Decision for dispute CAC-UDRP-100323

Case number	CAC-UDRP-100323
Time of filing	2011-10-13 15:54:18
Domain names	wwwcomparethemeerkat.com

Case administrator

Name	Tereza Bartošková (Case admin)

Complainant

Organization	BGL Group Limited

Complainant representative

Organization	TLT LLP

Respondent

Organization	Wanzhongmedia

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other pending or decided legal proceedings which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

Complainant uses the website address www.comparethemeerkat.com for a well-known marketing campaign featuring “Aleksandr the Meerkat” to promote its main website at www.comparethemarket.com. Complainant owns a number of registered trademarks relating to these websites, in particular the UK trademarks no. 2504071 “comparethemeerkat.com” and no. 2486675 “comparethemarket.com”.

FACTUAL BACKGROUND

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

The Complainant, BGL Group Limited (“BGL”) is a company incorporated in England and Wales with company number 02593690. It was incorporated on 21 March 1991.

BGL originally operated as an insurance underwriter through its wholly-owned subsidiaries BFSL Ltd and BISL Ltd. From 1997, BGL has operated (through those subsidiaries) as an intermediary for UK personal-lines insurance.

In 2005, BGL created its “Compare the Market” (“CtM”) brand as part of its business as a personal-lines insurance

intermediary. As part of the CtM brand, BGL created the website www.comparethemarket.com. This was, and is, a price-comparison website for personal-lines insurance products.

The domain comparethemarket.com was registered on 21 September 2004. It is registered to BISL Ltd, which is a wholly owned subsidiary of BFSL Ltd. BFSL Ltd is in turn a wholly-owned subsidiary of BGL. In effect BGL owns the domain comparethemarket.com.

In early 2009, the CtM brand was re-launched. The re-launch included television adverts 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.

Complainant contends that The CtM brand is very well-known in the UK, particularly by reference to the Aleksandr the Meerkat character.

Respondent is the registrant of the domain wwwcomparethemeerkat.com ("the Domain"). The Domain was registered on 5 January 2009, around 2 years after the CtM brand was re-launched and included television adverts featuring Aleksandr the Meerkat, and just under 15 months after BGL had registered the domain www.comparethemeerkat.com.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown that 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). Apart from the removal of the dot "." in between www and comparethemeerkat, the Domain Name is identical to Complainant's domain name www.comparethemeerkat.com. Apart from the addition of the initial "www", the Domain Name is identical to Complainant's UK Trademark 2504071 for "comparethemeerkat.com".

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). The Domain is not being used to host any legitimate site. The Respondent is "typosquatting" in order to take advantage of typographical errors of Complainant's domain name comparethemeerkat.com.

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown that the Domain Name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii)of the Policy). The Domain Name is an evident "typosquatting" name intentionally registered and used to take unfair advantage of Complainant's CtM brand. The sole motivation is to benefit from typographical errors made by people seeking Complainant's website at www.comparethemeerkat.com (cf. the similar cases no. 100186 and no. 100324, where the respective Panels have each accepted similar complaints regarding the domain names comparethemeerkart.com and comperthemarket.com).

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 Panel finds that the Domain Name is confusingly similar to Complainant's UK trademark no. 2504071

"comparethemeerkat.com" as the difference between the Domain Name and this trademark are insignificant to the overall impression.

The Panel finds that Complainant successfully submitted prima facie evidence that Respondent has made no use of, or demonstrable preparations to use, neither of the disputed domain name in connection with a bona fide offering of goods or services, nor is making a legitimate non-commercial or fair use of the disputed domain name, nor is commonly known under the disputed domain name. This prima facie evidence was not challenged by Respondent.

In the absence of a Response, the Panel infers that Respondent had Complainant's trademark "comparethemeerkat" in mind when registering the Domain Name, which was therefore registered and is being used in bad faith, in order to take advantage of a slight mis-spelling of Complainant's trademarks and active website addresses.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **WWWCOMPARETHEMEERKAT.COM**: Transferred

PANELLISTS

Name	**Dr. Thomas Schafft**

DATE OF PANEL DECISION 2011-12-07

Publish the Decision