Decision for dispute CAC-UDRP-102594

Case number	CAC-UDRP-102594
Time of filing	2019-08-13 10:50:15
Domain names	rueducommerce.online, rueducommerce.tech, rueducommerce.site

Case administrator

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

Complainant

Organization	RueDuCommerce

Complainant representative

Organization	CHAIN AVOCATS

Respondent

Name	Wang Lian Feng

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 French national and EUTM Registrations for the "RUE DU COMMERCE" denomination, dating back respectively to 1999 or 2009, as well as gTLD domain names for <ruedecommerce.com> since then. The disputed domain names have all been created on June 8, 2019.

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 websites 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”.

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 names <rueducommerce.tech>, <rueducommerce.online> and <rueducommerce.site> were registered on June 8, 2019 and since then are passively used, 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, without any success. This element has been indicated as the bad faith and the absence of rights or legitimate interest in the disputed domain names.

PARTIES CONTENTIONS

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).

In particular, the Complainant is the owner of the following national French trademark registrations:

« RUE DU COMMERCE », registered on June 27, 2000 under number 3036950, for goods and services class 9, 16, 28, 35, 38, 41 et 42;

“RDC.fr Rue du Commerce”, registered on July 28, 1999 under number 99805150, for goods and services class 35, 38, 42.

The Complainant has registered the following CTM:

« RUE DU COMMERCE.COM », registered on May 14, 2009 under number 8299381 for goods and services class 16, 35, 36, 37, 38, 41, 42;

« RUE DU COMMERCE », registered on May 14, 2009 under number 8299356 for goods and services class 16, 35, 36, 37, 38, 41, 42; and

« RUE DU COMMERCE », registered on July 25, 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 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 name 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

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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 22, 2015; <rueducommerces.com> (case no. 101030) dated September 24, 2015; <rue-ducommerce.com> and <ruedu-commercerd.biz> (cases no. 100861 and no. 100873) dated November 12, 2014, and January 1, 2015; <rueducommercerd.biz> (case no. 100873) dated January 1, 2015; <rueducommerce.vote> (case no. 101143) dated February 2, 2016; <rudecommerce.com> (case no. 101488) dated May 3, 2017; <rueducommerce.store> (case no. 102217) dated December 21, 2018, and others.

The present case is fully consistent with cited cases, as all the disputed domain names are inactive so that they may be considered passively used, without any legitimate interest and in bad faith by the respondent, who failed to provide any explanation or to respond to any of the complainant’s insisted enquiries.

As a result, the Panel is certainly persuaded this is clear-cut case of cybersquatting.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **RUEDUCOMMERCE.ONLINE**: Transferred
2. **RUEDUCOMMERCE.TECH**: Transferred
3. **RUEDUCOMMERCE.SITE**: Transferred

PANELLISTS

Name	**Roberto Manno**

DATE OF PANEL DECISION 2019-10-01

Publish the Decision