Decision for dispute CAC-UDRP-103185

Case number	CAC-UDRP-103185
Time of filing	2020-07-22 09:24:06
Domain names	frontlinedogscats.com

Case administrator

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

Complainant

Organization	Merial

Complainant representative

Organization	Nameshield (Laurent Becker)

Respondent

Name	monika munjal

OTHER LEGAL PROCEEDINGS

There are no other legal proceedings the Panel is aware of which are pending or decided and which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant is - among others - the owner of the International trademark registration no. 1245236 FRONTLINE (registered since 2015) and of the EU trademark registration no. 2932853 FRONTLINE PET CARE (registered since 2016).

The Complainant also owns several domain names incorporating the wording FRONTLINE, such as <frontline.com> (since 1999).

FACTUAL BACKGROUND

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

The Complainant is a well-known company world leader in animal health, which currently employs around 7,000 people and is present in more than 150 countries around the world, with a turnover of 2.5 billion euros (in 2015). The Complainant is the owner of several trademark registrations consisting of the wording FRONTLINE in relation with products for pets.

Likewise, the Complainant is the owner of a portfolio of domain names including the wording FRONTLINE since 1999.

The Respondent has registered the domain name <frontlinedogscats.com> on April 17, 2020, redirecting it to a website (www.discoveranimal.com), which seems a sort of pets-related blog containing commercial links to external parties' websites.

According to the Complainant, the disputed domain name would be a variation of the Merial's registered trademark FRONTLINE, with the addition of generic terms.

The Complainant affirms that the Respondent has no rights or legitimate interests in respect of the disputed domain name and is not related in any way with the Complainant's business. In particular, the Complainant states that the Respondent is not affiliated with Merial, nor authorized by such company in any way. In addition, The Complainant affirms it currently 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, or apply for registration of the disputed domain name by the Complainant.

The Complainant contends that the disputed domain name has been registered and being used in bad faith, as it redirects to a parking page with commercial links.

PARTIES CONTENTIONS

No appropriate administratively compliant Response has been filed.

The Respondent merely replied to the Complaint with one statement, by affirming: "I bought this domain name from bigrock, paid for it from expireddomains to built my website on dogs and cats. I am a small blogger from India" and "I am using it for dogs and cats".

It is rather clear the Respondent did not provide sufficient reasons for the rights to the disputed domain name, as no annexes nor any documentary or other evidence upon which the Respondent relies have been submitted by the latter.

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 DISPUTED DOMAIN NAME IS IDENTICAL OR CONFUSINGLY SIMILAR TO THE COMPLAINANT`S TRADEMARK

The Panel finds that the disputed domain name is confusingly similar to the trademark FRONTLINE and to the relative domain names registered by the Complainant, which has proven to have prior rights since many years before the registration of the disputed domain name.

In particular, the Panel agrees that the mere addition of the words “dogs” and “cats” even increase the impression that the disputed domain name is somehow affiliated to the Complainant. It is hard to believe that the Respondent could have registered the disputed domain name without actual knowledge of Complainant's rights in the trademark.

Many UDRP decisions – even involving the present Complainant – confirmed that the addition of generic/descriptive terms does not change the overall impression of the designation as being connected to the Complainant’s trademark. It does not prevent the likelihood of confusion between the disputed domain name and the Complainant, its trademark and domain names associated.

There is no doubt that the same case lies before us in this matter.

THE RESPONDENT HAS NO RIGHTS OR LEGITIMATE INTERESTS IN RESPECT OF THE DISPUTED DOMAIN NAME

According to the information provided by the Complainant, the Respondent is not affiliated nor authorized by the Complainant in any way. Likewise, the Complainant neither licensed nor authorized the Respondent to make any use of its trademark FRONTLINE, or to apply for registration of the disputed domain name on behalf of the Complainant. The Complainant does not carry out any activity for, nor has any business with the Respondent.

It is undeniable that Complainant is only required to make out a prima facie case that the Respondent lacks rights or legitimate interests in respect of the disputed domain name. Once such prima facie case is made, Respondent carries the burden of demonstrating rights or legitimate interests in the disputed domain name. If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(a) (ii) of the Policy.

Given all the above and taken into account the fact that the Respondent did not provide any appropriate nor exhaustive response within the present proceeding, the Panel accepts the contentions of the Complainant that the Respondent has no such rights or legitimate interests in <frontlinedogscats.com>.

THE DISPUTED DOMAIN NAME HAS BEEN REGISTERED AND IS BEING USED IN BAD FAITH

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. This prima facie evidence was not challenged by the Respondent, which did not appropriately provide a reasoned response.

The disputed domain name redirects to a website with external commercial links related to animal care (the same business for which the trademark FRONTLINE is used by the Complainant) and such circumstance would demonstrate that the Respondent has attempted to attract Internet users to his own website thanks to the Complainant’s trademark for its own commercial gain by creating a likelihood of confusion with the Complainant´s, which is an evidence of bad faith.

In the absence of an appropriate response from monika munjal and given the reputation of the Complainant and its trademark, the Panel infers that the Respondent had the Complainant's trademarks FRONTLINE in mind when registering the disputed domain name.

Consequently, the Panel believes that the same was registered and is being used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **FRONTLINEDOGSCATS.COM**: Transferred

PANELLISTS

Name	**Tommaso La Scala**

DATE OF PANEL DECISION 2020-08-13

Publish the Decision