Decision for dispute CAC-UDRP-103309

Case number	**CAC-UDRP-103309**
Time of filing	**2020-10-27 09:39:20**
Domain names	**ccleaner.dev**

Case administrator

Organization	**Denisa Bilík (CAC) (Case admin)**

Complainant

Organization	**Piriform Software Limited**

Complainant representative

Organization	**Rudolf Leška, advokát**

Respondent

Name	**Dennis Milano**

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any pending related proceedings.

IDENTIFICATION OF RIGHTS

The Complainant is the proprietor of several registered trademarks for CCLEANER, inter alia of the active European Union trademark 007562002 registered on November 10, 2009 in class 9.

FACTUAL BACKGROUND

The disputed domain name was registered on December 6, 2019.

The Complainant provides to its customers a PC optimization software named “CCleaner” which protects their privacy and makes their computers faster and more secure. This award-winning optimization tool was released in 2004 and has been already downloaded more than two and a half billion times. Only the website of the Complainant under <ccleaner.com> was visited in a recent 6 months term by over 25 million internet users.

A website under the disputed domain name shows products of the Complainant which is in part designed in an identical way.

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

The Complainant has established the fact that it has valid trademark rights for CCLEANER. The disputed domain name is confusingly similar to the trademarks of the Complainant since it is acknowledged that the generic Top-Level Domain (“gTLD”) does not have a relevant influence on the similarity of a trademark and a domain name.

The Panel therefore considers the disputed domain name to be confusingly similar to the CCLEANER trademarks in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

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 the Respondent any permission or given its consent to the Respondent to use its trademarks. Furthermore, the Respondent has no rights or legitimate interests in the disputed domain names as, since there is no indication that the Respondent is commonly known by the name “CCLEANER” or that the Respondent is using the disputed domain names 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 names.

In the view of the Panel, the Respondent must have been aware of the widely known Complainant and its trademarks when registering the disputed domain name. The Complainant has not authorized the Respondent to make use of its trademarks. From the record, the Panel does not see any conceivable legitimate use being made by the Respondent of the disputed domain name.

The circumstances of this case, in particular the in part identical design of the website under the disputed domain name, furthermore 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. **CCLEANER.DEV**: Transferred

PANELLISTS

Name	**Dietrich Beier**

DATE OF PANEL DECISION 2020-12-01

Publish the Decision