

Decision for dispute CAC-UDRP-104677

Case number CAC-UDRP-104677

Time of filing 2022-06-27 09:38:00

Domain names uefagaming.com

Case administrator

Organization Denisa Bilík (CAC) (Case admin)

Complainant

Organization Union Des Associations Européennes De Football

Complainant representative

Organization Stobbs IP Ltd

Respondent

Name Daniel Nguyen

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

Complainant owns an extensive portfolio of trademark rights for "UEFA", among them the national UK trademark registration no. UK00907464084 „UEFA" (word), which was registered 22 July 2009 for numerous goods and services in classes 3, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 18, 20, 21, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 38, 39, 40, 41, 43, 44, and 45.

The disputed domain name was registered on 16 December 2021, so that Complainant's trademark registration mentioned above predates the registration of the disputed domain name.

FACTUAL BACKGROUND

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

Complainant is the administrative body for association football in Europe. It is the umbrella organisation for the 55 national football associations across Europe. The Complainant was founded on 15 June 1954 in Basel, Switzerland. The European football union began with 25 members; that number doubled by the early 1990s. Complainant represents the national football associations of Europe, runs national and club competitions including but not limited to the UEFA European

Championship, UEFA Nations League, UEFA Champions League, UEFA Europa League and UEFA Super Cup, and controls the prize money, regulations, and media rights to those competitions. Complainant contends that it has a significant reputation and a vast amount of goodwill in the "UEFA" trade marks in the UK and abroad in relation to European football activities.

Complainant operates a gaming website on the subdomain <https://gaming.uefa.com/>. This website features interactive games relating to Complainant's UEFA Champions League. Respondent used URL framing to embed this official UEFA website under the subdomain <https://gaming.uefa.com/> within Respondent's own website operated under the disputed domain name. URL framing is similar to URL redirecting, although it differs in the fact the website user is not redirected to another URL but instead the user is presented with another website (or content from another website) in a frame within the entered URL. Respondent used an unencrypted connection for this URL framing, which presents a high risk of malicious activity such as phishing for personal and sensitive data through use of "man-in-middle" attacks when website users enter their login credentials.

Complainant contends that Respondent is not affiliated with nor authorized by Complainant in any way. Complainant contends that Respondent has no rights or legitimate interests in respect of the disputed domain name. Complainant does not carry out any activity for, nor has any business with Respondent. Complainant has neither granted a license nor any other authorization to Respondent to make any use of Complainant's "UEFA" trademarks, or to 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

The only differences between Complainant's "UEFA" trademark and the disputed domain name are

- the descriptive term "gaming", and
- the suffix ".com" (which is owed to the technical requirements of the domain name system).

The reputation of Complainant's "UEFA" brand and the existing association between "UEFA" and "GAMING" based on Complainant's operation of a gaming website under <https://gaming.uefa.com/> make these differences irrelevant, so that Complainant's trademark and the disputed domain name are confusingly similar.

The Panel further finds that Complainant successfully submitted prima facie evidence that Respondent has neither made any use of, or demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods

or services, nor is making a legitimate non-commercial or fair use of the disputed domain name, nor is commonly known under the disputed domain names. This prima facie evidence was not challenged by Respondent.

Respondent has used unencrypted URL framing to embed Complainant's official UEFA website under <https://gaming.uefa.com/>, thereby creating a risk of malicious activity such as phishing for personal and sensitive data through use of "man-in-middle" attacks. The Panel considers this to be prima facie evidence that Respondent has registered and used the disputed domain name in bad faith by intentionally attempting to attract, for commercial gain, internet users to Respondent's website, by creating a likelihood of confusion with Complainant's trade mark as to the source, sponsorship, affiliation, or endorsement of the Infringing Website (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. **UEFAGAMING.COM**: Transferred

PANELLISTS

Name	Dr. Thomas Schafft
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DATE OF PANEL DECISION **2022-08-04**

Publish the Decision
