

## Decision for dispute CAC-UDRP-104069

Case number CAC-UDRP-104069

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Time of filing 2021-10-08 09:42:54

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Domain names remy-cointreau.com

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### Case administrator

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

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### Complainant

Organization REMY COINTREAU

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### Complainant representative

Organization NAMESHIELD S.A.S.

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### Respondent

Organization Teys USA, Inc.

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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 relies on international trademark no. 895405 for the word mark REMY COINTREAU registered on 27 July 2006.

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#### FACTUAL BACKGROUND

The Complainant was formed in 1990 by the merger of companies controlling the Remy Martin and Cointreau brands. It makes and sells cognac, spirits and liqueurs, including well-known brands of cognac and liqueur under the marks Remy Martin and Cointreau respectively. The Complainant owns the internationally registered trademark REMY COINTREAU and has its principal website at [www.remy-cointreau.com](http://www.remy-cointreau.com), which was registered on 7 October 1996.

The Complainant has not licensed the Respondent to use the disputed domain name or any corresponding name or mark.

The disputed domain name was registered on 3 September 2021 and resolves to a web page containing sponsored links, mostly relating to wines and spirits. The Respondent has also used the disputed domain name in an e-mail address in an attempt to divert a payment due to the Complainant.

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#### PARTIES CONTENTIONS

No administratively compliant Response has been filed.

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#### RIGHTS

The disputed domain name differs from the Complainant's registered mark only in the omission of the penultimate letter "a", the hyphen between "Remy" and "Cointreau" and the generic top level domain suffix, .com. None of these effectively distinguishes the disputed domain name from the Complainant's mark. This is a clear case of typo-squatting.

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 Respondent has not used the disputed domain name for a bona fide offering of goods or services or in any legitimate non-commercial or fair use. On the contrary, the Respondent has used the disputed domain name in bad faith to divert Internet users to its own web page by confusion with the Complainant's mark and name for commercial gain through sponsored links, and also in an attempt to divert payments due to the Complainant. The Respondent is not licensed to use the disputed domain name or any corresponding name and does not appear to be commonly known by it.

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 Panel finds that the Respondent has intentionally attempted to attract Internet users to its web page by creating a likelihood of confusion with the Complainant's mark as to the source of the page for commercial gain in the form of click-through commissions on sponsored links. In accordance with paragraph 4(b)(iv) of the Policy, this constitutes evidence that the disputed domain name was registered and is being used in bad faith.

This conclusion is reinforced by the additional evidence that the Respondent used the disputed domain name in an attempt to divert a payment due to the Complainant by means of its deceptive similarity to the Complainant's mark and name.

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

This is a clear case of typo-squatting; the disputed domain name differs insignificantly from the Complainant's well-known mark. The Respondent's only use of it has been in bad faith to profit from confusion with the Complainant's mark by diverting Internet users to its website containing sponsored links and by diverting or attempting to divert payments due to the Complainant to itself through its use in an email address. Paragraph 4(b)(iv) of the Policy applies.

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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. **REMY-COINTREU.COM**: Transferred
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## PANELLISTS

Name **Jonathan Turner**

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DATE OF PANEL DECISION **2021-11-14**

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Publish the Decision

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