Decision for dispute CAC-UDRP-102755

Case number	CAC-UDRP-102755
Time of filing	2019-10-29 11:24:22
Domain names	majeparisoutlet.com

Case administrator

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

Complainant

Organization	MAJE

Complainant representative

Organization	Nameshield (Enora Millocheau)

Respondent

Name	ji zhou chen

OTHER LEGAL PROCEEDINGS

The Panel is not aware of other legal proceedings which are pending or decided and which relate to the Disputed Domain Name.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of several trademarks “MAJE” in several countries, inter alia UK, such as

- the international trademark “MAJE” – Reg. No 801247 – registered since November 28, 2002, and duly renewed for classes 9, 14, 18 and 25;

- the international trademark “MAJE” – Reg. No 1370546 – registered since July 20, 2017 for the classes 3, 9, 14, 18 and 25.

The Complainant also owns an important domain names portfolio, including the wording “MAJE”, such as the domain name <maje.com> registered and used since December 12, 1996.

FACTUAL BACKGROUND

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

Created in 1998, the Complainant is a company specialized in ready-to-wear collections and accessories for women. The Complainant has a worldwide presence, with 538 points of sale in 39 countries.

The Complainant uses, inter alia, the domain name <maje.com> and its trademark “MAJE” for its services and as company name.

The Disputed Domain Name was registered on October 22, 2018 and originally pointed to an online clothing shop, selling both “MAJE” branded products and other third-party products.

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

As the Respondent did not file an administratively compliant Response, pursuant to paragraph 14(b) of the Rules, the Panel may draw such inferences therefrom as it considers appropriate. Thus, the Panel accepts the contentions of the Complainant as admitted by the Respondent.

A. The Disputed Domain Name is confusingly similar to the trademark MAJE of the Complainant.

The Complainant has, to the satisfaction of the Panel, shown that it has valid rights for the trademark “MAJE”.

Indeed, the Disputed Domain Name includes the Complainant's trademark in its entirety. The Disputed Domain Name is confusingly similar to the Complainant's registered trademark “MAJE” since the addition of the geographical term “PARIS” (where the Complainant is located) and the generic term “OUTLET” (which refers to the Complainant’s activity) is not sufficient to distinguish a domain name from a trade mark, but only serves to reinforce the confusion with the Complainant. Furthermore, the addition of the gTLD suffix “.COM” is not sufficient to escape the finding that the Disputed Domain Name is confusingly similar to the Complainant's trademark “MAJE” and does not change the overall impression of the designation as being connected to the trademark of the Complainant.

B. The Respondent has no rights or legitimate interests in respect of the Disputed Domain Name within the meaning of the Policy.

The Complainant has established a prima facie proof that the Respondent has no rights or legitimate interests in the Disputed Domain Name, since the Respondent is not a licensee of the Complainant nor has the Complainant granted any permission or consent to use its mark in a domain name.

Moreover, the Respondent has built a very similar website the Disputed Domain Name linked to, in which the “MAJE” trade mark was used and Maje and other (competitor's) products were offered. By using the Disputed Domain Name, the Respondent wanted to create a likelihood a confusion in the internet users’ minds. This is evidence that the Respondent lacks rights and legitimate interests in the Disputed Domain Name. The fact that the Disputed Domain Name pointed to the mentioned online clothing shop shows also, that it is not a bona fide offer of goods or services or a legitimate non-commercial or fair use.

C. The Disputed Domain Name has been registered and is being used in bad faith within the meaning of the Policy.

The Complainant’s trademark “MAJE” is widely known. Given the distinctiveness of the Complainant's trademark and reputation, it can be concluded that the Respondent has registered the Disputed Domain Name with full knowledge of the Complainant's trademark.

Furthermore, the Respondent used the disputed domain name to resolve to a website using Complainant's trademark, which is a clear indication that Respondent was aware of the trademarks of the Complainant and demonstrates knowledge and targeting of the Complainant and its trademark, i.e. registration in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **MAJEPARISOUTLET.COM**: Transferred

PANELLISTS

Name	**Dominik Eickemeier**

DATE OF PANEL DECISION 2019-12-02

Publish the Decision