

Decision for dispute CAC-UDRP-104687

Case number CAC-UDRP-104687

Time of filing 2022-07-07 11:34:24

Domain names gfsi-food.com

Case administrator

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

Complainant

Organization The Consumer Goods Forum

Complainant representative

Organization Thomsen Trampedach GmbH

Respondent

Name zhang hai jun

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

, 2009Comité International d'Entreprises à succursales CIES1953Global Commerce InitiativeGCI 1999

- "GFSI GLOBAL FOOD SAFETY INITIATIVE" 0111903942013218: 1635384142

GFSI<https://mygfsi.com/>

FACTUAL BACKGROUND

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

GFSIGFSIGFSI GFSIGFSI

Zhang Hai Jun, Navy Zhang,

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).

4(a)(i)

20092013GFSIGFSIGFSIGFSIAvast Software s. r. o. v Milen Radumilo, 102384, (CAC 2019-03-12)

“.com”WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“WIPO Overview 3.0”)1.11

"gfsi-food"GFSI"food""-""food""-""Arla Foods Amba v. wuyanrong, 101295 (CAC 2017-04-30) ("the Panel contends that incorporation of the dominant “ARLA” element of Complainant’s trademarks (which standalone enjoys high level of distinctiveness) into the disputed domain name constitute confusing similarity between Complainant’s trademarks and such domain name. Addition of a non-distinctive element “FOOD” and the hyphen “-” to the “ARLA” denomination cannot prevent the association in the eyes of internet consumers between the disputed domain name and the Complainant’s trademarks and thus the likelihood of confusion still exists.”)

For the foregoing reasons, the Panel finds the Complainant has satisfied paragraph 4(a)(i) of the Policy.

4(a)(i)

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).

4(a)(ii)

Prima Facie) WIPO Overview 3.02.8

4(c)

(i)

(ii)

(iii)

GFSI GFSI

(Prima Facie)WIPO Overview 3.02.1

For the foregoing reasons, the Panel finds the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

4(a)(ii)

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).

4(a)(iii)

4(a)4(b)

- (i)
- (ii)
- (iii)
- (iv)

GFSI2013GFSIGFSI

GFSIARCELORMITTAL S.A. v. Prost Muriel, 1046755 (CAC 2022-07-27) ("With respect to use in bad faith, the disputed domain name resolves to an inactive website. This fact is to be combined with the full incorporation of the Complainant's reputable trademark in the disputed domain name. For this Panel, same as for many previous panels, such misleading behaviour clearly amounts to use in bad faith. Therefore, it is impossible to conceive any plausible active use of the disputed domain name that would be legitimate.")

For the foregoing reasons, the Panel finds the Complainant has satisfied paragraph 4(a)(iii) of the Policy.

4(a)(iii)

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.

UDRP

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PRINCIPAL REASONS FOR THE DECISION

Having established all three elements required under the UDRP Policy, the Panel concludes that relief shall be granted.

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FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **GFSI-FOOD.COM**: Transferred
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PANELLISTS

Name	Mr Paddy TAM
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DATE OF PANEL DECISION 2022-08-08
