

## Decision for dispute CAC-UDRP-103886

Case number CAC-UDRP-103886

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Time of filing 2021-06-25 09:05:28

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Domain names intesport.net

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### Case administrator

Organization Denisa Bilík (CAC) (Case admin)

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### Complainant

Organization IIC-INTERSPORT International Corporation GmbH

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### Complainant representative

Organization Nameshield (Laurent Becker)

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### Respondent

Name Zhu Yawen

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#### 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.

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#### IDENTIFICATION OF RIGHTS

The Complainant owns the following trademarks for INTERSPORT:

- International trademark number 210606, registered on 16 June 1958;
  - International trademark number 441202, registered on 21 September 1978; and
  - International trademark number 610367, registered on 1 October 1993.
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#### FACTUAL BACKGROUND

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

The Complainant is a sporting goods retailer. The Intersport Group has a turnover of EUR 12.3 billion and is represented in 57 countries.

The Complainant owns of several trademarks for INTERSPORT, which predate the registration of the disputed domain name. It also owns and communicates on the Internet through various domain names, including <intesport.com>, registered on 18

August 1998.

The disputed domain name was registered on 6 January 2021. It redirects to a website purporting to be an online store selling the Complainant's products and other products at discounted prices.

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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 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).

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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 disputed domain name (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 disputed domain name has been registered and is 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.

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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 states that the disputed domain name < intesport.net> is confusingly similar to its trademark INTERSPORT.

The top-level domain, such as ".net", is a standard registration requirement and can be disregarded when determining confusing similarity.

The disputed domain name consists of an obvious misspelling of the Complainant's trademark. The deletion of the letter "R" from the Complainant's trademark, INTERSPORT, does not change the overall impression that the disputed domain name is confusingly similar to the Complainant's mark.

The Panel finds that that the disputed domain name is confusingly similar to the Complainant's trademark, INTERSPORT, 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 states that the Respondent has no rights or legitimate interest in the disputed domain name and asserts

that:

- i. the Respondent is not known as the disputed domain name;
- ii. the Respondent is not affiliated with, nor have any business with the Complainant; and is not authorised by the Complainant to use its trademark INTERSPORT, or to apply for registration of the disputed domain name; and
- iii. the disputed domain name resolves to an online store that sells sporting goods in direct competition with Complainant.

The Respondent has not filed a response or rebutted any of the Complainant's assertions, nor given any explanation for registering the disputed domain name which is confusingly similar to the Complainant's trademark.

The evidence submitted shows that the disputed domain name resolves to an online store that sells sporting goods. Using a confusingly similar domain name that resolves to a competing webpage is not a bona fide offering of goods or services.

Taking these factors into account, the Panel finds that the Respondent has no rights or legitimate interest in the disputed main 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 trademark is well-known and predates the registration of the disputed domain name. The Respondent has provided no explanation why he registered the disputed domain name which is confusingly similar to the Complainant's trademark. The most likely explanation is that the Respondent had the Complainant's trademark in mind when he registered the disputed domain name, and that the registration was made in bad faith.

The Respondent has endeavoured to conceal his identity when he registered the disputed domain name. The Respondent's omission of the letter "R" in the disputed domain name seems intentionally designed to be confusingly similar with the Complainant's trademark INTERSPORT in order to attract internet users for commercial gain by creating a likelihood of confusion with that mark. This is confirmed by the evidence submitted which shows that the disputed domain name has been used for a website offering goods in competition with those of the Complainant.

The Panel concludes that the Respondent has registered and is using the disputed domain name in bad faith and that the requirements of paragraph 4(a)(iii) of the Policy have been met.

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FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

**Accepted**

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

1. **INTESPORT.NET**: Transferred

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### PANELLISTS

Name	<b>Veronica Bailey</b>
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DATE OF PANEL DECISION 2021-07-31

Publish the Decision

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