Decision for dispute CAC-UDRP-101028

Case number	CAC-UDRP-101028
Time of filing	2015-08-17 10:26:45
Domain names	wwwrueducommerce.com

Case administrator

Name	Lada Válková (Case admin)

Complainant

Organization	RUEDUCOMMERCE

Complainant representative

Organization	CHAIN AVOCATS

Respondent

Name	Mrs. Helen COLLINS

OTHER LEGAL PROCEEDINGS

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

IDENTIFICATION OF RIGHTS

The Complainant owns the following registered trademarks:
- French trademark with number 3036950 RUE DU COMMERCE, registered on 27 June 2000 for goods and services in classes 9, 16, 28, 35, 38, 41 and 42
- French trademark with number 99805150 RDC.fr Rue du Commerce, registered on 28 July 1999 for goods and services in classes 35, 38 and 42
- French trademark with number 3374566 WWW.RUE DU COMMERCE.COM, registered on 29 July 2005 for goods and services in classes 9, 16, 28, 35, 38, 41 and 42
- Community trademark with number 8299381 RUE DU COMMERCE.COM, registered on 14 May 2009 for goods and services in classes 16, 35, 36, 37, 38, 41 and 42
- Community trademark with number 8299356 RUE DU COMMERCE, registered on 14 May 2009 for goods and services in classes 16, 35, 36, 37, 38, 41 and 42
- Community trademark with number 12014833 RUE DU COMMERCE, registered on 25 July 2013 for goods and services in classes 9, 16, 35, 36, 37, 38, 41 and 42

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT

Complainant is a French company which was established on 27 April 1999 and operates an internet-order selling business on web sites accessible in particular at the Internet addresses "www.rueducommerce.com" and "www.rueducommerce.fr". The Complainant has been in business for eleven years and its trademarks gained an important notoriety among the French Internet public and consumers.

The disputed domain name <wwwrueducommerce.com> was registered on 18 February 2008, and it resolves to a blank website, which offered the disputed domain name for sale until recently. The Complainant unsuccessfully sent complaint letters to the Respondent which were returned as undeliverable.

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

1. The disputed domain name includes the entire well-known RUE DU ECOMMERCE and WWW.RUE DU COMMERCE.COM trademarks of the Complainant, with the addition of only "www" and the deletion of the dot after "www", respectively, which do not take away the similarity between the Complainant's trademarks and the disputed domain name. The Panel therefore finds that the disputed domain name is confusingly similar to the Complainant's RUE DU COMMERCE and WWW.RUE DU COMMERCE. COM trademarks.

2. The Panel finds the Complainant has established that the Respondent was not licensed or authorized to use the Complainant's trademark in the disputed domain name. Furthermore, the Panel finds the Complainant successfully submitted prima facie evidence that the Respondent has made no use of, or demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services, nor is making a legitimate non-commercial or fair use of the disputed domain name, nor is commonly known under the disputed domain name. The Panel therefore finds the Respondent has no rights or legitimate interests in respect of the Domain Name.

3. In the absence of a Response, the Panel infers that the Respondent had the Complainant's RUE DU COMMERCE and WWW.RUE DU COMMERCE. COM trademarks in mind when registering the disputed domain name, which was therefore registered and is being (passively) used in bad faith, in order to take advantage of the Complainant's trademarks.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **WWWRUEDUCOMMERCE.COM**: Transferred

PANELLISTS

Name	**Alfred Meijboom**

DATE OF PANEL DECISION 2015-09-22

Publish the Decision