Decision for dispute CAC-UDRP-102567

Case number	CAC-UDRP-102567
Time of filing	2019-07-08 16:33:10
Domain names	keytrade-bank.com

Case administrator

Name	Šárka Glasslová (Case admin)

Complainant

Organization	ARKEA DIRECT BANK

Complainant representative

Organization	Nameshield (Enora Millocheau)

Respondent

Name	William Smith

OTHER LEGAL PROCEEDINGS

The panel is not aware of other legal proceedings at the moment.

IDENTIFICATION OF RIGHTS

Complainant is owner of:
- The Benelux trademark KEYTRADE® n°86328 registered since October 18th, 1999, notably in class 36 for financial-related services;
- The Benelux trademark KEYTRADE® n°90196 registered since October 9th, 2002, notably in class 36 for financial-related services;
- The Benelux trademark KEYTRADE BANK® n°1291605 registered since June 27th, 2014, notably in class 36 for financial-related services.

FACTUAL BACKGROUND

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

Please see WIPO Case No. D2000-0397, CBS Broadcasting, Inc. v. LA-Twilight-Zone (“Furthermore, the Panel finds that the Respondent’s TWILIGHT-ZONE.NET domain name is virtually identical and confusingly similar to the Complainant’s TWILIGHT ZONE mark. The addition of a hyphen does not decrease the confusing similarity between the domain name and the mark.”)

Please see for instance FORUM Case No. FA 1781783, Skechers U.S.A., Inc. and Skechers U.S.A., Inc. II v. Chad Moston / Elite Media Group (“Here, the WHOIS information of record identifies Respondent as “Chad Moston / Elite Media Group.” The Panel therefore finds under Policy paragraph 4(c)(ii) that Respondent is not commonly known by the disputed domain name under Policy paragraph 4(c)(ii).”)

Please see for instance FORUM Case No. FA 1659965, General Motors LLC v. MIKE LEE (“Past panels have decided that a respondent’s use of a domain to sell products and/or services that compete directly with a complainant’s business does not constitute a bona fide offering of goods or services pursuant to Policy paragraph 4(c)(i) or a legitimate noncommercial or fair use pursuant to Policy paragraph 4(c)(iii).”)

Please see FORUM Case No. FA 768859, Instron Corporation v. Andrew Kaner c/o Electromatic a/k/a Electromatic Equip't ("Complainant asserts that Respondent registered and is using the disputed domain names to disrupt Complainant’s business, because Respondent is using the disputed domain names to operate a competing website. The Panel finds that Respondent has registered and used the disputed domain names in bad faith according to Policy paragraph 4(b)(iii).")

Please see FORUM Case No. 94864, Southern Exposure v. Southern Exposure, Inc. ("The Respondent is using the domain name to attract Internet users to its website by creating confusion with the Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of the Complainant’s website. Policy paragraph 4(b)(iv). The Respondent registered and used the domain name in question to profit from the Complainant’s mark by attracting Internet users to its competing website. This is evidence of bad faith.")

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

- Complainant has demonstrated to the satisfaction of the Panelist that the registration is in bad faith. The Respondent has registered and is using the disputed domain name to disrupt Complainant’s business, and is using the disputed domain name to operate a competing website. Therefore Panel finds that Respondent has registered and used the disputed domain names in bad faith. Since the Respondent registered and used the domain name in question to profit from the Complainant’s mark by attracting Internet users to its competing website. This combination is evidence of using the disputed domain name in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **KEYTRADE-BANK.COM**: Transferred

PANELLISTS

Name	**Mr. E.J.V.T. van den Broek**

DATE OF PANEL DECISION 2019-09-02

Publish the Decision