

Decision for dispute CAC-UDRP-103963

Case number	CAC-UDRP-103963
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Time of filing	2021-08-06 09:40:19
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Domain names	canalplus.one
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Case administrator

Organization	Denisa Bilík (CAC) (Case admin)
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Complainant

Organization	GROUPE CANAL +
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Complainant representative

Organization	NAMESHIELD S.A.S.
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Respondent

Name	Teresa Peredo
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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 relies on

- International trademark no. 509729 for the word mark CANAL PLUS registered since 16 March 1987 in classes 9, 16, 35, 38 and 41; and
- International trademark no. 619540 for the work mark CANAL PLUS registered since 5 May 1994 in classes 9, 16, 25, 28, 35, 38 and 41.

FACTUAL BACKGROUND

The Complainant is a leading French audiovisual media group, particularly in the field of pay-TV services for which it has 22 million subscribers. It trades under its principal mark CANAL+ or CANAL PLUS and has registered the latter presentation as an International trademark under nos. 509729 (since 16 March 1987 in classes 9, 16, 35, 38 and 41) and 619540 (since 5 May 1994 in classes 9, 16, 25, 28, 35, 38 and 41). The Complainant has also registered multiple domain names containing the words "canal plus" including canalplus.com and canal-plus.com, registered since 20 May 2006 and 28 March 1996 respectively.

The disputed domain name, canalplus.one, was registered on 21 July 2021 and resolves to a parking page.

PARTIES CONTENTIONS

No administratively compliant Response has been filed.

RIGHTS

The Complainant contends that the disputed domain name is effectively identical to its long established international marks for CANAL PLUS.

The Panel is satisfied on the evidence that the Complainant has registered rights in the mark CANAL PLUS. The Panel also considers that the disputed domain name is identical or confusingly to this mark, from which it differs only in the addition of the top-level domain suffix "one". This suffix does not effectively differentiate the domain name from the mark and, if anything, exacerbates confusion, since cardinal numbers are regularly used to designate television channels. Accordingly, if consumers paid any attention to the top-level domain suffix, they would be likely to assume that the domain name locates a channel operated by the Complainant or information about it.

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 submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

The Panel notes that the domain name resolves to holding page although MX servers have been configured, suggesting that it might be used for email. Nevertheless, in the absence of any evidence in response to the Complainant's evidence, the Panel finds on the balance of probabilities that the Respondent has not used or made bona fide preparations to use the disputed domain name for a bona fide offering of goods or services or for a legitimate non-commercial or fair use.

The Panel is also satisfied that the Respondent is not commonly known by the disputed domain name or any corresponding name, and the Panel accepts the Complainant's statements that it has not authorised the Respondent to use the disputed domain name.

In the circumstances, 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

Since the disputed domain name is identical to the Complainant's long-established and extensively used mark, apart from the addition of the top-level domain suffix, which is liable to increase confusion, registration and use in bad faith are inherently probable. In the absence of any explanation by the Respondent, the Panel finds on the balance of probabilities that the disputed domain name was registered and is being used in 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

The disputed domain name is identical to Complainant's registered mark apart from addition of the top-level domain suffix which exacerbates the risk of confusion. The Respondent has not made any use of the mark or preparations to use it for a bona fide offering or legitimate non-commercial or fair use. Since the domain name is effectively identical to Complainant's long established and extensive used mark, bad faith registration and use of the disputed domain name are inherently probable. In the

absence of any explanation by the Respondent, the Panel concludes on the balance of probabilities that the 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. **CANALPLUS.ONE**: Transferred

PANELLISTS

Name	Jonathan Turner
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DATE OF PANEL DECISION 2021-09-13

Publish the Decision