Decision for dispute CAC-UDRP-103145

Case number	CAC-UDRP-103145
Time of filing	2020-07-23 09:54:06
Domain names	grupodiocles.com

Case administrator

Name	Šárka Glasslová (Case admin)

Complainant

Organization	GRUPO SORENSEN SBA SLU

Complainant representative

Organization	GRUPO SORENSEN SBA, SL

Respondent

Organization	li pan

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 not established that it owns any trademark rights. The Complainant refers to the Spanish trademark No. 2868724 "GRUPO DIOCLES", which is registered in the name of BORES Y CIA ABOGADOS, S.L.P.

FACTUAL BACKGROUND

The Complainant provided no factual background with regard to the present dispute.

PARTIES CONTENTIONS

PARTIES' CONTENTIONS:

COMPLAINANT:

The Complainant contents that the disputed domain name is identical to the trademark rights of BORES Y CIA ABOGADOS, S.L.P.

Furthermore, the Complainant argues that the registration of the disputed domain name is causing economic, image and customer losses of the associated brand.

RESPONDENT:

No administratively compliant Response has been filed.

RIGHTS

The Complainant has not shown to the satisfaction of the Panel that 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

In the light of the Panel's finding with regard to bad faith, it is not necessary for the Panel in this regard either to come to a decision.

BAD FAITH

In the light of the Panel's finding with regard to bad faith, it is not necessary for the Panel in this regard either to come to a decision.

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

Under paragraph 4(a) of the Policy, the Complainant must prove that each of the following three elements is present:

(i) the disputed domain name is identical or confusingly similar to the Complainant's trade mark; and

(ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and

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

1.
Paragraph 4(a)(i) of the Policy requires that the disputed domain name be identical or confusingly similar to a trademark or service mark in which the Complainant has rights. The Complainant doesn't need to be the trademark owner but can be also a licensee or another connected entity, such as a subsidiary.

In the present case, however, the Complainant is neither the trademark owner nor a licensee or subsidiary of the trademark owner but its legal representative, which, based on the facts provided to the Panel, cannot rely on rights in the trademark "GRUPO DIOCLES".

Therefore, the Panel finds that the Complainant has failed satisfied the requirements of paragraph 4(a)(i) of the Policy.

2.
In the light of the Panel’s finding above, it is not necessary for the Panel to come to a decision with regard to the Respondent's rights or legitimate interests in the disputed domain name or the question whether the disputed domain name was registered and is being used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Rejected

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

1. **GRUPODIOCLES.COM**: Remaining with the Respondent

PANELLISTS

Name	**Peter Müller**

DATE OF PANEL DECISION 2020-08-25

Publish the Decision