Decision for dispute CAC-UDRP-100658

Case number	CAC-UDRP-100658
Time of filing	2013-09-11 09:12:09
Domain names	EUTELSAT.INFO

Case administrator

Name	Lada Válková (Case admin)

Complainant

Organization	EUTELSAT SA

Complainant representative

Organization	Nameshield (Laurent Becker)

Respondent

Name	UCMAZ MEHMET

OTHER LEGAL PROCEEDINGS

None.

IDENTIFICATION OF RIGHTS

Complainant’s EUTELSAT mark is registered in various countries for satellite communications and other services.

FACTUAL BACKGROUND

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

EUTELSAT SA is the leading European satellite operator and one of the three top operators in the world for the supply of fixed satellite services. Where the space, telecoms and audiovisual industries converge, our Group is at the heart of the new challenges facing the digital economy through its ability to make broadband facilities available for people to access information worldwide.

The Complainant and its subsidiaries own numerous trademark registrations with the term “EUTELSAT” in several countries.

The Complainant owns and communicates on the Internet through various websites in the worldwide. The main one is “www.eutelsat.com” (registered on 29/10/1996), but the Complainant has also registered numerous domain names similar to trademark “EUTELSAT”.

The disputed domain name < eutelsat.info > has been registered on 22/10/2011 by the Respondent. The disputed domain name is identical to the distinctive trademark “EUTELSAT”.

On 5 September 2013, a letter of cease and desist has been sent by email to the Respondent.
The Respondent did not reply.

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). The Domain Name is identical to Complainant’s trademark, except for the .info TLD which adds no distinctiveness.

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). Complainant has made a prima facie case that Respondent has no legitimate interest in the domain name, and has only used the domain name for a parking site with no content. Respondent has not disputed the Complainant's allegations, and does not otherwise appear to be making any legitimate use of the domain name.

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). The domain name is identical to the distinctive trademark “EUTELSAT”. The Complainant contends that its trademark “EUTELSAT” is well known in Europe, especially in Turkey, and thus Respondent registered a domain name identical to a trademark widely-known and recognized in Turkey. The Complainant argues that the Respondent registered the disputed domain name for the purpose of disrupting the business of the Complainant and in order to prevent the Complainant from reflecting its trademark in a corresponding domain name. Given the distinctiveness of the Complainant's mark it is reasonable to infer that the Respondent has registered the domain name with full knowledge of the Complainant's marks and uses it for the purpose of misleading and diverting Internet traffic.

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 Complainant has proved all three elements of the Policy, and Respondent has offered nothing in response. The Domain Name is identical to Complainant’s registered mark, is not used legitimately, and has been registered and used in bad faith. Therefore it is appropriate to decide the case in Complainant's favor.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **EUTELSAT.INFO**: Transferred

PANELLISTS

Name	**Mike Rodenbaugh**

DATE OF PANEL DECISION 2013-10-22

Publish the Decision