

Decision for dispute CAC-UDRP-100556

Case number CAC-UDRP-100556

Time of filing 2013-02-14 15:22:23

Domain names TRIHAL.COM

Case administrator

Name Lada Válková (Case admin)

Complainant

Organization FRANCE TRANSFO

Complainant representative

Organization Nameshield (Laurent Becker)

Respondent

Organization Olimp TC LLC (Vladimir Romanov)

OTHER LEGAL PROCEEDINGS

No other legal proceedings concerning the disputed domain names are currently pending.

IDENTIFICATION OF RIGHTS

The Complainant owns the prior trademarks "TRIHAL" in word or in word/logo, such as:

Trademark Country Registration Number Date of registration

TRIHAL International 533435 17.11.1988

TRIHAL French 1476122 25.03.1988

FACTUAL BACKGROUND

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

For over 90 years, FRANCE TRANSFO ("Complainant") designs and manufactures distribution transformers and power for various applications worldwide.

Since 2010, the Complainant has been integrated to the head office: Schneider Electric SAS

The group is present in 190 countries, through its 120,000 employees and operates in 106 countries physically.

The Complainant owns the mentioned prior trademarks "TRIHAL"

The Respondent used the domain name in pretending to be the Complainant in order to create a risk of confusion with the Internet users.

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

The domain name is identical to the trademark in which the Complainant has rights.

The Respondent has not submitted any reply. Therefore, it has submitted no information on possible rights or legitimate interests it might hold. On its part, the Complainant has submitted information and arguments which allow it to be reasonably assumed that the Respondent has no rights or legitimate interest in the domain names in dispute.

As the WIPO Arbitration and Mediation Center pointed out in UDRP case No. D2002-0856:

"As mentioned above in section 3, the Respondent has not filed a Response and is therefore in default. In those circumstances when the Respondent has no obvious connection with the disputed Domain Names, the prima facie showing by the Complainant that the Respondent has no right or legitimate interest is sufficient to shift the burden of proof to the Respondent to demonstrate that such a right or legitimate interest exists. WIPO Case No. D2002-0273 <sachsen-anhalt>; WIPO Case No. D2002-0521 <volvovehicles.com>"

Respondent's use of the Disputed Domain Name to intentionally attract Internet users for commercial gain is further evidence of bad faith registration and use of the domain names under Policy 4(b)(iv). Indeed Respondent's domain name create a likelihood of confusion between the domain name and Complainant's mark, trying to obtain an unfair advantage of the reputation and good will associated with the Complainant and its trademarks. This practice can clearly be found to constitute evidence of bad faith registration and use under Policy 4(a)(iii).

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. TRIHAL.COM: Transferred

PANELLISTS

Name **Mr. Luis H. de Larramendi**

DATE OF PANEL DECISION **2013-03-26**

Publish the Decision
