

Decision for dispute CAC-UDRP-103914

Case number CAC-UDRP-103914

Time of filing 2021-07-07 09:09:20

Domain names TWINNER-SPORT.COM

Case administrator

Organization Denisa Bilík (CAC) (Case admin)

Complainant

Organization GROUPE GO SPORT

Complainant representative

Organization Nameshield (Laurent Becker)

Respondent

Name Kasper Kowalczyk

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 numerous trademarks TWINNER® such as:

- International trademark TWINNER® n° 759091, registered since 06.02.2001; and
 - French trademark W TWINNER SPORT ® n° 3281647, registered since 23.03.2004.
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FACTUAL BACKGROUND

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

Founded in 1979, the Complainant is a French company specialized in the distribution of sporting goods. Over the years, GO Sport has developed into one of the leading sporting goods stores, while Courir has set a new benchmark for the sneaker fashion industry. Incorporated into GO Sport Group in 2014, Twinner is a network of stores that emphasizes the values of authenticity and connection to nature.

These three brands gradually grew in France and steadily developed in other countries, first in Poland, where GO Sport

launched in 1999, and then on all continents, with the rapid success of the master franchise and a leading position in the Middle East. A Google search on the expression "TWINNER SPORT" displays several results, all of them being related to the Complainant and its sporting goods. Consequently, given the distinctiveness of the Complainant's trademark and reputation, it is reasonable to infer that the Respondent has registered the domain name with full knowledge of the Complainant's trademark, constituting opportunistic bad faith. Please see for instance WIPO Case No. D2004-0673, Ferrari S.p.A v. American Entertainment Group Inc.

The disputed domain name redirects to a content unrelated to the disputed domain name. Therefore, the Respondent has intentionally sought to use Complainant's mark in the disputed domain name to attract Internet users to website and other on-line location for commercial gain by confusing consumers as to sponsorship of the website.

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). Complainant's French trademark registration corresponds directly to the disputed domain name.

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).

The Complainant contends that the Respondent is not affiliated with nor authorized by the Complainant in any way. The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant does not carry out any activity for, nor has any business with the Respondent. Neither license nor authorization has been granted to the Respondent to make any use of the Complainant's trademarks TWINNER®, or apply for registration of the disputed domain name by the Complainant.

Once such prima facie case is made, the Respondent carries the burden of demonstrating rights or legitimate interests in the domain name. If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(a)(ii) of the UDRP.

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).

The disputed domain name points to a website in relation with the "Roulette Game". Respondent has deliberately used the TWINNER trademark in the disputed domain name in order to divert Internet users seeking information on the Complainant to another website for the purpose of monetary gain, and hence, to tarnish the TWINNER trademark. Respondent has intentionally sought to use Complainant's mark in the disputed domain name to attract Internet users to website and other on-line location for commercial gain by confusing consumers as to sponsorship of the website.

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 points to a website in relation with the "Roulette Game". Respondent has deliberately used the TWINNER trademark in the disputed domain name in order to divert Internet users seeking information on the Complainant to another website for the purpose of monetary gain.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **TWINNER-SPORT.COM**: Transferred

PANELLISTS

Name	Mike Rodenbaugh
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DATE OF PANEL DECISION 2021-08-06

Publish the Decision
