Decision for dispute CAC-UDRP-100690

Case number	**CAC-UDRP-100690**
Time of filing	**2013-10-21 02:39:40**
Domain names	**virtualcollaboration.org**

Case administrator

Name	**Lada Válková (Case admin)**

Complainant

Name	**Martina Bianchini**

Complainant representative

Name	**Usman Ali**

Respondent

Name	**Snow Princess**

OTHER LEGAL PROCEEDINGS

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

IDENTIFICATION OF RIGHTS

RIGHTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT

The Complainant has rights in the disputed domain name because said domain name has been purchased and registered on the Complainant's own name on 28 November 2012. Additionally, the Complainant relies on a company name VIRTUAL COLLABORATION LIMITED registered with the Companies House for England and Wales.

FACTUAL BACKGROUND

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

The Respondent transferred the disputed domain name to its own account without the Complainant's consent by accessing the Complainant's personal GoDaddy account by using her login data.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

Use of an unregistered mark as a domain name has been recognized as sufficient to meet the test under paragraph 4(a)(i) of the Policy, even in the absence of other use of the mark per se (WIPO Case No. D2004-0391; WIPO Case No. D2004-0955). In the case at hand, the undisputed existence of unregistered rights is supported by the use of the unregistered company name VIRTUAL COLLABORATION LIMITED.

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).

In the absence of any explanation from the Respondent, it is not possible to conclude that it has any rights or legitimate interests in the Domain Name. The Complaint sets out a compelling story of outright misappropriation, without any apparent colour of right on the part of the Respondent.

BAD FAITH

According to the Complainant's undisputed allegations the Respondent hijacked the disputed domain name through unauthorised password access. In accordance with previous panel decisions under the UDRP, this Panel is satisfied that this kind of facts is sufficient to establish bad faith, within the meaning of paragraph 4(a)(iii) of the Policy (see to that extend WIPO Case No. D2004-0955; WIPO Case No. D2005-0609; WIPO Case No. D2007-0605; WIPO Case No. D2004-0391; WIPO Case No. D2004-0166).

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.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **VIRTUALCOLLABORATION.ORG**: Transferred

PANELLISTS

Name	**Dr. Tobias Malte Müller**

DATE OF PANEL DECISION 2013-12-16

Publish the Decision