

Decision for dispute CAC-UDRP-104649

Case number CAC-UDRP-104649

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Domain names INTRUM.XYZ

Case administrator

Organization Denisa Bilík (CAC) (Case admin)

Complainant

Organization Intrum Licensing AG

Complainant representative

Organization BRANDIT GmbH

Respondent

Organization Domain Nerdz LLC

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

Intrum holds numerous trademark registrations for the marks INTRUM and INTRUM JUSTITIA worldwide, including in the USA. See the overview of the registered trademarks below:

Trademark registration of INTRUM and INTRUM JUSTITIA

INTRUM

European Registration n. 000306639
registered in 1999

INTRUM JUSTITIA

International Registrations n. 1073788
registered in 2011

The Complainant has furthermore registered a number of domain names containing the term "INTRUM", for example

<intrum.com> (created on 8 April 1996) and <intrum.group> (created on 31 May 2016).

FACTUAL BACKGROUND

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

Complainant is Europe's a market leading credit management company, which has a complete range of credit management and financial services with strong base in collection operations. The company was founded in 1923 as a family business in Stockholm, where the headquarters are still located today. Intrum employed around 10,000 people in 25 countries in 2019 and serves around 100,000 customers across Europe. It has been listed on the Stockholm Nasdaq since 2002.

Intrum holds numerous trademark registrations for the marks INTRUM and INTRUM JUSTITIA worldwide, including in the USA. The Complainant has also registered a number of domain names containing the term "INTRUM", for example, <intrum.com> (created on 8 April 1996) and <intrum.group> (created on 31 May 2016). The Complainant uses these domain names to connect to a website through which it informs potential customers about its INTRUM mark and its products and services.

The trademark registrations significantly predate the registration of the Disputed Domain Name, which was registered on 6 May 2022 according to the Registrar Verification. Due to extensive use, the Complainant enjoys a high degree of renown in Europe and in many other countries of the world. The Complainant has previously successfully challenged several INTRUM domain names through UDRP processes.

Complainant contends that the Disputed Domain Name, which was registered on 5 May 2022, incorporates the Complainant's registered, distinctive trademark INTRUM in its entirety. The addition of the gTLD ".xyz" in the view of Complainant does not add any distinctiveness to the Disputed Domain Name. The Complainant states that the Disputed Domain Name should be considered as identical to the trademark INTRUM.

The Complainant states that he has never granted the Respondent any right to use the INTRUM trademark within the Disputed Domain Name, nor is the Respondent affiliated to the Complainant in any form.

The Complainant has not found that the Respondent is commonly known by the Disputed Domain Name or that it has interest over the Disputed Domain Name. When entering the term "INTRUM" in the Google search engine, the returned results all pointed to the Complainant and its business activities. The Respondent could have in the view of Complainant easily perform a similar search before registering the Disputed Domain Name and would have quickly learnt that the trademarks are owned by the Complainant and that the Complainant has been using its trademarks worldwide.

By the time the Complainant prepared this Complaint on 10 June 2022, the Respondent used the Disputed Domain Name to resolve to a website offering the Disputed Domain Name for sale for an amount of \$2,988. Complainant states therefore, that the Respondent has not been using the Disputed Domain Name for any bona fide offering of goods or services.

The intention of the Respondent's use of the Disputed Domain Name is in the view of Complainant to take advantage of the reputation of the trademark of the Complainant. The Respondent has no right nor legitimate interest in respect of the Disputed Domain Name and has not been using the Disputed Domain Name for any bona fide offering of goods or services.

Complainant states that it should be highlighted that the registration of the Complainant's trademarks predates the registration of the Disputed Domain Name and the Respondent has never been authorized by the Complainant to register the Disputed Domain Name. It follows that the use of the trademark INTRUM in the Disputed Domain Name is a deliberate and calculated attempt to improperly benefit from the Complainant's rights.

Considering the facts that:

- The Respondent clearly knew about the Complainant and its trademarks and/or should have known about the Complainant and its trademarks when it registered the Disputed Domain Name;

- The trademark INTRUM is distinctive and the Respondent chose to register domain name that is identical to the trademark INTRUM;
- The Respondent has failed in presenting a credible evidence-backed rationale for registering the Disputed Domain Name,

the Disputed Domain Name shall be deemed as registered in bad faith, which is supported by WIPO Overview 3.0, para. 3.1.1.

The Respondent has been using the Disputed Domain Name to resolve to website where the Disputed Domain Name are offered for sale for an amount of \$2,988. Such amount is clearly excessive to the registration costs of the Disputed Domain Name. It is blatant that the Respondent intends to make profit from selling the Disputed Domain Name. Referring to WIPO Overview 3.0, paragraph 3.1.1, such behavior is manifestly considered evidence of bad faith:

The Complainant has tried to reach the Respondent by a cease-and-desist letter sent on 31 March 2022. However, until the time the Complainant prepared this Complaint, it has not received any response from the Respondent.

Complainant is of the opinion that the Respondent's non-response to cease-and-desist letter infers bad faith use of the Disputed Domain Name.

The Disputed Domain Name is registered under privacy shield. The Complainant considers such behavior as for the purpose to hide the registrant's identity, which contributes to the proof of bad faith.

Therefore, in the view of Complainant the Disputed Domain Name should be transferred to Complainant.

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

A. Identical or confusingly similar domain name

The Complainant demonstrated that it owns the asserted trademark registrations for the word marks "INTRUM" and "INTRUM JUSTITIA" which were registered long before the registration of the Disputed Domain Name by the Respondent. It is well established that a nationally or regionally registered trademark confers on its owner sufficient rights to satisfy the requirement of having trademark rights for the purposes of standing to file a UDRP case. Therefore, the Panel finds that the Complainant has established such rights.

It is also well established that the generic top-level suffix may be disregarded when considering whether a disputed domain name is identical or confusingly similar to a trademark in which the Complainant has rights, as it is a necessary technical requirement of a domain name. This is true also for the so-called new generic top-level suffixes like ".xyz".

The Disputed Domain Name incorporates the Complainant's trademark "INTRUM" in its entirety. It is therefore easy for the Panel to find that the Disputed Domain Name is identical to the trademark in which the Complainant has rights.

B. Lack of rights or legitimate interests

The Respondent has not filed a Response and has neither provided any other information that would oppose the Complainant's allegations. Therefore, the Panel holds that the Complainant successfully presented its prima facie case that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name.

In particular, the Respondent is not in any way connected with the Complainant nor is it authorized to use the Complainant's trademarks for its commercial activities. In addition, the Respondent is not commonly known by the Disputed Domain Name pursuant to Paragraph 4(c)(ii) of the Policy. Furthermore, it was demonstrated by evidence submitted by the Complainant that the Disputed Domain Name has not been used for a bona fide offering of goods or services or a legitimate non-commercial or fair use, but rather is offered to sell.

Considering the facts of this case, it seems obvious to the Panel that the Respondent knew (or should have known) about the Complainant and its trademarks when it registered the Disputed Domain Name.

The Panel, therefore, finds that the Respondent has no rights or legitimate interest in the Disputed Domain Name.

C. Registration and use of the Disputed Domain Name in bad faith

The Panel has already found that the Disputed Domain Name is identical to the Complainant's trademark "INTRUM". Complainant's trademarks registration significantly predates the registration of the Disputed Domain Name. Respondent has no rights in the mark INTRUM, bears no relationship to the Complainant, and is not commonly known by the Disputed Domain Name - accordingly it has no legitimate interest in the Disputed Domain Name. The Panel finds that the Complainant submitted evidence sufficiently demonstrating that the Respondent must have (or should have) been aware of the existence of the Complainant, its trademarks, and its domain names. It is difficult to conceive that the Respondent would have no prior knowledge of the Complainant and it is equally difficult to find any good faith reason for the registration of the Disputed Domain Name by the Respondent. The fact that the Disputed Domain Name is offered to sell on the underlying website clearly shows that the Respondent must have been aware of the Complainant and its rights. The Disputed Domain Name is offered for sale for an amount of \$2,988. Such amount is clearly excessive to the registration costs of the Disputed Domain Name. It is blatant that the Respondent intends to make profit from selling the Disputed Domain Name. Referring to WIPO Overview 3.0, paragraph 3.1.1, such behavior is manifestly considered evidence of bad faith:

"If on the other hand circumstances indicate that the respondent's intent in registering the disputed domain name was in fact to profit in some fashion from or otherwise exploit the complainant's trademark, panels will find bad faith on the part of the respondent. While panel assessment remains fact-specific, generally speaking such circumstances, alone or together, include: (i) the respondent's likely knowledge of the complainant's rights, (ii) the distinctiveness of the complainant's mark, (iii) a pattern of abusive registrations by the respondent, [...] (vii) failure of a respondent to present a credible evidence-backed rationale for registering the domain name, [...]."

Respondent has furthermore been using privacy shield to conceal its identity. The Panel considers such behavior as for the purpose to hide the registrant's identity, which contributes to the proof of bad faith.

Therefore, the Panel holds that the Disputed Domain Name has been registered and has been used by the Respondent in bad faith.

In conclusion, the Panel finds that all three elements required by Paragraph 4(a) of the Policy were met.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. INTRUM.XYZ: Transferred
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PANELLISTS

Name	Jan Christian Schnedler, LL.M.
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DATE OF PANEL DECISION 2022-07-19

Publish the Decision
