Decision for dispute CAC-UDRP-103054

Case number	CAC-UDRP-103054
Time of filing	2020-05-12 09:36:07
Domain names	cnews.world

Case administrator

Name	Šárka Glasslová (Case admin)

Complainant

Organization	SOCIETE D'EXPLOITATION D'UN SERVICE D'INFORMATION

Complainant representative

Organization	Nameshield (Laurent Becker)

Respondent

Organization	RegistrationPrivate

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any pending or decided proceedings which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of several trademarks including the wording “C NEWS”, such as:

The French trademark C NEWS, n° 4308347, registered since October 18th, 2016;
The International trademark C NEWS, n° 1358557, registered since March 29th, 2017.

Furthermore, the Complainant owns several domain names consisting in the wording “C NEWS” such as <cnews.fr> registered since October, 20th 2014and <cnews.sport> registered since December 6th, 2018.

FACTUAL BACKGROUND

The Complainant submits that the Complainant is a subsidiary of the GROUP CANAL + and the holder of the broadcasting authorizations and concessions granted by the Superior Council of Audiovisual (“CSA”) for the French television channel CNews, the Group’s news channel which covers the news in real time.

The Complainant further asserts that:
- the Respondent is not known as by the disputed domain name;

- the Complainant does not carry out any activity for, nor has any business with the Respondent. Neither license nor authorization has been granted to the Respondent to make any use of the Complainant's trademarks, or apply for registration of the disputed domain names by the Complainant; and
- the Respondent was aware of the Complainant when registering the disputed domain name on April 9th, 2020.

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

(1)
The Complainant has, to the satisfaction of the Panel, shown that the disputed domain name is identical or confusingly similar to the Complainant's trademarks (within the meaning of paragraph 4(a)(i) of the Policy). In particular, the Panel finds that the disputed domain name includes the trademark in its entirety, without any addition or deletion.

(2)
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).

The Panel finds that the Complainant successfully submitted prima facie evidence that the Respondent has made no use of, or demonstrable preparations to use, neither of the disputed domain name in connection with a bona fide offering of goods or services, nor is making a legitimate non-commercial or fair use of the disputed domain name, nor is commonly known under the disputed domain name. This prima facie evidence was not challenged by the Respondent, which did not file any Response to the Complaint.

As a matter of fact, there are no arguments why the Respondent could have own rights or legitimate interests in the disputed domain name. "C NEWS" is definitely is a distinctive sign used by the Complainant as trademark in order to denote its services. Therefore, the Panel accepts the contentions of the Complainant that the Respondent has no such rights or legitimate interests in <CNEWS.WORLD>.

(3)
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).

There is no explanation proving that the Respondent has made use of, or demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services, nor that it is making a legitimate non-commercial or fair use of the disputed domain name, nor that is commonly known as <CNEWS.WORLD>.

In the absence of a Response and given the considerable reputation of the Complainant and its trademarks, the Panel infers that the Respondent had the Complainant's trademarks in mind when registering the disputed domain name. As a matter of fact, it is not possible to conceive of any plausible actual or contemplated active use of the disputed domain name by the Respondent that would not be illegitimate, such as an infringement of the Complainant’s rights under trademark law.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **CNEWS.WORLD**: Transferred

PANELLISTS

Name	**Prof. Dr. Lambert Grosskopf, LL.M.Eur.**

DATE OF PANEL DECISION 2020-07-01

Publish the Decision