Decision for dispute CAC-UDRP-103429

Case number	CAC-UDRP-103429
Time of filing	2020-11-24 14:19:02
Domain names	pentair.icu

Case administrator

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

Complainant

Organization	Pentair Flow Services AG

Complainant representative

Organization	HSS IPM GmbH

Respondent

Organization	Domain Administrator / See PrivacyGuardian.org

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 is the owner of several "PENTAIR" trademarks, among which:

- the Swiss trademark "PENTAIR" n° 675144;

- the EU trademark "PENTAIR" n° 010829117;

- the US trademark "PENTAIR" n° 5003584,

("the PENTAIR trademarks").

The Complainant also uses the domain names <pentair.com>, <pentair.net> and <pentair.org>, which are connected to the official website of the Complainant.

FACTUAL BACKGROUND

FACTS ASSERTED BY COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

The Complainant is a water treatment organization with its parent company Pentair plc incorporated in Ireland, and its main U.S. office located in Minneapolis, Minnesota. The Complainant uses the domain names <pentair.com>, <pentair.net> and <pentair.org> to connect to websites through which it informs potential customers about the products and services that are being offered under the PENTAIR trademarks.

The Respondent registered the disputed domain name <pentair.icu> on October 6, 2020. The disputed domain name is currently not being used for an active website, and it appears that it has never been used for an active website since it was registered.

The Complainant sent a cease-and-desist letter to the Respondent asking to cease the use of the disputed domain name. As the Respondent is operating under a privacy shield, the letter was sent to the e-mail address abuse@namesilo.com as provided in the WHOIS.

The Complainant did not receive a response from the Respondent.

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 the Policy are met and that there is no reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

I. The disputed domain name is confusingly similar to the Complainant's trademarks

The Panel finds that the disputed domain name <pentair.icu> is confusingly similar to the Complainant’s PENTAIR trademarks. The disputed domain name incorporates entirely the PENTAIR trademarks of the Complainant.

II. 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

The Panel notes that the Complainant has never granted the Respondent any right to use the PENTAIR trademarks for the disputed domain name, nor is the Respondent affiliated to the Complainant in any form.

The Complainant contends that the Respondent has made no use of, or demonstrable preparations to use, the domain name

in connection with a bona fide offering of goods or services, is not making a legitimate non-commercial or fair use of the disputed domain name, and is not commonly known under the disputed domain name.

The Panel notes that the Respondent's name or contact details contain no reference to PENTAIR or similar words or names. The disputed domain name is not used for any active website. The Respondent has not by virtue of the content of the website, nor by its use of the disputed domain name shown that it will be used in connection with a bona fide offering of goods or services.

Therefore, the Panel finds that the Complainant has shown that the Respondent has not made legitimate use of the disputed domain name for a bona fide offering of goods or services.

In lack of any Response from the Respondent, or any other information indicating the contrary, the Panel concludes that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

III. The Complainant has, to the satisfaction of the Panel, shown that the disputed domain name was registered and is being used in bad faith

In addition to the abovementioned facts, the Respondent's likely knowledge of the Complainant's PENTAIR trademarks, the failure of the Respondent to respond and hence to present a credible evidence-backed rationale for registering and using the disputed domain name, and the use by the Respondent of a privacy shield to conceal its identity, all show that the Respondent has registered and used the disputed domain name in bad faith.

In lack of any Response from the Respondent, or any other information indicating the contrary, the Panel concludes that the Respondent has registered and used the disputed domain name in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **PENTAIR.ICU**: Transferred

PANELLISTS

Name	**Tom Joris Heremans**

DATE OF PANEL DECISION 2021-01-05

Publish the Decision