

Decision for dispute CAC-UDRP-104391

Case number CAC-UDRP-104391

Time of filing 2022-03-03 10:12:46

Domain names remymartinft.com

Case administrator

Organization Iveta Špiclová (Czech Arbitration Court) (Case admin)

Complainant

Organization E. REMY MARTIN & C°

Complainant representative

Organization NAMESHIELD S.A.S.

Respondent

Name Zachary Czerkas

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 relies on the following marks for REMY MARTIN

- US trademark n° 749501 for the word mark REMY MARTIN registered since 14 May 1963;
- International trademark n° 236184 for a pictorial mark including the words REMY MARTIN registered since 1 October 1960;
- International trademark n° 457204 for a figurative mark comprising the words REMY-MARTIN registered since 16 December 1980;
- International trademark n° 508092 for a figurative mark comprising the words REMY MARTIN registered since 1 December 1986; and
- International trademark n° 1021309 for a device including the words REMY MARTIN registered since 18 September 2009.

FACTUAL BACKGROUND

The Complainant was founded in 1724. It produces and distributes alcoholic beverages, particularly premium quality cognacs, in many countries around the world, under its principal mark REMY MARTIN. The Complainant has multiple trademark registrations comprising this mark, including those identified above.

The disputed domain name was registered to the Respondent on 14 January 2022. It does not resolve to an operational website.

PARTIES CONTENTIONS

No administratively compliant Response has been filed.

RIGHTS

The Panel finds that the Complainant has rights in the mark REMY MARTIN. The Panel is also satisfied that the disputed domain name is confusingly similar to this mark, from which it differs only in the addition of the letters "nft" following the mark and the generic top-level domain suffix, ".com". As the Complainant points out, "nft" stands for and is frequently used to refer to a non-fungible token. However, even if these letters had no meaning, given their location in the domain name after the strong REMY MARTIN mark, they would not avert confusion.

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 Panel is satisfied on the evidence that the Respondent has not made any bona fide use of the disputed domain name, whether commercial or non-commercial. Nor is the Respondent commonly known by the disputed domain name or any corresponding name. The Panel also accepts the evidence of the Complainant that it has not licensed or authorised the Respondent to use the disputed domain name or any corresponding name.

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 disputed domain name consists of the Complainant's primary mark, which is distinctive and widely known around the world, together with a frequently used acronym of the term "non-fungible token" and generic top-level domain suffix. Although registered in January 2022 it does not resolve to an operational website and the Respondent does not appear to have made any use of any corresponding name. In these circumstances, the Panel infers that the Respondent registered the disputed domain name in bad faith and is using it in bad faith by threatening to disrupt the Complainant's business in some unspecified way.

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 disputed domain name is almost identical to the Complainant principal mark, which is distinctive and widely used in numerous countries around the world. The Respondent has not made any bona fide use of the disputed domain name, is not known by it or by any corresponding name, and has not been authorised to use it by the Complainant. In the circumstances the Panel infers bad faith, in both registration and use by the Respondent.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. REMYMARTINNFT.COM: Transferred

PANELLISTS

Name Jonathan Turner

DATE OF PANEL DECISION 2022-04-05

Publish the Decision
