Decision for dispute CAC-UDRP-102509

Case number	CAC-UDRP-102509
Time of filing	2019-05-28 10:21:07
Domain names	sandro-paris.store

Case administrator

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

Complainant

Organization	SANDRO ANDY

Complainant representative

Organization	Nameshield (Laurent Becker)

Respondent

Name	yue lan chen

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings.

IDENTIFICATION OF RIGHTS

Complainant is the owner of the international trademarks for the wording “SANDRO”, such as:

- the International trademark SANDRO, No.° 827287, registered on March 4, 2004 in classes 03, 09, 14, 16, 18, 21, 24, 25, 26, 27, 34;

- the International figurative trademark SANDRO, No. 1371455 registered since July 20, 2017, registered for the classes: 03, 09, 14, 18, 25;

- the International trademark SANDRO.HOMME, No.° 994536, registered on September 12, 2008 in classes 03, 18, 25;

- the European trademark SANDRO, No.° 8772568, registered on July 27, 2010 in classes 14, 18, 25;

- the French trademark SANDRO, No.° 4259879, registered on March 25, 2016 in classes 03, 09, 14, 18, 25;

- the French trademark SANDRO PARIS, No. 4073924, registered on March 6, 2014 in classes 03, 09, 14, 18, 25;

- the French trademark SANDRO HOMME, No.° 3555337, registered on February 12, 2008 in classes 03, 09, 14, 16, 18, 25;

- the French trademark SANDRO, NO.° 3244120, registered on September 4, 2003 in classes 03, 09, 14, 16, 18, 21, 24, 25, 26, 27, 34.

Furthermore, the Complainant also owns domain names including the same distinctive wording SANDRO, such as the domain name <sandro-paris.com>, registered since September 25, 2002.

FACTUAL BACKGROUND

Complainant states that the disputed domain name <sandro-paris.store> is confusingly similar to its trademark SANDRO PARIS as the disputed domain name <sandro-paris.store> includes Complainant's trademark in its entirety and without any adjunction of letter or word. Complainant argues that the disputed domain name is confusingly similar to its registered SANDRO trademarks since the addition of the geographical term “Paris” is not sufficient to distinguish a domain name from a trademark, but only serves to reinforce the confusion since the Complainant is present and active in France. Furthermore, the addition of the New GTLD suffix “.STORE” is not sufficient to escape the finding that the disputed domain name is identical to Complainant's trademark SANDRO and does not change the overall impression of the designation as being connected to the trademark of the Complainant.

The Complainant states that the Complainant does not carry out any activity for, nor has any business with the Respondent and neither a license nor an authorization has been granted to Respondent to make any use of Complainant’s trademark SANDRO.

The Complainant contends that Respondent has built, on the base of the disputed domain name, a very similar website in which all the SANDRO distinctive signs are shown in order to mislead the consumers and sell online products branded SANDRO. By using the disputed domain name, Respondent wanted to create a likelihood of a confusion in the Internet users’ mind. Moreover, the website sells products from competitors of the Complainant.

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

1.
There can be no question but that the disputed domain name is confusingly similar to Complainant's SANDRO trademark

and identical to the Complainant's SANDRO PARIS trademark. Respondent's domain name incorporates in its entirety the SANDRO PARIS trademark.

2.
The Respondent does not have a legitimate interest in the disputed domain name and it used and registered the disputed domain name in bad faith as the Respondent does not sell only the trademarked goods of the Complaint and does not disclose that he has no relationship with the Complainant. Furthermore the use of the Complainant´s trademark as part of the disputed domain name, combined with the specific content of the website, indicates that the Respondent knew of the existence of the Complainant's trademark at the time of the registration of the disputed domain name.

3.
The Panel accepts the Complainant's submissions and finds, in the absence of any evidence to the contrary, that the Respondent has to transfer the disputed domain name to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **SANDRO-PARIS.STORE**: Transferred

PANELLISTS

Name	**Prof. Dr. Lambert Grosskopf, LL.M.Eur.**

DATE OF PANEL DECISION 2019-07-07

Publish the Decision