Decision for dispute CAC-UDRP-103105

Case number	CAC-UDRP-103105
Time of filing	2020-06-11 11:03:22
Domain names	belrn.com

Case administrator

Name	Šárka Glasslová (Case admin)

Complainant

Organization	Belron International Limited

Complainant representative

Organization	HSS IPM GmbH

Respondent

Name	Kevin Allen

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings pending or decided between the same parties and relating to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of several trademarks consisting of the term “BELRON” in numerous countries all over the world, in particular European Union trademark BELRON no. 001482405 registered on 26 March 2001 for goods and services in classes 1, 9, 12, 37.

FACTUAL BACKGROUND

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

It results from the Complainant’s undisputed allegations that it is the world’s largest dedicated vehicle glass repair and replacement company with approximately 29,000 employees in over 35 countries on 6 continents. In 2019 the Complainant served more than 18 million consumers. It operates with several brands, including Carglass, Safelite, Autoglass.

The Complainant contends that - due to the use, advertising and revenue associated with its trademarks worldwide - it enjoys a degree of renown worldwide. The Complainant further contends that its trademark BELRON is distinctive.

The Complainant is also the owner and uses the official websites <www.belron.com> registered on 15 July 1998, <www.belron.net> registered on 1 November 2001 and <www.belron.ch> registered on 9 August 2007.

The disputed domain name <BELRN.COM> was registered on 14 April 2020 and resolves to an inactive webpage.

The Complainant further contends that the Respondent used the disputed domain name to pass itself off as a Complainant's manager, i.e. General Manager Franchising, to conduct a phishing scheme.

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 Panel finds that the disputed domain name <BELRN.COM> is confusingly similar to the Complainant's trademark "BELRON". In the case at issue the Complainant's registered trademark "BELRON" is almost fully included in the disputed domain name. On this regard, it is the view of this Panel that the deletion of the vocal "o" - between the letters "r" and "n" - results to be a common, obvious or intentional misspelling of the trademark "BELRON". Thus, the disputed domain name contains sufficiently recognizable aspects of the relevant mark (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Jurisprudential Overview 3.0") at point 1.9.

2. In the absence of any Response, or any other information from the Respondent indicating the contrary, the Panel further holds that the Complainant successfully presented its prima facie case and that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

In particular, the Respondent is not affiliated with nor authorized by the Complainant in any way, and he is not related in any way to the Complainant's business. In addition, the Respondent is not commonly known by the disputed domain name.

Finally, the disputed domain name resolves to an inactive website and the Complainant provided evidence that the Respondent used the disputed domain name to pass itself off as one of the Complainant's managers, i.e. General Manager Franchising, to conduct a phishing scheme. Such use can neither be considered as bona fide offering of goods or services nor a legitimate non-commercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue; see WIPO Jurisprudential Overview 3.0" at point 2.13.1: "Panels have categorically held that the use of a domain name for illegal activity (e.g. the sale of counterfeit goods or

illegal pharmaceuticals, phishing, distributing malware, unauthorized account access/hacking, impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent".

3. It is the view of this Panel that the Respondent has intentionally registered the disputed domain name which employs a misspelling of the Complainant's trademark. By the time the disputed domain name was registered, it is unlikely that the Respondent did not have knowledge of the Complainant's rights on its trademark. The finding of bad faith is confirmed by the fact that the Respondent failed to submit a response and that the disputed domain name consists of a common, obvious, or intentional misspelling of the Complainant's trademark, on this regard this Panel shares the view mentioned in WIPO Jurisprudential Overview 3.0" at point 1.9: "(...) Under the second and third elements, panels will normally find that employing a misspelling in this way signals an intention on the part of the Respondent (typically corroborated by infringing website content) to confuse users seeking or expecting the Complainant".

The Complainant also proved that the Respondent used the disputed domain name to pass itself off as one of the Complainant's managers, i.e. General Manager Franchising, to conduct a phishing scheme, so that the Panel is satisfied that the disputed domain name is used to intentionally attempt to attract, for commercial gain, Internet users to the Respondent's web site or other on-line location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's web site or location, or of a product or service on the Respondent's web site or location. On this regard, this Panel shares the view mentioned in WIPO Jurisprudential Overview 3.0" at point 3.1.4: "(...) "given that the use of a domain name for per se illegitimate activity such as the sale of counterfeit goods and phishing can never confer rights or legitimate interest on a respondent, such behaviour is manifestly considered evidence of bad faith".

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **BELRN.COM**: Transferred

PANELLISTS

Name	**Dr. Federica Togo**

DATE OF PANEL DECISION 2020-07-23

Publish the Decision