Decision for dispute CAC-UDRP-103030

Case number	CAC-UDRP-103030
Time of filing	2020-05-22 08:54:16
Domain names	yalewindows.info

Case administrator

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

Complainant

Organization	ASSA ABLOY Branding S.a.r.l

Complainant representative

Organization	Coöperatieve Vereniging SNB-REACT U.A.

Respondent

Name	Ramin KHAYRI

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other pending proceedings related to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant is, as a daughter company of the proprietor of the European Union Trademark registration 013956123 YALE registered on March 7, 2016 in numerous classes being in effect, entitled to file the present proceedings as it was documented to the satisfaction of the panel.

FACTUAL BACKGROUND

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

The proprietor of the YALE trademarks and parent company of the Complainant, is a worldwide known company with trademarks dating back to 1885 and being active in the sector of opening solutions, trusted identities, locks, doors and windows business, also with the Yale Brand.

The disputed domain name was registered on October 1, 2018. A website under the disputed domain name shows offers for services related to doors and windows.

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

In order to succeed in its claim, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied:

(i) The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and

(ii) The Respondent has no rights or legitimate interests with respect to the disputed domain name; and

(iii) The disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant has established the fact that his parent company has valid trademark rights for “YALE”. The disputed domain name is confusingly similar to the mark of Complainant´s parent company since the element “windows” is of low distinctiveness and does not sufficiently contribute to the character of the mark. The Panel therefore considers the disputed domain name to be confusingly similar to the trademark „YALE" in which the parent company of the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

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 the Respondent to use its trademarks or designations confusingly similar to its trademarks. Furthermore, the Respondent has no rights or legitimate interests in the disputed domain name, since there is no indication that the Respondent is commonly known by the name “YALE” or “YALEWINDOWS” or that the Respondent is using the disputed domain name in connection with a bona fide offering of goods or services.

The Panel therefore finds that the Respondent does not have rights or legitimate interests in the disputed domain name.

C. Registered and Used in Bad Faith

The Panel does not believe that the application of a domain name being highly similar to a distinctive trademark sign being applied by the parent company of the Complainant is accidental.

This Panel does not see any conceivable legitimate use that could be made by the Respondent of this particular domain name without the Complainant's authorization. The circumstances of this case, in particular the website showing competitive services indicate that the Respondent registered and uses the disputed domain name primarily with the intention of attempting to attract, for commercial gain, Internet users to its potential website or other online locations, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of such website or location, or of a product or service on such website or location. The Panel therefore considers the disputed domain name to have been registered and used in bad faith in accordance with paragraph 4(a)(iii) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **YALEWINDOWS.INFO**: Transferred

PANELLISTS

Name	**Dietrich Beier**

DATE OF PANEL DECISION 2020-07-29

Publish the Decision