

## Decision for dispute CAC-UDRP-104162

Case number CAC-UDRP-104162

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Time of filing 2021-11-18 09:41:34

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Domain names tenders-hitachi.com

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### Case administrator

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

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### Complainant

Organization Hitachi, Ltd.

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### Complainant representative

Organization RODENBAUGH LAW

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### Respondent

Organization SMENS GMBH

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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 relied on the following registrations of the mark HITACHI of which it is the registered proprietor:

- US trademark no. 0701266 registered on 19 July 1960;
- Japanese trademark no. H1492488 registered on 25 December 1981;
- EU registered trademark no. 000208645 registered on 21 December 1999;
- EU registered trademark no. 001070192 registered on 10 September 2000;
- EU registered trademark no. 002364313 registered on 27 November 2002;
- EU registered trademark no. 002809903 registered on 3 October 2003;

- UK registered trademark no. 00000811836 registered on 11 October 1960.

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#### FACTUAL BACKGROUND

The Complainant and its subsidiaries constitute a large multinational group employing 300,000 people. The group designs, manufactures and sells a variety of products under its principal mark HITACHI. The Complainant has registered this mark in Japan, USA and the EU as stated above. The Complainant's subsidiaries include Hitachi High-Tech Europe GmbH. The Complainant completed a public tender offer for the shares of this company in 2020.

The Respondent registered the disputed domain name on 3 April 2021. The Respondent has sent e-mails using e-mail addresses comprising the disputed domain name and purporting to be from Hitachi High-Tech Europe GmbH, inviting the recipient to prepare and submit an unspecified offer.

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#### PARTIES CONTENTIONS

No administratively compliant Response has been filed.

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#### RIGHTS

It is clear that the Complainant has registered rights in the mark HITACHI. The disputed domain name comprises the whole of this mark preceded by the descriptive term "tenders". Internet users would naturally assume that the domain name is used by a company in the Hitachi group to refer to tenders of some form.

The Complainant has, to the satisfaction of the Panel, shown that 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 Panel accepts the undisputed evidence of the Complainant that the Respondent has not used the disputed domain name or a corresponding name for any bona fide offering of goods or services or for any legitimate non-commercial or fair use, and that the Respondent is not commonly known by any such name and has not been authorised by the Complainant to use any such name.

The disputed domain name does not locate any website and the only use made of the disputed domain name by the Respondent appears to have been as an e-mail address for deceptive e-mails falsely purporting to be from the Complainant's subsidiary, Hitachi High-Tech Europe GmbH.

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 emails sent by the Respondent using the disputed domain name and purporting to be from Hitachi High-Tech Europe GmbH, inviting the recipient to prepare and submit an offer, are clearly deceptive, and the Panel infers that they are part of a fraudulent scheme. The Panel also infers that the disputed domain name was registered for this purpose.

In these circumstances, the Complainant has, to the satisfaction of the Panel, shown 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).

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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

The disputed domain name consists of the principal mark of the Complainant's multinational group together with a descriptive term. The Complainant is the proprietor of longstanding registrations of the mark in Japan, USA, the EU and the UK. The disputed domain name was registered very recently. The only use of the disputed domain name has been as an email address in e-mails falsely purporting to be from the Complainant's subsidiary Hitachi High-Tech Europe GmbH, apparently as part of a fraudulent scheme. The Panel finds that the disputed domain name is confusingly similar to the Complainant's registered mark, the Respondent has no rights or legitimate interest in it, and it was registered and is being used in bad faith.

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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. **TENDERS-HITACHI.COM**: Transferred

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## **PANELLISTS**

Name	<b>Jonathan Turner</b>
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DATE OF PANEL DECISION **2021-12-30**

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Publish the Decision

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