Decision for dispute CAC-UDRP-100186

Case number	CAC-UDRP-100186
Time of filing	2010-07-27 10:00:00
Domain names	COMPARETHEMEERKART.COM

Case administrator

Name	Tereza Bartošková (Case admin)

Complainant

Organization	BGL Group Ltd

Complainant representative

Organization	TLT LLP

Respondent

Organization	AA7 GROUP LTD

OTHER LEGAL PROCEEDINGS

None.

IDENTIFICATION OF RIGHTS

The Complainant owns UK Trademark 2504071 "comparethemeerkat.com", registered on April 3, 2009 in classes 35 and 36.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

The Complainant ("BGL") is a company incorporated in England and Wales on 21 March 1991.

In 2005, as part of its business as a personal-lines insurance intermediary, BGL created the brand “Compare the Market” (“CtM”) and created the website www.comparethemarket.com as a price-comparison website for personal-lines insurance products. In early 2009, the CtM brand was re-launched. The re-launch included television advertisements featuring Aleksandr the Meerkat, an anthropomorphized meerkat character. A companion website was also created at www.comparethemeerkat.com. The domain comparethemeerkat.com was registered on 3 October 2007. It is registered to BGL. The CtM brand is very well-known in the UK.

The Respondent registered the domain name <comparethemeerkart.com> ("the Domain") on 19 May 2010, more than a year after BGL launched its “compare the meerkat” advertising campaign.

PARTIES CONTENTIONS

No administratively compliant Response has been filed.

COMPLAINANT'S CONTENTIONS:

Apart from the addition of a single character (the letter r in “meerkart”), the Domain is identical to BGL’s domain name comparethemeerkat.com and UK Trademark 2504071 for "comparethemeerkat.com”. As such, the Domain is confusingly similar to BGL’s domain name and trademark.

The Respondent has no rights or legitimate interest in the Domain. The Domain is not being used to host any legitimate site. The sole purpose of the Domain registration was (and is) to take advantage of mis-spellings of BGL’s domain name comparethemeerkat.com. Further, there is no such thing as a “meerkart”, and therefore it is not possible to compare meerkarts.

The Domain was registered in bad faith because the Registrant seeks only to take unfair advantage of BGL’s CtM brand. No legitimate interest is being pursued through the Domain. The sole motivation is to benefit from typographical errors made by people seeking BGL’s website at comparethemeerkat.com

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the Domain Name is identical or confusingly similar to a trademark 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 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 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 Domain Name is virtually identical and confusingly similar to the Complainant's "compare the meerkat" trademark, which, as a consequence of television advertising, had been publicised in the U.K. at the time when the Domain Name was registered. In the absence of a Response, the Panel infers that the Respondent had the Complainant's mark in mind when registering the Domain Name and that the Respondent has no rights or legitimate interest in the Domain Name, which was registered and is being (passively) used in bad faith, in order to take advantage of a slight mis-spelling of the Complainant's mark.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **COMPARETHEMEERKART.COM**: Transferred

PANELLISTS

Name	**Alan Limbury**

DATE OF PANEL DECISION 2010-09-04

Publish the Decision