

Decision for dispute CAC-UDRP-104565

Case number CAC-UDRP-104565

Time of filing 2022-05-11 08:57:10

Domain names DELUBACFR.ONLINE

Case administrator

Organization Denisa Bilík (CAC) (Case admin)

Complainant

Organization BANQUE DELUBAC ET CIE

Complainant representative

Organization NAMESHIELD S.A.S.

Respondent

Name Virgilon

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 owner of the European trademark registration n. 17978583 " for the name "DELUBAC", in classes 9, 16, 35, 36, 38 and 41, registered on 31 October, 2018 (hereinafter referred to as the "Trademark").

FACTUAL BACKGROUND

The Complainant, BANQUE DELUBAC ET CIE, is an independent financial institution providing specialized banking services, which was founded in 1924 in France by Maurice Delubac.

The Complainant uses the domain name < delubacfr.online > which is connected to the official website of the Complainant.

The disputed domain name < delubacfr.online > was registered on 15 November, 2021 and seems to have been used for redirecting purposes to the Complainant's website and in phishing attempts.

PARTIES CONTENTIONS

PARTIES' CONTENTIONS:

COMPLAINANT:

The Complainant contends that the disputed domain name is confusingly similar to the Trademark.

Furthermore, the Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. In this regard, the Complainant states that the Respondent is not commonly known by the disputed domain name, that it is not affiliated with nor authorized by the Complainant in any way, that the Complainant does not carry out any activity for, nor has any business with the Respondent, and that neither license nor authorization has been granted to the Respondent to make any use of the Trademark or apply for registration of the disputed domain name by the Complainant.

The Complainant contends that the disputed domain name was registered and is being used in bad faith. It contends that the Respondent has registered a well-known Trademark and that "delubac" has no meaning in any language. Furthermore, it contends that Respondent's apparent use of the disputed domain name in furtherance of a "phishing" scheme establishes its bad faith registration and use of the disputed domain name under para. 4(a)(iii) of the Policy.

RESPONDENT:

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

Under paragraph 4(a) of the Policy, the Complainant must prove that each of the following three elements is present:

- (i) the disputed domain name is identical or confusingly similar to the Complainant's trademark; and
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

1. The Panel accepts that the disputed domain name is confusingly similar to the Trademark as it fully incorporates it. It is well established that a domain name that wholly incorporates a trademark may be confusingly similar to such trademark for purposes of the Policy, and the addition of the generic or geographical term "fr", which can be argued that it refers to the country code of France, enhances further the confusing similarity. The Panel agrees that the addition of the generic TLD ".online" does not affect the confusing similarity of the disputed domain name.

2. The Complainant has substantiated that the Respondent has no rights or legitimate interests in the disputed domain name. The Panel finds that the Complainant has fulfilled its obligations under paragraph 4(a)(ii) of the Policy. The Respondent did not deny these assertions in any way and therefore failed to prove any rights or legitimate interests in the disputed domain name.

3.1 The Panel is satisfied that the Respondent registered the disputed domain name with full knowledge of the Complainant and its rights in the Trademark as the Trademark is highly distinctive and well-established.

3.2 Furthermore, the Panel accepts the Complainant's contentions that the disputed domain name has been used in bad faith under an apparent engagement of the Respondent in a phishing scam.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. DELUBACFR.ONLINE: Transferred

PANELLISTS

| | |
|------|---|
| Name | Stefania-Despoina Efstathiou, LL.M. mult. |
|------|---|

DATE OF PANEL DECISION 2022-07-04

Publish the Decision
