

Decision for dispute CAC-UDRP-103966

Case number	CAC-UDRP-103966
Time of filing	2021-09-01 09:35:48
Domain names	glencoregraduates.com

Case administrator

Organization	Denisa Bilík (CAC) (Case admin)
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Complainant

Organization	Glencore International AG
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Complainant representative

Organization	BRANDIT GmbH
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Respondent

Name	Jane Dew
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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

According to the evidence submitted by Complainant - Complainant is the owner of multiple trademarks including the International trademark GLENCORE, number 691954, date of registration 19 March 1998.

FACTUAL BACKGROUND

According to the information provided, Complainant is a large globally diversified natural resource company with operations in 35 countries with around 150 mining and metallurgical sites, oil production assets and agricultural facilities. Moreover, the Glencore group offers graduate and entry-level opportunities around the world in the fields of geology, engineering, trading, sustainability, logistics, finance and human resources.

The disputed domain name <glencoregraduates.com> was registered on 15 February 2021.
The disputed domain name is used in connection with a pay-per-click website.

The trademark registrations of Complainant have been issued prior to the registration of the disputed domain name.

According to Complainant the disputed domain name is confusingly similar to its trademark GLENCORE. The trademark is included in its entirety with the mere addition of the term “graduates”. This addition in the disputed domain name is not sufficient to escape the finding that the disputed domain name is confusingly similar to the trademark.

According to Complainant, Respondent has no rights or legitimate interest in the disputed domain name. Complainant submits that Complainant has not licensed or authorized Respondent to register or use the disputed domain name, nor is Respondent affiliated to Complainant in any form. There is no evidence that Respondent is known by the dispute domain name or owns any corresponding registered trademarks. Furthermore, the disputed domain name resolves to a pay-per-click (“PPC”) page displaying sponsored links. PPC pages generate revenues when Internet users click on the links displayed on the page. In the present case, links named “Graduate Schemes”, “University Scholarship”, “Career Jobs” or “Graduate Jobs” have been displayed on the PPC page. These links displayed on the web page associated to the disputed domain name – which itself by its structure expressly refers to Complainant – clearly refer to Complainant and the work opportunities it offers to graduates. Complainant did not authorize the creation of such website and links.

According to Complainant the disputed domain name is registered and is being used in bad faith. Complainant submits that it is inconceivable that Respondent was unaware of the existence of Complainant and its GLENCORE trademark when it registered the disputed domain name. Complainant submits that the disputed domain name includes in its entirety Complainant’s trademark GLENCORE and resolves to a PPC page displaying sponsored links which infers possible connections with the graduate programs and job opportunities offered by the Glencore group. The terms used in the structure of the disputed domain name as well as on the PPC page – in the different sponsored links’ title – catch the Internet users’ attention and infer that the website associated with the disputed domain name is connected to or managed by Complainant. Such use of the disputed domain name creates a likelihood of confusion in Internet users’ mind and lead them to click on sponsored links displayed on the PPC page, action which generates revenues for the Respondent. According to Complainant Respondent has registered and is using the disputed domain name primarily with the intention of attempting to attract, for commercial gain, Internet users to its potential website or other online locations, by creating a likelihood of confusion with Complainant’s trademark as to the source, sponsorship, affiliation, or endorsement of such website or location, or of a product or service on such website or location.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

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 Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

Complainant has, to the satisfaction of the Panel, shown 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

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

In the opinion of the Panel the disputed domain name is confusingly similar to Complainant's trademarks (within the

meaning of paragraph 4 (a)(i) of the Policy). Many UDRP decisions have found that a domain name is confusingly similar to a complainant's trademark where the domain name incorporates the complainant's trademark or the principal part thereof in its entirety. The International trademark of Complainant predates by many years the registration date of the disputed domain name. Complainant's trademark GLENCORE is incorporated in the disputed domain name in its entirety. The top-level domain "com", and the addition of the descriptive term "graduates" may be disregarded.

In the opinion of the Panel Complainant has made a prima facie case that Respondent lacks rights or legitimate interest in the disputed domain name. Complainant has not licensed or otherwise permitted Respondent to use its trademarks or to register the disputed domain name incorporating its marks. Respondent is not making a legitimate non-commercial or fair use of the disputed domain name without intent for commercial gain to misleadingly divert consumers or to tarnish the trademarks of Complainant. Respondent is not commonly known by the disputed domain name nor has it acquired trademark rights. Complainant has no relationship with Respondent. Respondent did not submit any response. Under these circumstances, the Panel finds that Respondent has no rights or legitimate interests in the disputed domain name (within the meaning of paragraph 4 (a)(ii) of the Policy).

The Panel finds that 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 trademarks of Complainant have been existing for a long time and are well-known. Respondent knew or should have known that the disputed domain name included Complainant's trademarks. The Panel notes the undisputed submission of Complainant that the disputed domain name resolves to a website with pay-per-click links leading to various websites, including websites displaying sponsored links which demonstrates possible connections with the graduate programs and job opportunities offered by Complainant. The Panel further notes that the disputed domain name incorporates Complainant's well-known trademark in its entirety, which indicates, in the circumstances of this case, that Respondent registered and used the disputed domain name with the intention to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the trademark of Complainant as to the source, sponsorship, affiliation, or endorsement of its website or location or of a service on its website or location, which constitutes registration and use in bad faith pursuant to paragraph 4(b)(iv) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. GLENCOREGRADUATES.COM: Transferred

PANELLISTS

Name	Dinant T.L. Oosterbaan
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DATE OF PANEL DECISION 2021-09-27

Publish the Decision
