

Decision for dispute CAC-UDRP-103964

Case number	CAC-UDRP-103964
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Time of filing	2021-08-06 10:05:54
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Domain names	cnews.shop
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Case administrator

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

Organization	SOCIETE D'EXPLOITATION D'UN SERVICE D'INFORMATION
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Complainant representative

Organization	NAMESHIELD S.A.S.
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Respondent

Organization	wowdimension
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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.

IDENTIFICATION OF RIGHTS

The Complainant is a subsidiary of the Group Canal+ and is the holder of the broadcasting authorizations and concessions granted by the Superior Council of Audiovisual for the French television channel "CNews", which is the Group's news channel which covers the news in real time. The Complainant is also owner of different trademarks for the term "C NEWS", including French national trademark C NEWS, with registration number 4308347, registered since October 18, 2016, and International trademark C NEWS, with registration number 1358557, registered since March 29, 2017 (hereinafter the "C NEWS Trademark").

The disputed domain name was registered on July 23, 2021 and resolves to an online casino.

FACTUAL BACKGROUND

Facts asserted by the Complainant and not contested by the Respondent:

The disputed domain name is identical to the Complainant's C NEWS Trademark, with the addition of the generic top level domain ("gTLD") ".shop" not adding any distinctiveness to the disputed domain name.

The Respondent does not have any rights or legitimate interest in the disputed domain name because the Respondent is not commonly known by a disputed domain name, is neither affiliated with nor authorized by the Complainant in any way, while neither a licence nor authorization has been granted to the Respondent to make any use of the C NEWS Trademark, or apply for registration of the disputed domain name by the Complainant. Moreover, the disputed domain name resolves to an online casino. The Complainant contends that the Respondent used the dispute domain name in a way that fails to confer rights and legitimate interests, as it is used to promote unrelated services.

The Respondent has registered the disputed domain name several years after the registration of the C NEWS Trademark by the Complainant, which has established a strong reputation while using this trademark. Besides, the Complainant contends that the term “C NEWS” does not have any signification, except in relation with the Complainant, so that the Respondent must have been aware of the C NEWS Trademark and registered the disputed domain name in bad faith.

The disputed domain name resolved to an online casino and the Complainant contends that the Respondent attempts to attract internet users by creating a likelihood of confusion with the C NEWS Trademark. The Respondent is obtaining commercial gain from its use of the disputed domain name and the resolving website, which constitutes bad faith registration and use of the disputed domain name.

The Panel checked the disputed domain name on the Internet and discovered that it is currently resolving to a website which uses the Complainant's stylized C NEWS logo and offers news items and commercial contents.

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 UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

1. A top level domain is a prerequisite part of a domain name and, in principle, not relevant to establish if the disputed domain name is identical or confusingly similar to the Complainant's trademark. In this matter the Panel finds that the disputed domain name is identical to the C NEWS Trademark.

2. The Panel finds that the Complainant successfully submitted prima facie evidence that the Respondent has made no use of, or demonstrable preparations to use, neither of the disputed domain name in connection with a bona fide offering of goods or services, nor is making a legitimate non-commercial or fair use of the disputed domain name, nor is commonly known under the disputed domain name. This prima facie evidence was not challenged by the Respondent.

3. In the absence of a Response, the Panel infers that the Respondent had the C NEWS Trademark in mind when registering the disputed domain name. Furthermore, the Respondent's use of the disputed domain name which currently resolved to a website which apparently mimics the Complainant's website does not constitute bona fide offerings, but rather shows the Respondent's intentional attempt to attract, for commercial gain, Internet users to his website, by creating a likelihood of confusion with the C NEWS Trademark as to the source, sponsorship, affiliation, or endorsement of his website. For these reasons the Panel finds that the disputed domain name was registered and is being used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

- 1. **CNEWS.SHOP**: Transferred

PANELLISTS

Name	Alfred Meijboom
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DATE OF PANEL DECISION	2021-08-31
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Publish the Decision