Decision for dispute CAC-UDRP-100808

Case number	CAC-UDRP-100808
Time of filing	2014-05-27 14:05:08
Domain names	shremymartin.com

Case administrator

Name	Lada Válková (Case admin)

Complainant

Organization	E. REMY MARTIN & C°

Complainant representative

Organization	Nameshield (Anne Morin)

Respondent

Organization	wang xin hai

IDENTIFICATION OF RIGHTS

The Complainant is the owner of numerous trademarks consisting in the expression REMY MARTIN®, registered in several countries. For instance, he is the trademark owner of the international trademark 508092 - REMY MARTIN registered 1986 und valid until 2016 for alcoholic products.

FACTUAL BACKGROUND

The Complainant is a French alcohol manufacturer that produces a wide range of high-quality cognacs named REMY MARTIN®. It is a 100%-owned subsidiary of the REMY COINTREAU group (www.remycointreau.com).

The REMY MARTIN® House, was established in 1724 by two wine-growers. From the first to the fifth generations, REMY MARTIN® passed from father to sons to become, by the end of the 19th century, a trading house with an international reputation.

The Complainant communicates on the Internet through various websites in the worldwide. The main one is www.remymartin.com (registered on September 25, 1997), but the Complainant has also registered numerous domain names similar to the trademark REMY MARTIN®.

The disputed domain name <shremymartin.com> has been registerered in May 2014 by the Respondent. According to his website, the Respondent pretends to be “Shanghai Trading Co., Rémy Martin” (“”). The Complainant contends that this

domain name is confusingly similar to the trademarks and branded goods REMY MARTIN® and was registered and is used in bad faith without legitimate interests.

On May 14, 2014, a cease-and-desist letter has been sent by email (domainadm@hichina.com) and by registered mail with acknowledge of receipt to the Respondent. The Respondent has not responded to this cease-and-desist letter.

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). He is the owner of the various international trademarks referring to Remy Martin. The disputed domain name <shremymartin.com> is confusingly similar to its well-known and distinctive trademark REMY MARTIN® used for a long time. The disputed domain name includes in its entirety the trademark REMY MARTIN®.

The simple fact of adding two letters "S" and "H" is not sufficient to escape the finding that the domain name is confusingly similar to the trademark and branded goods REMY MARTIN®.

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). As the Respondent has not answered to the Complaint, no reasons might be considered why his approach should be regarded as legitimate. The Respondent is not an affiliate of the Complainant; there are no commercial relationships between the parties. Nevertheless, the Respondent misleadingly uses the Chinese name “Shanghai Trading Co., Rémy Martin“ without any evidence that he is really selling the products of the Complainant legally.

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).

First it is remarkable that the Respondent has not given any answer to the cease-and-desist letter sent to him in order to let him justify his registration of the disputed domain name <shremymartin.com>. Furthermore, the trademark in question is strongly linked to the Complainant as the Complainant has demonstrated with Google search results.

According to his website, the Respondent pretends to be “Shanghai Trading Co., Rémy Martin” (“”). But the Respondent is not affiliated with the Complainant; the Complainant did not authorize the Respondent to use the trademark “” in any way. In registering and using the well-known trademark of the Complainant, the Respondent is misusing customers and trying to establish a commcercial reputation linked with the trademark which does not exist. Obviously, he intentionally tries to attract users to his web site using the trademark of the complainant.

All these elements show that he has registered and is using the domain name in bad faith.

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. At the time of the commencement of the proceedings the Respondent was using privacy services; his contact data were nevertheless disclosed by his registrar once notified. The language of the panel proceedings in English.

PRINCIPAL REASONS FOR THE DECISION

The Respondent registered and uses a domain which is misleading in the face of the well-known trademark of the Complainant. The trademark of the Complainant is registered as an international trademark throughout the world. The Respondent refuses to give notice or answer letters and notices sent before and during the arbitration process so that no indications of legitimate interests can be found. He has registered and is using the domain in question for intentionally trying to attract users to his web site with reference to the well-known trademark of the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **SHREMYMARTIN.COM**: Transferred

PANELLISTS

Name	**Thomas Hoeren**

DATE OF PANEL DECISION 2014-06-20

Publish the Decision