Decision for dispute CAC-UDRP-101211

Case number	CAC-UDRP-101211
Time of filing	2016-05-04 11:42:30
Domain names	frenchopenlive.org

Case administrator

Name	Lada Válková (Case admin)

Complainant

Organization	FEDERATION FRANCAISE DE TENNIS (FFT)

Complainant representative

Organization	Nameshield (Maxime Benoist)

Respondent

Name	Venkat

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings.

IDENTIFICATION OF RIGHTS

According to the evidence submitted by Complainant, Complainant is the owner of the following trademark: International wordmark FRENCH OPEN 538170, registered on 22 June 1989.

FACTUAL BACKGROUND

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

According to the information provided Complainant is the organizer of the well-known tennis tournament the International of France at Roland Garros.
The International of France of Roland Garros is the biggest tournament of the tennis season on clay and the only Grand Slam still competing on that surface. In the tennis world with an Anglophone majority, the tournament is also known as the “French Open” since 1968. It is one of the four Grand Slam tournaments. Complainant also sells the TV rights for the entire tournament to selected official and exclusive broadcasters around the world.

The disputed domain name was registered on 9 February 2016.

The website in relation with the disputed domain name makes a clear reference to Complainant by proposing links to “French Open Live”, “French Open 2016 Live” and “French Open 2016 Live Streaming”. These web links are not yet active.

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 the disputed domain name is confusingly similar to Complainant's FRENCH OPEN trademark (Policy, Par. 4 (a)(1)). Many UDRP decisions have found that a disputed domain name is identical or confusingly similar to a complainant’s trademark where the disputed domain name incorporates the complainant’s trademark or the principal part thereof in its entirety. The addition of the descriptive word “live” is insufficient to avoid a finding of confusing similarity as the FRENCH OPEN trademark remains the dominant component of the disputed domain name. The International trademark of Complainant predates by many years the registration date of the disputed domain name.

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. Complainant has not licensed or otherwise permitted Respondent to use its trademark or to register the disputed domain name incorporating its mark. Respondent is not making a legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark of Complainant. Respondent is not commonly known by the disputed domain name nor has it acquired trademark rights. Complainant has no relationship with Respondent. This is particularly true as the website to which the disputed domain name resolves makes clear reference to Complainant by proposing links to “French Open Live”, “French Open 2016 Live” and “French Open 2016 Live Streaming”. These web links are not yet active, but it is conceivable that Respondent would like to propose live streaming of the tournament. Respondent is not related in any way with the business of Complainant.
Respondent did not submit any response. Under these circumstances, the Panel finds that Respondent has no rights or legitimate interests in the disputed domain name (Policy, Par. 4 (a)(11)).

The Panel finds that the disputed domain name has been registered and is being used in bad faith (Policy, Par. 4(b)(iv)). The trademark of Complainant has been existing for a long time. Respondent knew or should have known that the disputed domain name included Complainant’s trademark. The Panel notes that there is an active website at the disputed domain name. The Panel also notes that Respondent’s use of the website at the disputed domain name which incorporates Complainant’s trademark in its entirety indicates that Respondent registered the disputed domain name with the intention 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 location or of a service on its website or location.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **FRENCHOPENLIVE.ORG**: Transferred

PANELLISTS

Name	**Dinant T.L. Oosterbaan**

DATE OF PANEL DECISION 2016-06-01

Publish the Decision