Decision for dispute CAC-UDRP-102806

Case number	**CAC-UDRP-102806**
Time of filing	**2019-12-10 10:46:52**
Domain names	**studoicanal.com**

Case administrator

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

Complainant

Organization	**GROUPE CANAL +**

Complainant representative

Organization	**Nameshield (Enora Millocheau)**

Respondent

Name	**Natasha Irani**

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 STUDIO CANAL, including French trade mark STUDIO CANAL, registration 3015704, registered on 20 March 2000 in international classes 9, 16, 25, 35, 38, 41, and 42; European trade mark STUDIO CANAL, registration 001866151, registered on 20 September 2000 in international classes 9, 16, 35, 38, 41, and 42; and International trade mark STUDIOCANAL, registration 1109020, registered on 23 December 2011 in international classes 9, 16, 25, 35, 38, 41, and 42. Furthermore, the Complainant owns multiple domain names consisting of the word STUDIOCANAL, including <studiocanal.com>, registered on 21 March 2000, which is connected to the official STUDIO CANAL website.

FACTUAL BACKGROUND

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

The Complainant is a leading French audiovisual media group and active in the production of pay-TV and theme channels and the bundling and distribution of pay-TV services. The Complainant has 16.2 million subscribers worldwide and annual revenues of 5,16 billion Euros.

Studio Canal is a subsidiary of the Complainant, and a leading studio in Europe for the production and distribution of movies and TV series. It operates directly (distribution to movie theatres, video, digital and TV channels) in the three main European markets of France, the United Kingdom and Germany, as well as in Australia and New Zealand. Studio Canal is also present in the United States and China.

The Respondent registered the disputed domain name <studoicanal.com> on 10 July 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 <studoicanal.com> is confusingly similar to the Complainant's trade marks STUDIO CANAL and STUDIOCANAL. The disputed domain name inverts the letters "i" and "o" in the Complainant's trade marks but otherwise incorporates the Complainant's trade marks completely. The Panel considered this case to be a clear case of "typosquatting", i.e., the disputed domain name contains an obvious misspelling of the Complainant's trade marks. 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 confusingly similar to the relevant trade mark (see, for example, WIPO Case No D2003-0093, Microsoft Corporation -v- X-Obx Designs <xobx.com>) (“Typographical error variations and misspellings of trademarked terms have long been found to be confusingly similar”).

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. The Panel notes that there is no indication that the Respondent is making legitimate non-commercial or fair use of the disputed domain name. Indeed, the disputed domain name is not being used for any active website but resolves to an error page, which has in itself been regarded by other panels as supporting a finding that the respondent did not have a bona fide offering of goods or services or make legitimate non-commercial or fair use of the disputed domain name (see, for example, Forum Case No. FA 1773444, Ashley Furniture Industries, Inc. v. Joannet Macket / JM Consultants (“The Panel finds that Respondent’s lack of content at the disputed domain shows the lack of a bona fide offering of goods or services or a legitimate non-commercial or fair use per Policy paragraphs 4(c)(i) and (iii)”)).

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 also not commonly known by the name

STUOICANAL. The Panel furthermore notes that the fact that typosquatting is occurring has been regarded by other panels as additional evidence that the respondent has no rights or legitimate interests in the disputed domain name (see, for example, Forum Case No. 1597465, The Hackett Group, Inc. v. Brian Herns / The Hackett Group ("The Panel agrees that typosquatting is occurring, and finds this is additional evidence that Respondent has no rights or legitimate interests under Policy paragraph 4(a)(ii)")). 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 <studoicanal.com>.

Finally, the Panel regards the fact that the Respondent is engaging in an obvious case of typosquatting as evidence of bad faith registration and use of the disputed domain name under paragraph 4(a)(iii) of the Policy (see, for example, Forum case No. FA 877979, Microsoft Corp -v- Domain Registration Philippines ("Respondent's misspelling of Complainant's MICROSOFT mark in the <microssoft.com> domain name indicates that Respondent is typosquatting, which is a further indication of bad faith registration and use pursuant to Policy paragraph 4(a)(iii)") and Forum case No. 157321 Computerized Sec. Sys., Inc. -v- Hu ("The Panel finds that Respondent's registration and use of a domain name that differs from Complainant's mark by only one letter indicates "typosquatting", which is evidence of bad faith registration and use")).

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. **STUDOICANAL.COM**: Transferred

PANELLISTS

Name	**Gregor Kleinknecht**

DATE OF PANEL DECISION 2020-01-20

Publish the Decision