Decision for dispute CAC-UDRP-100405

Case number	CAC-UDRP-100405
Time of filing	2012-03-01 13:46:26
Domain names	parispirellits.com

Case administrator

Name	Tereza Bartošková (Case admin)

Complainant

Organization	Pirelli & C. S.p.A.

Complainant representative

Organization	FASANO-Avvocati

Respondent

Organization	Moniker Privacy Services

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings.

IDENTIFICATION OF RIGHTS

The PIRELLI trademark of Complainant has been registered in many countries and is obviously famous.

FACTUAL BACKGROUND

Respondent Moniker Privacy Services has identified Michael Wojcik, of Wroclaw, Poland as the underlying registrant; they will be jointly referred to as “Respondent”.

The disputed domain name contains Complainant's trademark PIRELLI in full. According to Complainant Respondent has no rights in the trademark PIRELLI. Complainant has no relationship with Respondent. The trademark PIRELLI constitutes the dominant element of the disputed domain name. According to information provided by Complainant the disputed domain name resolves to a porno site.

Complainant requests cancellation of the Domain Name.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

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

In the opinion of the Panel Complainant has made a prima facie case that the respondent lacks rights or legitimate interest in the disputed domain name.
The Panel also finds that the disputed domain name has been registered and is being used in bad faith by Respondent. This is particularly true as Respondent intentionally attempts to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the mark of Complainant as to the source, sponsorship, affiliation, or endorsement of its website or of a product on its website or location. In addition, Respondent has not responded to the allegation of Complainant that the website of Respondent resolves to a porno website.
As Complainant requests cancellation and not transfer, the Panel decides that cancellation is the appropriate decision.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **PARISPIRELLITS.COM**:

PANELLISTS

Name	**Dinant T.L. Oosterbaan**

DATE OF PANEL DECISION 2012-04-09

Publish the Decision