

Decision for dispute CAC-UDRP-100188

Case number CAC-UDRP-100188

Time of filing 2010-10-22 11:19:59

Domain names liquimoly.com

Case administrator

Name Tereza Bartošková (Case admin)

Complainant

Organization LIQUI MOLY GmbH

Respondent

Name Domain Admin

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which relate to the disputed domain name (the 'Domain Name').

IDENTIFICATION OF RIGHTS

The Complainant is the owner of registered trade marks rights for LIQUI MOLY in a substantial number of territories across the world, including across European territories and in the United States of America.

FACTUAL BACKGROUND

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

LIQUI MOLY is an international trademark registered in 122 countries.

The Complainant was founded in 1957 and since then it has been known by the name "Liqui Moly".

The Complainant is the owner of the domain name 'liqui-moly.com', which is used for the Complainant's main international website.

The Domain Name was registered and is being used in bad faith for the purpose of selling the Domain Name to the Complainant. The Complainant contacted the Respondent in May 2010 explaining it was the owner of the LIQUI MOLY trade mark. An individual called 'Mike' responded on behalf of the Respondent in June 2010, via the email address recorded on the WHOIS database for the Domain Name, with an offer to transfer the Domain Name to the Complainant for the sum of Euros 6,500.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

COMPLAINANT'S CONTENTIONS:

The Domain Name is confusingly similar to the Complainant's trade mark LIQUI MOLY, and which is registered in 122 countries.

The Respondent does not have any rights or legitimate interest in the Domain Name as it:

- is not a holder of a trade mark LIQUI MOLY;
- does not use the trade mark LIQUI MOLY and the Domain Name in connection with any offering of its own goods or services;
- is not an authorised dealer, distributor or licensee of the Complainant; and
- has not attempted to make any bona fide use of the Domain Name.

The Domain Name has been registered and is being used in bad faith as:

- the Respondent demanded Euros 6,500 for the transfer of the Domain Name to the Complainant;
- The current use of the Domain Name constitutes domain parking; and
- the Respondent is most likely a 'domaingrabber' (the Complainant refers to a list of domain names which are linked to the Respondent's e-mail address 'superruoe@yahoo.com').

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the 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 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

Paragraph 4(a)(i) of the Policy

The Panel finds the Domain Name virtually identical and confusingly similar to the LIQUI MOLY trade mark in which the Complainant has registered rights.

Paragraphs 4(a)(ii) and 4(a)(iii) of the Policy

The Respondent failed to file an administratively compliant (or any) response. Also, the Provider has informed the Panel that the Respondent has accessed the CAC's UDRP online platform following commencement of these proceedings. As such, the Panel is satisfied the Respondent has received the electronic correspondence from the Provider, and had access to the Complaint and the other documents in the case file for these proceedings. The Panel is therefore satisfied that the Respondent is fully aware of these proceedings, and of those matters put forward by the Complainant in support of its Complaint. The Panel is of the opinion that the Respondent has simply chosen not to respond. Therefore, in view of this, the Panel finds from the facts put forward that:

- The Respondent has no rights or legitimate interests in respect of the Domain Name. There was nothing put forward in the case file which might suggest otherwise.

- The Domain Name has been registered and is being used in bad faith. The Panel believes from the facts that the Respondent had the Complainant in mind when registering the Domain Name, and in particular the Complainant's LIQUIMOLI trade mark, which is registered in numerous territories across the world including the USA (the home territory of the Respondent according to the WHOIS database). Further, the Panel finds that the Domain Name has, since registration, been held (passively) by the Respondent with the purpose of selling the Domain Name to the Complainant for a large sum of money (the Respondent requested Euros 6,500), a sum which is no doubt in excess of the Respondent's out of pocket expenses related to the Domain Name (paragraph 4(b)(i) of the Policy).

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. LIQUIMOLY.COM: Transferred

PANELLISTS

Name	Steve Palmer
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DATE OF PANEL DECISION 2010-12-06

Publish the Decision
