Decision for dispute CAC-UDRP-102530

Case number	CAC-UDRP-102530
Time of filing	2019-06-21 13:50:16
Domain names	rolandgarrow.com, rolandgsrros.com, rollandgarrros.com, tolandgarros.com

Case administrator

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

Complainant

Organization	FEDERATION FRANCAISE DE TENNIS (FFT)

Complainant representative

Organization	Nameshield (Enora Millocheau)

Respondent

Organization	Fundacion Comercio Electronico

OTHER LEGAL PROCEEDINGS

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

IDENTIFICATION OF RIGHTS

The Complainant is the owner of several trademarks, including the international trademark “ROLAND GARROS” No. 459517 registered on April 1, 1981.

The Complainant has also registered numerous domain names including the international trademark “ROLAND GARROS”.

FACTUAL BACKGROUND

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

Founded in 1920, the FEDERATION FRANCAISE DE TENNIS (the Complainant) promotes, organizes and develops the sport of tennis in France. The Complainant also represents France at international meetings and organizes major tournaments such as the Roland-Garros.

The Roland-Garros international tennis tournament, also known as the “French Open”, is the biggest tournament of the tennis season on clay and the only Grand Slam tournament still held on that surface.

PARTIES CONTENTIONS

PARTIES' CONTENTIONS:

COMPLAINANT:

The Complainant claims that the disputed domain names are confusingly similar to the Complainant's "ROLAND GARROS" registered trademark; that the Respondent has no rights or legitimate interests whatsoever with respect to the disputed domain names; and that the Respondent registered and is using the disputed domain names in bad faith.

RESPONDENT:

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain names are 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 names (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 names have been registered and are 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

A) Confusingly similar

The Complainant contends that the disputed domain names are confusingly similar to its well-known and distinctive trademarks ROLAND GARROS, and that the disputed domain names, which are an obvious misspelling of the Complainant's trademark ROLAND GARROS, represent a clear case of "typosquatting".

The Panel agrees with the Complainant's assertion that the slight spelling variations contained in the disputed domain names do not prevent the disputed domain names from being confusingly similar to the Complainant's trademark.

B) Lack of legitimate rights or interests

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain names and it is not related in any way to the Complainant. The Complainant does not carry out any activity for, nor has any business with the Respondent. No license or authorization has been granted by the Complainant to the Respondent to make any use of the Complainant's trademark ROLAND GARROS, or to apply for registration of the disputed domain names.

The disputed domain names are highly distinctive non-descriptive names. It is inconceivable that the Respondent registered the four disputed domain names without having the Complainant firmly in mind.

Furthermore, the Complainant's assertions that the Respondent is not commonly known by the disputed domain names and is not affiliated with nor authorised by the Complainant are sufficient to constitute a prima facie demonstration of absence of rights or legitimate interest in the disputed domain names on the part of the Respondent. The burden of proof therefore shifts to the Respondent to show by concrete evidence that it does have rights or legitimate interests in those names. The Respondent has made no attempt to do so.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain names.

C) Registered and Used in Bad Faith

The Complainant gives several sound bases for its contention that the disputed domain names were registered in bad faith and that they have been used in bad faith.

Firstly, given the reputation of Complainant's trademark, its distinctiveness and the fact that the registration of the Complainant's trademark predates by many years the registration of the disputed domain names, the Panel finds on the balance of probabilities that the Respondent was aware of the Complainant's trademark when registering the disputed domain names.

Secondly, the Panel accepts the Complainant's unchallenged assertion that the Respondent has registered the disputed domain names for commercial gain and that the Respondent's subsequent use of the disputed domain names have been consistent with that aim. The Panel also accepts the Complainant's contention that the disputed domain names have been used by the Respondent for the purposes of intentionally attempting to attract internet users for the purpose of disrupting the business of the Complainant, and probably to generate revenues.

Besides, the Panel agrees with the Complainant's contention that by registering four domain names, which all contain an obvious misspelling of the Complainant's trademark ROLAND GARROS, the Respondent was intentionally targeting the Complainant's trademarks. As noted by the Complainant, this is a clear case of typosquatting, which is evidence of bad faith registration and use under paragraph 4(a)(iii) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **ROLANDGARROW.COM**: Transferred
2. **ROLANDGSRROS.COM**: Transferred
3. **ROLLANDGARRROS.COM**: Transferred
4. **TOLANDGARROS.COM**: Transferred

PANELLISTS

Name	**Dr. Fabrizio Bedarida**

DATE OF PANEL DECISION 2019-07-25

Publish the Decision