Decision for dispute CAC-UDRP-102670

Case number	CAC-UDRP-102670
Time of filing	2019-09-12 09:28:17
Domain names	jcdacaux.com

Case administrator

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

Complainant

Organization	JCDECAUX SA

Complainant representative

Organization	Nameshield (Enora Millocheau)

Respondent

Name	Amamfa JohnBosco

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings relating to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant owns several trade marks for the name JCDECAUX, including international trade mark registration 803987, registered on 27.11.2001 in international classes 06, 09, 11, 19, 20, 35, 37, 38, 39, 41, and 42. The Complainant is further the owner of a domain name portfolio, including the domain <jcdecaux.com>, registered since 23.06.2019, which is connected to the official website of the Complainant.

FACTUAL BACKGROUND

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

The Complainant is a well-known outdoor advertising company and has been active for over 50 years. The Complainant offers services worldwide in more than 80 countries and over 4,000 cities and has more than 1 million advertising panels in airports, railway and metro stations, shopping malls, on billboards, and on street furniture. The Complainant's group is listed on the Premier Marche of the Euronext Paris stock exchange. The Complainant generated revenues of EUR 3,619 million in 2018.

The Respondent registered the disputed domain name <jcdacaux.com> on 18.08.2019. The disputed domain name currently

resolves to an error page and there is no evidence before the Panel that the disputed domain name has ever been used for an active website since it was registered.

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

The Panel finds that the disputed domain name <jcdacaux.com> is confusingly similar to the Complainant’s trade mark. The disputed domain name substitutes the letter "E" in the Complainant's trade mark with the letter "A". The Panel considers this case to be a clear case of "typosquatting", i.e., the disputed domain name contains an obvious misspelling of the Complainant's trademark: jcdacaux instead of jcdecaux. The Panel follows in this respect the view established by numerous other decisions that a domain name which consists of a common, obvious, or intentional misspelling of a trade mark is to be considered to be confusingly similar to the relevant trade mark (see, for example, CAC Case No. 101990, JCDECAUX SA -v- Emma Purnell (jcdeceux.com), and CAC case No. 101892, JCDECAUX SA -v- Lab-Clean Inc (jcdacaux.com)).

The Complainant contends that the Respondent has made no use of, or demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services. There is no indication that the Respondent is making legitimate non-commercial or fair use of the disputed domain name. Indeed, the Panel notes that the disputed domain name is not being used for any active web site but resolves to an error page.

The Respondent is not affiliated with or related to the Complainant in any way and is neither licensed nor otherwise authorised to apply for or use the disputed domain name.

The Respondent is furthermore not commonly known by the name JCDACAUX. Absent any Response from the Respondent, or any other information indicating the contrary, the Panel concludes that the Respondent has no rights or legitimate interests in respect of the disputed domain name <jcdacaux.com>.

The Complainant has established by reference to domain name decisions by other panels (WIPO Case No. DCC2017-0003, JCDECAUX SA -v- Wang Xuesong, Wangxuesong) that the name JCDECAUX is considered to be distinctive and well-known. The Panel agrees with the Complainant's assertion by reference to FORUM case no. FA 877979, Microsoft Corp. v. Domain Registration Philippines and FORUM case no. FA 157321 Computerized Sec. Sys., Inc. v. Hu, that the fact that a Respondent is engaging in typosquatting may be regarded as evidence of bad faith registration and use under paragraph 4(a)(iii) of the Policy.

Absent any Response from the Respondent, or any other information indicating the contrary, the Panel therefore also accepts that the Respondent has registered and is 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. **JCDACAUX.COM**: Transferred

PANELLISTS

Name	**Gregor Kleinknecht**

DATE OF PANEL DECISION 2019-10-21

Publish the Decision