

Decision for dispute CAC-UDRP-103589

Case number CAC-UDRP-103589

Time of filing 2021-02-25 09:22:33

Domain names palantirdocs.com

Case administrator

Organization Denisa Bilík (CAC) (Case admin)

Complainant

Organization Palantir Technologies Inc.

Complainant representative

Organization RiskIQ, Inc. - Incident Investigation and Intelligence (i3), Jonathan Matkowsky

Respondent

Name Mike Thomas

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 owns the following trade mark registrations for PALANTIR:

- European Union Intellectual Property Office registration number 0006174627, which was registered on 29 August 2007 in classes 35, 38 and 41;
 - European Union Intellectual Property Office registration number 011251485, which was registered on 26 January 2014 in classes 9 and 42;
 - US registration number 3671386, which was registered on 25 August 2009 in class 42;
 - US registration number 3585690, which was registered on 10 March 2009 in class 9; and
 - Australian registration number 1226169, which was registered on 22 October 2009 in class 9.
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FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

The Complainant is a company incorporated in Delaware, United States in 2003. It started building software for the

intelligence community in the US to assist in counter-terrorism investigations. Its software is also used by commercial enterprises in over one hundred countries.

The Complainant owns numerous trade mark registrations for PALANTIR that predate the registration of the disputed domain name. Its corporate website uses the domain name <palantir.com>.

The Complainant asserts that because its platforms and services are used with large and sensitive data sets, PALANTIR may be perceived as an attractive target for harmful cyber actors seeking unauthorised access.

The disputed domain name was registered on 15 August 2019. The Respondent used a privacy service and following the response to the registrar's verification request, the Complaint was amended to show the name of the Respondent, the underlying registrant.

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

On 26 February 2021, the Respondent emailed the Register and the ADR Provider requesting the disputed domain name be transferred. On 19 March 2020, the Complainant filed a suspension request to suspend the proceedings until 23 March 2021 to allow settlement negotiations to proceed. The Complainant filed a standard settlement to transfer the disputed domain name to the Complainant, but the Respondent did not confirm the settlement and the proceedings were resumed.

The Panel is satisfied that all procedural requirements under the UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

Paragraph 4 (a) of the Policy requires the Complainant to prove each of the following three elements:

- i. the disputed domain name is identical or confusingly similar to a trade mark or service mark in which the Complainant has rights;
- ii. the Respondent has no rights or legitimate interests in the disputed domain name; and
- iii. the disputed domain name has been registered and used in bad faith.

A. IDENTICAL OR CONFUSINGLY SIMILAR

The Complainant asserts that the disputed domain name is confusingly similar to its trade mark PALANTIR.

The top-level domain “.com” does not add any distinctiveness to a domain name and can be disregarded when assessing whether the disputed domain name is confusingly similar to the Complainant’s trade mark.

The disputed domain name incorporates the Complainant’s mark in its entirety with the addition of the term “docs”. The Panel accepts the Complainant’s submission that “docs” is one of the most widely-known file formats used for word processing. The Panel notes that when the Respondent registered the disputed domain name the Complainant was using “docs” for its online application for support resources at <<https://docs.palantir.com/>> and that its website’s terms and conditions incorporates a reference to <https://www.docs.palantir.com>. Adding the commonly used term “docs” to the Complainant’s trade mark PALANTIR does not change the overall impression of that the disputed domain name is confusingly similar to the Complainant’s trade mark.

The Panel finds that that the disputed domain name is confusingly similar to the Complainant’s trade mark and that the requirements of paragraph 4(a)(i) of the Policy have been met.

B. NO RIGHTS OR LEGITIMATE INTEREST IN THE DISPUTED DOMAIN NAME

The Complainant asserts that the Respondent is not commonly known by the disputed domain name and is not affiliated with the Complainant, nor licenced or authorised to use the Complainant’s trade marks in any way. The disputed domain name redirects to a landing page advertising it for sale for a minimum purchase price of \$2,4995, which appear to exceed its out-of-pocket expenses.

The Panel finds that the Complainant has made out a prima facie case that the Respondent lacks rights or legitimate interest in the disputed domain name. The Respondent has not filed a Response nor disputed any of the Complainant’s assertions.

The disputed domain name is confusingly similar to the Complainant’s trade mark. Offering it for sale at a price that appears to exceed out-of-pocket expenses does not constitute demonstrable preparations to use it in connection with a bona fide offering of goods or services, nor is it a legitimate non-commercial or fair use activity.

Taking the above factors into consideration, the Panel finds that the Respondent has no rights or legitimate interest in the disputed domain name and that the requirements of paragraph 4(a)(ii) of the Policy have been met.

C. REGISTERED AND BEING USED IN BAD FAITH

The Complainant’s rights in the name PALANTIR predate the disputed domain name’s registration. The disputed domain name is confusingly similar to the Complainant’s trade mark and there is nothing to indicate that it is not operated by the Complainant. The Panel accepts the Complainant’s assertion that in registering the disputed domain name comprising the Complainant’s mark in its entirety, and adding a generic term used by the Complainant to identify where to find its support resources, the Respondent has demonstrated a knowledge of and familiarity with the Complainant’s brand and business when it registered the disputed domain name.

The Respondent has offered to sell the disputed domain name for what appears to be in excess of the registration costs incurred, which is evidence of bad faith under paragraph 4(b)(i) of the Policy.

The Respondent has intentionally concealed its identity through its use of a proxy service and appears to have used false contact details in providing a physical mailing address of "123 May Be For Sale" and a telephone number of +1 5555555555.

Taking these factors into consideration, the Panel finds that the disputed domain name was both registered and used in bad faith and the requirements of paragraph 4(a)(iii) of the Policy have been met.

Accepted

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

1. PALANTIRDOCS.COM: Transferred
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PANELLISTS

Name	Veronica Bailey
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DATE OF PANEL DECISION 2021-04-05

Publish the Decision
