

Organization	FERLUX SAS

Complainant representative

Organization	Nameshield (Enora Millocheau)

Respondent

Organization	See PrivacyGuardian.org

OTHER LEGAL PROCEEDINGS

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

IDENTIFICATION OF RIGHTS

MELACYAN® is the brand used to designate the Complainant's anthocyanin-rich purified Aronia extract, which has several benefits, such as blood glucose modulation and cholesterol regulation and vasodilation. The Complainant owns the French trademark MELACYAN® No. 4464162 registered since June 25, 2018.

FACTUAL BACKGROUND

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

The disputed domain name was registered on July 20, 2018. It points to a Registrar parked page displaying the message: "Congratulations! melacyan.com is available for sale!". The disputed domain name is offered for $975.

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). The disputed domain name <melacyan.com> is identical to the trademark MELACYAN®. The disputed domain name includes in its entirety the Complainant's trademark without any adjunction of letter or word.

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 Respondent has no rights or legitimate interests in respect of the disputed domain name and he is not related in any way with the Complainant. The Complainant does not carry out any activity for, nor has any business with the Respondent.

Neither license nor authorization has been granted to the Respondent to make any use of the Complainant's trademark MELACYAN®, or apply for registration of the disputed domain name by the Complainant.

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is identical to the trademark MELACYAN® (within the meaning of paragraph 4(a)(iii) of the Policy). The disputed domain name has been registered only one month after the filling of the corresponding trademark MELACYAN®.

The disputed domain name includes the distinctive trademark MELACYAN® in its entirety, without any modification.

Therefore, the use of the Complainant's trademark in the disputed domain name gives rise to the inference that the Respondent ought to have registered the disputed domain name for its trademark value.

Moreover, the Respondent does not make any use of the disputed domain name. The website in relation with the disputed domain name points to a Registrar parked page displaying a general offer to sell the domain for $975. Thus, the Respondent has registered the disputed domain name only in order to sell it back for out-of-pockets costs, which evinces bad faith registration and use.

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 <melacyan.com> is identical to the trademark MELACYAN®, has been registered and used in bad faith for selling it expensively to the public.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **MELACYAN.COM**: Transferred

PANELLISTS

Name	**Thomas Hoeren**

DATE OF PANEL DECISION 2019-06-24

Publish the Decision