

Decision for dispute CAC-UDRP-104453

Case number CAC-UDRP-104453

Time of filing 2022-03-30 09:27:33

Domain names grouponet.com

Case administrator

Organization Denisa Bilík (CAC) (Case admin)

Complainant

Organization ONET

Complainant representative

Organization NAMESHIELD S.A.S.

Respondent

Name Superstack Domain

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 is the owner of several "ONET" trademarks, including the international trademark registration no. 1047179 "ONET" (word), registered since October 24th, 2008, for numerous goods and services in classes 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 16, 18, 19, 20, 21, 25, 27, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, and 45.

The disputed domain name was registered in January 26th, 2015, i.e. the Complainant's trademark clearly predates the registration of the disputed domain name.

FACTUAL BACKGROUND

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

Founded as a family business in 1860, the Complainant has become an international group of engineering and services companies. With a presence in 9 countries, more than 70,000 employees and 23,000 clients, the Complainant's annual turnover amounts to 1.9 billion euros.

The Complainant uses the domain name <groupeonet.com>, which was registered on October 15th, 1997, for its main company website.

The disputed domain name <grouponet.com> points to a parking page which displays commercial (advertising) links. The Complainant contends the Respondent has attempted to attract Internet users for commercial gain to this website thanks to the Complainant's trademarks for its own commercial gain, which the Complainant regards as evidence of bad faith.

The Complainant asserts that the Respondent is not identified in the Whois database with a name that is identical or similar to the disputed domain name, but as "Superstack Domain". The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name and he is not related in any way with the Complainant. The Complainant does not carry out any activity for, nor has any business with the Respondent. The Complainant has granted neither license nor authorization to the Respondent to make any use of the Complainant's trademark "ONET", or apply for registration of the disputed domain name.

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

Apart from the descriptive prefix "group" and the technical (and also descriptive) suffix ".com" the disputed domain name is identical to the Complainant's registered trademark "ONET". The disputed domain name is therefore confusingly similar to the Complainant's trademark mentioned above (within the meaning of paragraph 4(a)(i) of the Policy).

The Panel also finds that the Complainant successfully submitted prima facie evidence that the Respondent has made no use of, or demonstrable preparations to use, the disputed domain names in connection with a bona fide offering of goods or services, nor is the Respondent making a legitimate non-commercial or fair use of the disputed domain names, nor is the Respondent commonly known under the disputed domain name. This prima facie evidence was not challenged by the Respondent. The Respondent's display of sponsored (advertising) links is not a bona fide offering of goods and services within the meaning of paragraph 4(c)(i) of the Policy.

Given (i) the Respondent's display of sponsored listings under the disputed domain name and (ii) the high degree of similarity between the disputed domain name <grouponet.com> and the domain name <groupeonet.com> which the Complainant uses for its own main corporate website, it is most likely that the Respondent had the Complainant and its trademarks in mind when registering the disputed domain name. In the absence of a Response, the Panel infers that by using the disputed domain names, the Respondent has intentionally attempted to attract, for commercial gain, internet users

to his website by creating a likelihood of confusion with the Complainant's marks as to the source, sponsorship, affiliation, or endorsement of this website and the products advertised on it (within the meaning of paragraph 4(b)(iv) of the Policy).

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **GROUPONET.COM**: Transferred

PANELLISTS

Name	Dr. Thomas Schafft
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DATE OF PANEL DECISION 2022-05-05

Publish the Decision