

**Decision for dispute CAC-UDRP-103635**

Case number **CAC-UDRP-103635**

Time of filing **2021-04-14 10:46:28**

Domain names **CAREERSASSAABLOY.COM, CAREERSASSAABLOY.ORG**

**Case administrator**

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

**Complainant**

Organization **ASSA ABLOY Branding S.a.r.l.**

**Complainant representative**

Organization **Coöperatieve Vereniging SNB-REACT U.A.**

**Respondent**

Name **Jeremy Howard**

**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 names (the "Domain Names").

**IDENTIFICATION OF RIGHTS**

The Complainant relies upon various registered trade marks that incorporate or comprise the term "ASSA ABLOY". These include:

- (i) EU registered trade mark no. 002784585, registered since 19 January 2004, in classes 6, 9 and 45;
- (ii) International trade mark registration no. 1399880 dated 11 December 2017, which has proceeded to registration in a large number of designated countries in classes 7, 19, 20, 37 and 42; and
- (iii) Canadian trade mark registration no TMA647446, registered since 7 September 2005.

**FACTUAL BACKGROUND****FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:**

The Complainant is Assa Abloy Branding S.a.r.l., a wholly owned subsidiary of ASSA ABLOY AB, the parent company of the

ASSA ABLOY group. The ASSA ABLOY group is a global leader in "door opening solutions" with sales of Swedish kronor 94 billion in 2019. ASSA ABLOY is present in more than 70 countries and has a market leading position in Europe, North America and the Asia Pacific region, within areas such as mechanical and electromechanical locking, access control, identification technology, entrance automation, security doors, hotel security and mobile access.

About 70% of the group's total sales fall under the ASSA ABLOY master brand, while 20% are under Yale (for home access and security) and HID (for identification technology).

In addition to its registered trade marks, the Complainant also owns several generic Top-Level Domain (gTLD) such as <assaabloy.com> and country code Top-Level Domain (ccTLD) names comprised of or containing the ASSA ABLOY mark.

The Domain Names were registered on 13 January 2021 and on 28 March 2021.

The <CareersAssaAbloy.com> Domain Name was connected to a website using the Wordpress system, with the title of "ASSA ABLOY GROUP ca INTERVIEW ROOM".

The Respondent has also used the <CareersAssaAbloy.com> Domain Name in connection with a false job offer placed on HypJobs.ca, and RapidInterviews.com for the role of "Shipping Manager". In those fake job offers, the Respondent stated that "Interested applicants (internal & external) can apply online at [www.assaabloy.com/career](http://www.assaabloy.com/career) or send their resumes to <careersassaabloy.com> ASSA ABLOY welcomes and encourages applications from people with disabilities."

The Respondent has also sent at least one mail from the e-mail address [hr@careersassaabloy.com](mailto:hr@careersassaabloy.com), impersonating an Assa Abloy employee. This scam e-mail requested the various pieces of personal and financial information from the addressee.

The website of <CareersAssaAbloy.org> is active but appears to be under construction.

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#### PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

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#### RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the Domain Names are identical or confusingly similar to a trade mark or service mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

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#### 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 Domain Names (within the meaning of paragraph 4(a)(ii) of the Policy).

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#### BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the Domain Names have been registered and are being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

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#### 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.

The Panel further accepts the Complainant's contention that the Domain Names have been registered by the same person or entity. In this respect, it is sufficient to record that the contact name, e-mail address and telephone number given in respect of each of the Domain Names is the same. Accordingly, both of the Domain Names can legitimately be the subject of a single complaint.

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#### PRINCIPAL REASONS FOR THE DECISION

FINAL REASONS FOR THE DECISION

The Complainant has satisfied the Panel that it has registered trade rights for the term “ASSA ABLOY”. In order to satisfy the first element of the Policy it is usually sufficient for a complainant to show that the relevant mark is “recognizable with the disputed domain name”; as to which see section 1.7 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“WIPO Overview 3.0”). The Domain Name can only be sensibly read as the term "ASSA ABLOY", with the English word "Careers" added at the beginning and combined with the "com" or "org" top level domains. The Complainant has, therefore, satisfied the requirements of paragraph 4(a)(i) of the Policy.

The Panel is also satisfied that the Domain Names have been registered by the Respondent for the purposes of the fraudulent impersonation of the Complainant, in order to further some form of job related phishing scam. There is clear evidence of such use in the case of the <careersassaabloy.com> Domain Name, the <careersassaabloy.org> Domain Name takes the same form as the ".com" Domain Name and (as is already been recorded in the Procedural Factors section of this decision) the Panel is persuaded that both Domain Names have been registered by the same person or entity. Further, the revealed registration details for the <careersassaabloy.com> Domain Name, falsely name the Complainant.

There is no right or legitimate interest in registering and holding a domain name for fraudulent impersonation of a trade mark holder and such registration and use is in bad faith. The Complainant has, therefore, satisfied the requirements of paragraphs 4(a)(ii) and (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. **CAREERSASSAABLOY.COM**: Transferred
2. **CAREERSASSAABLOY.ORG**: Transferred

PANELLISTS

Name	<b>Matthew Harris</b>
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DATE OF PANEL DECISION 2021-05-10

Publish the Decision