Decision for dispute CAC-UDRP-100599

Case number	**CAC-UDRP-100599**
Time of filing	**2013-05-02 17:41:30**
Domain names	**compare-the-market-car-insurance.com**

Case administrator

Name	**Lada Válková (Case admin)**

Complainant

Organization	**BGL Group Limited**

Complainant representative

Organization	**TLT LLP**

Respondent

Organization	**Contact Privacy**

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings.

IDENTIFICATION OF RIGHTS

Complainant owns several trademarks, all registered in classes 35 and 36 (which covers motor insurance), including UK Trademark 2522721 for COMPARETHEMARKET.

FACTUAL BACKGROUND

The disputed domain name contains Complainant's trademark COMPARETHEMARKET in full. The addition of a hyphen between each word and the addition of the descriptive term car-insurance are irrelevant for UDRP purposes. Therefore, according to Complainant the disputed domain name is confusingly similar to Complainant's trademark (Policy, Par. 4 (a)(1)). The trademark of Complainant predates by over 8 years the registration date of the disputed domain name.

According to Complainant Respondent has no rights in the trademark COMPARETHEMARKET. Complainant has no relationship with Respondent. Accordingly, Respondent has no rights or legitimate interests in respect of the domain name (Policy, Par. 4 (a)(11)).

The trademark COMPARETHEMARKET constitutes the dominant element of the disputed domain name. The disputed domain name resolves to a pay-per-click website. According to Complainant the disputed domain name has been registered

and is being used in bad faith (Policy, Par. 4(a)(iii)).

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 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 trademark 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 pay-per-click site which uses the trademark of Complainant promoting the same kind of products that are sold by Complainant on the website of Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **COMPARE-THE-MARKET-CAR-INSURANCE.COM**: Transferred

PANELLISTS

Name	**Dinant T.L. Oosterbaan**

DATE OF PANEL DECISION 2013-06-12

Publish the Decision