Decision for dispute CAC-UDRP-103119

Case number	CAC-UDRP-103119
Time of filing	2020-06-16 08:54:22
Domain names	cnews.digital

Case administrator

Name	Šárka Glasslová (Case admin)

Complainant

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

Complainant representative

Organization	Nameshield (Enora Millocheau)

Respondent

Name	AF CIVIL

OTHER LEGAL PROCEEDINGS

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

IDENTIFICATION OF RIGHTS

The Complainant has proven to be the owner of the CNEWS trademark.
The Complainant is, inter alia, the owner of the following trademarks:
French trademark C NEWS n° 4308347, registered since October 18th, 2016;
International trademark C NEWS n° 1358557, registered since March 29th, 2017.
The Complainant also owns the following domain names containing the term “C NEWS” such as <cnews.fr> registered since 2014-10-20 and <cnews.sport> registered since 2018-12-06.

FACTUAL BACKGROUND

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

The Complainant, SOCIETE D'EXPLOITATION D'UN SERVICE D'INFORMATION (SESI), as a subsidiary of the GROUP CANAL +, is 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 owns several trademarks including the wording “C NEWS”.

The disputed domain name <cnews.digital> was registered on June 2nd, 2020 and points to a parked page with no substantial content.

The Complainant’s trademarks predate the disputed domain name.

PARTIES CONTENTIONS

PARTIES' CONTENTIONS:

COMPLAINANT:

The Complainant contends that:

the disputed domain name <cnews.digital> is identical to the Complainant's CNEWS trademark,
the Respondent lacks rights or legitimate interests in the disputed domain name, and that
the Respondent has registered and is using the disputed domain name in bad faith.

RESPONDENT:

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

A) Confusing similarity

The Panel agrees with the Complainant's assertion that the addition of the new gTLD “.digital” does not add any distinctiveness to the disputed domain name, and that it is well established that TLDs may be disregarded in the assessment under paragraph 4(a)(i) of the Policy when comparing disputed domain names and trademarks.

B) Lack of legitimate rights or interests

The disputed domain name is a distinctive, non-descriptive name. It is unlikely that the Respondent registered the disputed

domain name without having the Complainant in mind. The Complainant's assertions that the Respondent is not commonly known by the disputed domain name and is not affiliated with nor authorized by the Complainant are sufficient to constitute a prima facie demonstration of absence of rights or legitimate interest in the disputed domain name on the part of the Respondent. The burden of evidence therefore shifts to the Respondent to show, using tangible evidence, that it does in fact have rights or legitimate interests in the disputed domain name. The Respondent has made no attempt to do so. Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.

C) Registered or Used in Bad Faith

The Complainant gives sound bases for its contention that the disputed domain name was registered and has been used in bad faith.

Firstly, owing to the distinctiveness of the Complainant's trademarks and reputation, it is reasonable to infer that the Respondent registered the disputed domain name with full knowledge of the Complainant's trademarks, and so the Panel finds on the balance of probabilities that the Respondent was aware of the Complainant's trademarks when registering the disputed domain name.

Secondly, the Panel accepts the Complainant's unchallenged assertion that the Respondent registered the disputed domain name with the aim of creating a likelihood of confusion with the Complainant's trademark, and also to profit from this confusion for its own commercial gain.

Thirdly, the disputed domain name redirects to a parked page with no substantial content. Therefore, the Panel also accepts the Complainant's unchallenged assertion that the Respondent has not made any use of the disputed domain name since its registration, and that the passive holding is further inference of bad faith.

Fourthly, the Respondent has not responded to nor denied any of the assertions made by the Complainant in this proceeding.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **CNEWS.DIGITAL**: Transferred

PANELLISTS

Name	**Dr. Fabrizio Bedarida**

DATE OF PANEL DECISION 2020-07-15

Publish the Decision