Decision for dispute CAC-UDRP-103280

Case number	CAC-UDRP-103280
Time of filing	2020-09-15 12:44:01
Domain names	jcdecaox.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	JCDECAUX SA

Complainant representative

Organization	Nameshield (Enora Millocheau)

Respondent

Name	Jones Micheal

OTHER LEGAL PROCEEDINGS

None of which the Panel is aware of.

IDENTIFICATION OF RIGHTS

For more than 50 years, JCDECAUX SA has been offering advertising solutions that combine urban development and the provision of public services in more than 80 countries. The Complainant is currently the only group present in the three principal segments of outdoor advertising market: street furniture, transport advertising and billboard.

JCDECAUX SA owns several trademarks “JCDECAUX” such as the international trademark registration JCDECAUX® n° 803987 registered since 2001-11-27.

FACTUAL BACKGROUND

The disputed domain name was registered on Sept. 6, 2020. The disputed domain name resolves to a parking page with commercial links.

PARTIES CONTENTIONS

PARTIES' CONTENTIONS:

COMPLAINANT:

The Complainant states that the disputed domain name <jcdecaox.com> is confusingly similar to its trademarks and branded services JCDECAUX®. Indeed, the substitution of the letter “U” by the letter “O” in the trademark JCDECAUX® is not sufficient to escape the finding that the domain name is confusingly similar to the trademark JCDECAUX®. Thus, this is a clear case of typosquatting, the disputed domain name contains an obvious misspelling of the Complainant’s trademark.

The Complainant asserts that the Respondent is not identified in the WHOIS database as the disputed domain name. Past panels have held that a Respondent was not commonly known by a disputed domain name if the Whois information was not similar to the disputed domain name. Thus, the Respondent is not known as the disputed domain name.

The Complainant contends that the Respondent is not affiliated with nor authorized by JCDECAUX SA in any way. The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name, and he is not related in any way to its business. The Complainant 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 of the Complainant’s trademark JCDECAUX®, or apply for registration of the disputed domain name by the Complainant.

The Complainant also claims that the disputed domain name is a typosquatted version of the trademark JCDECAUX®. Typosquatting is the practice of registering a domain name in an attempt to take advantage of Internet users’ typographical errors and can be evidence that a respondent lacks rights and legitimate interests in the domain name.

Finally, the disputed domain name resolves to a parking page with commercial links. Past panels have found it is not a bona fide offering of goods or services or legitimate non-commercial or fair use.

Therefore, the Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

The disputed domain name is confusingly similar to the Complainant's trademark JCDECAUX®. Past Panels have held that the JCDECAUX trademark is well-known. Citing WIPO Case No. DCC2017-0003, JCDecaux SA v. Wang Xuesong, Wangxuesong.

Besides, by registering the domain name <jcdecaox.com>, which consists of the substitution of the letter “U” by the letter “O” in the trademark JCDECAUX® and the addition of the gTLD “.COM”, the Complainant can state that this was intentionally designed to be confusingly similar with the Complainant’s trademarks. Previous UDRP Panels have seen such actions as evidence of bad faith.

Given the distinctiveness of the Complainant's trademark and reputation, the Complainant states that the Respondent has registered the disputed domain name with full knowledge of the Complainant's trademark JCDECAUX®.

Furthermore, the disputed domain name resolves to a parking page with commercial links. The Complainant contends the Respondent has attempt to attract Internet users for commercial gain to his own website thanks to the Complainant’s trademark for its own commercial gain, which is an evidence of bad faith.

On these bases, the Complainant concludes 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).

JCDECAUX SA owns several trademarks “JCDECAUX” such as the international trademark registration JCDECAUX® n° 803987 registered since 2001-11-27. The disputed domain name <jcdecaox.com> is confusingly similar to its trademarks and branded services JCDECAUX®. Indeed, the substitution of the letter “U” by the letter “O” in the trademark JCDECAUX® is not sufficient to escape the finding that the disputed domain name is confusingly similar.

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).

The Respondent is not affiliated with nor authorized by JCDECAUX SA in any way. The Respondent is not related in any way to Complainant's business. Neither license nor authorization has been granted to the Respondent to make any use of the Complainant’s trademark JCDECAUX®, or apply for registration of the disputed domain name by the Complainant.

The disputed domain name is a typosquatted version of the trademark JCDECAUX®. Typosquatting is the practice of registering a domain name in an attempt to take advantage of Internet users’ typographical errors and can be evidence that a respondent lacks rights and legitimate interests in the domain name.

Therefore, the Respondent has no rights or legitimate interests in respect of the disputed domain name.

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).

The disputed domain name is confusingly similar to the Complainant's trademark. By registering the domain name <jcdecaox.com>, which consists of the substitution of the letter “U” by the letter “O” in the trademark JCDECAUX® and the addition of the gTLD “.COM”, it appears to have been intentionally designed to be confusingly similar with the Complainant’s trademarks. Previous UDRP Panels have seen such typosquatting actions as evidence of bad faith.

Given the distinctiveness of the Complainant's trademark and reputation, the Panel finds that the Respondent has registered the disputed domain name with full knowledge of the Complainant's trademark.

Furthermore, the disputed domain name resolves to a parking page with commercial links. The Respondent has attempted to attract Internet users for commercial gain to his own website, which is an evidence of bad faith.

On these bases, the Panel concludes that the Respondent has registered and is using the disputed domain name in bad faith.

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 a typosquatted version of the trademark JCDECAUX®. Typosquatting is the practice of registering a domain name in an attempt to take advantage of Internet users’ typographical errors and can be evidence that a respondent lacks rights and legitimate interests in the domain name. Furthermore, the disputed domain name resolves to a parking page with commercial links. The Respondent has attempted to attract Internet users for commercial gain to his

own website, which is an 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. **JCDECAOX.COM**: Transferred

PANELLISTS

Name	**Mike Rodenbaugh**

DATE OF PANEL DECISION 2020-10-13

Publish the Decision