Decision for dispute CAC-UDRP-103378

Case number	**CAC-UDRP-103378**
Time of filing	**2020-10-30 11:12:57**
Domain names	**flowbirb.group**

Case administrator

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

Complainant

Organization	**FLOWBIRD SAS**

Complainant representative

Organization	**Nameshield (Laurent Becker)**

Respondent

Name	**Mat Godfried**

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other proceedings which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant relies on the following registered trademarks:

- French trademark no. 4425718 for a logo comprising the word FLOWBIRD with application date 5 February 2018;
- French trademark no. 4449643 for a device consisting primarily of the word FLOWBIRD with application date 27 April 2018; and
- International trademark no. 1454019 for the word FLOWBIRD with application date 13 July 2018.

FACTUAL BACKGROUND

The Complainant is a company specialising in payment and ticketing systems for car parks and public transport. Its headquarters are in France and it operates internationally. It has a turnover of 350 million Euros and 1300 employees. The Complainant has registered the trademarks mentioned above and domain names containing the string "flowbird" including <flowbird.group> and <flowbird.fr>.

According to information provided by the Registrar, the disputed domain name was registered by the current holder on 30 September 2021. It has been directed to a parking page containing links to commercial websites.

PARTIES CONTENTIONS

No administratively compliant Response has been filed.

RIGHTS

The Panel finds that the Complainant has rights in the mark FLOWBIRD. The Panel is also satisfied that the disputed domain name is confusingly similar to this mark, from which it differs only in the substitution of the letter "b" for the letter "d" and the addition of the generic top-level domain suffix, which is also the same suffix as one of the Complainant's domain names comprising the string "flowbird". The disputed domain name could therefore be typed by an Internet user seeking the Complainant's website who makes a typographical error.

The Complainant has, to the satisfaction of the Panel, shown 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

According to the undisputed information on the file, the only use made by the Respondent of the disputed domain name has been to direct it to a web page displaying links to various commercial websites. The Panel infers that these links are sponsored with a fee being paid when the link is used to access the linked website ("pay per click"). The Panel does not regard this use as being for a bona fide offering of goods or services, and nor is it a legitimate non-commercial or fair use of the disputed domain name. It is also clear that the Respondent is not commonly known by the disputed domain name or any corresponding name.

In the circumstances, 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 disputed domain name was registered recently by the Respondent, when the Complainant had a substantial global business under the mark FLOWBIRD with a website at www.flowbird.group. The disputed domain name is a confusingly similar variant of that domain name which could easily be entered by an Internet user by a typographical error. There does not appear to be any other purpose of the Respondent's registration of the disputed domain name than to cause and benefit from confusion with the Complainant's mark and domain name. The Respondent has directed the disputed domain name to a website displaying sponsored links in respect of which he is likely to be receiving pay per click fees.

The Panel finds on the undisputed evidence that the Respondent is using the disputed domain name intentionally to attract Internet users for commercial gain to his web page by creating a likelihood of confusion with the Complainant's mark as to the source of his web page. In accordance with paragraph 4(b)(iv) of the Policy, this constitutes evidence of the registration and use of the disputed domain name in bad faith. No evidence has been provided displacing that presumption.

In these circumstances 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 has an SLD that is a typographical variant of the Complainant's registered mark and a TLD the same as a domain name used by the Complainant for its own website promoting its substantial international business. The disputed domain name is directed to a parking page displaying links to commercial websites. The Panel finds that the disputed domain name is confusingly similar to the Complainant's registered mark, that the Respondent has no rights or

legitimate interests and that it 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. **FLOWBIRB.GROUP**: Transferred

PANELLISTS

Name	**Jonathan Turner**

DATE OF PANEL DECISION 2020-12-03

Publish the Decision