

Decision for dispute CAC-UDRP-104373

Case number **CAC-UDRP-104373**

Time of filing **2022-02-24 08:51:04**

Domain names **leparisien24h.online**

Case administrator

Organization **Denisa Bilík (CAC) (Case admin)**

Complainant

Organization **LE PARISIEN LIBERE, SAS**

Complainant representative

Organization **NAMESHIELD S.A.S.**

Respondent

Name **Tao Zi ye Cun**

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 French word mark registration number 98732442 for LE PARISIEN which was registered on May 14, 1998.

FACTUAL BACKGROUND

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

The Complainant is a French daily newspaper covering both international and national news, and local news of Paris and its suburbs. The paper was established as “Le Parisien libéré” by Émilien Amaury in 1944, and was published for the first time on August 22, 1944. The Complainant also owns a number of domain names including the LE PARISIEN, mark, including the domain name <leparisien.com> which was registered and has been used for its official website since February 3, 1997.

The disputed domain name was registered on February 7, 2022 and redirects to an old extract from the Complainant’s former online website.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed 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 disputed 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 disputed 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

The Complainant has demonstrated that it owns French word mark registration number 98732442 for LE PARISIEN which was registered on May 14, 1998. The Panel agrees with the Complainant that the disputed domain name is confusingly similar to the Complainant's LE PARISIEN trade mark registration. The Panel makes this finding on the basis that the Complainant's mark is wholly incorporated into the disputed domain name and that the additional inclusion of the term "24H" meaning twenty four hours per day, does not prevent a finding of confusing similarity.

The Complainant has asserted that the Respondent is not identified in the Whois database as the disputed domain name and is therefore not commonly known as the disputed domain name. The Complainant has also submitted that the Respondent is neither affiliated with, nor authorized by, the Complainant to use its LE PARISIEN mark in any way. It has also contended that the Respondent is not related in any way to the Complainant and does not carry out any activity for, nor has any business with, the Complainant. According to the Complainant, the disputed domain name redirects to a previous page of the Complainant's website which suggests that the Respondent has not made any bona fide use of the disputed domain name, other than to create a likelihood of confusion with the Complainant's website and business.

In these circumstances the Panel finds that the Complainant has made out a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name. As the Respondent has failed to rebut this case and also for the reasons set out below in relation to bad faith, the Panel finds that the Complainant has successfully made out its case that the Respondent has no rights or legitimate interests in the disputed domain name.

The disputed domain name was only registered on February 7, 2022 but the Complainant says that it has been operating since 1944 and the Panel notes that French word mark registration number 98732442 for LE PARISIEN was registered in May 1998. In circumstances that the disputed domain name also redirects to a page featuring an excerpt from one of the Complainant's newspapers which also includes its LE PARISIEN mark, it is most likely that the Respondent was well aware of the Complainant and its business at the date of registration of the disputed domain name in May 2022.

The Complainant submits that by redirecting the disputed domain name to one of the previous pages of the Complainant's website, the Respondent is using the disputed domain name in order to attract Internet users to its website by creating the likelihood of confusion with the Complainant's trade mark.

Under paragraph 4(b)(iv) of the Policy there is evidence of registration and use of the disputed domain name in bad faith where a Respondent has used the disputed domain name to intentionally attract, for commercial gain, Internet users to its website by

creating a likelihood of confusion with the Complainant’s trade marks as to the source, sponsorship, affiliation or endorsement of the website.

The Panel finds that the Respondent has so used the disputed domain name. By using it to divert Internet users to a website which features a straightforward copy of one of the Complainant’s newspaper’s web pages without anything else and while even reproducing the Complainant’s LE PARISIEN mark, the Complainant has created a likelihood that Internet users will be confused as to the source, sponsorship, affiliation or endorsement of the website at the disputed domain name. There is no evidence to suggest that such use is for legitimate criticism or other bona fide non-commercial purposes and therefore it appears most likely that the Respondent, who does not live in France but rather in Japan, has registered and is using the disputed domain name for its own purposes and potential commercial gain. For these reasons the Panel finds that the disputed domain name was both registered and used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

- 1. **LEPARISIEN24H.ONLINE:** Transferred

PANELLISTS

Name	Alistair Payne
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DATE OF PANEL DECISION	2022-03-29
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Publish the Decision	
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