

Decision for dispute CAC-UDRP-104671

Case number CAC-UDRP-104671

Time of filing 2022-07-11 10:16:32

Domain names adeccousainc.com

Case administrator

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

Complainant

Organization Adecco Group AG

Complainant representative

Organization BRANDIT GmbH

Respondent

Organization Liquine Services

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 trademarks bearing "ADECCO", such as but not limited to:

- Swiss Trademark No. P-431224 – "ADECCO" – Nice Classification 35, 41, 42 – Date of reg. September 26, 1996;
- Swiss Trademark No. 549358 – "ADECCO" – Nice Classification 9, 35, 36, 41, 42 – Date of reg. August 18, 2006;
- EU Trademark No. 3330149 – "ADECCO" – Nice Classification 35, 41, 42 – Date of reg. January 19, 2005;
- Int. Trademark No. 666347 – "ADECCO" – Nice Classification 35, 41, 42 – Date of reg. October 17, 1996;
- Int. Trademark No. 901755 – "ADECCO" – Nice Classification 9, 35, 36, 41, 42 – Date of reg. August 18, 2006;
- US Trademark No. 2209526 – "ADECCO" – Nice Classification 35, 41, 42 – Date of reg. November 26, 2019; and
- US Trademark No. 5922639 – "ADECCO" – Nice Classification 35 – Date of reg. November 26, 2019.

Furthermore, the Complainant is the owner of several domain names, bearing "ADECCO", such as <ADECCO.COM> or <ADECCO.CH> or <ADECCOGROUP.COM> or <ADECCOUSA.COM>.

FACTUAL BACKGROUND

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

The Complainant is the world's leading workforce solutions company, helping over 100,000 organizations with their talent needs as well as enabling millions of people to develop their skills and exceed their potential. The company has 32,000 employees in more than 60 countries and territories, including the United States.

The Complainant is the owner of the registered trademark ADECCO in numerous jurisdictions all over the world, including the United States. The vast majority of these trademark registrations predate the registration of the disputed domain name.

The Adecco group also enjoys a strong online presence via its official websites and social media platforms. The Complainant owns many domain names containing the trademark ADECCO, including <adecco.com> (registered on May 15, 1993), <adecco.ch> (registered on May 17, 1996), <adeccogroup.com> (registered on June 21, 2002) and <adeccousa.com> (registered on October 2, 2003). The Complainant uses these domain names to resolve to the Complainant's group's official websites through which it informs Internet users and potential consumers about its ADECCO mark and its related products and services. The website associated with the domain name <adeccousa.com> is especially addressed to consumers in the United States.

Due to extensive use, advertising and revenue associated with its trademarks worldwide, the Complainant enjoys a high degree of renown around the world.

The disputed domain name incorporates in its entirety the Complainant's registered and widely known trademark ADECCO with the addition of the element "usa" and the term "inc".

The Complainant has not licensed or authorized the Respondent to register or use the disputed domain name, nor is the Respondent affiliated to the Complainant in any form.

There is no evidence that the Respondent is known by the disputed domain name or owns any corresponding registered trademarks.

When conducting online trademark databases searches, no information is found in relation with trademarks corresponding to the terms "adeccousainc.com" or "adeccousainc".

The Respondent has been using a privacy shield service, masking its identity on the publicly available Registrar's WhoIs.

The disputed domain name has been registered on March 21, 2022, and shortly after used in email address ("finance@adeccousa-mail.com" and "recruit@adeccousa-mail.com") to send emails - impersonating Adecco and Adecco USA, Inc. - to third-party individuals with the purpose of obtaining banking payments. These emails are, according to the Complainant, part of a fraudulent scheme which lures individuals replying to a fake job advertisement published online. After having applied to this job advertisement, third party individuals have been contacted and involved in a false recruitment process. Once the victims have been through this fake recruitment procedure and have been allegedly hired, they have received an email - sent, inter alia from the email address "recruit@adeccousainc.com" - comprising a counterfeit check. The addressees have been instructed to deposit funds. To give the impression the fraudulent emails are genuine, the associated email addresses are composed of the terms "finance" or "recruit" as usernames and the disputed domain name to make the recipient believe the emails were sent by departments of the Complainant or Adecco USA, Inc., which is not the case. Moreover, the names of "Adecco", "Adecco Group", and "Adecco USA" are repeatedly quoted in the body of the email as well as Adecco USA, Inc.'s principal place of business.

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.

The Panel decides the language of the proceedings be English.

PRINCIPAL REASONS FOR THE DECISION

As the Respondent did not file an administratively compliant Response, pursuant to paragraph 14(b) of the Rules, the Panel may draw such inferences therefrom as it considers appropriate. Thus, the Panel considers the contentions of the Complainant as conceded by the Respondent.

A. Language of proceedings

The Panel has no reasons to assume that the registration agreement is not concluded in English. The Complainant has provided evidence that the terms of registration are drafted in English, one of the official languages in India, the place the Registrar is located. Thus the Panel decides the language of the proceedings be English.

B. The disputed domain name is confusingly similar to the trademarks "ADECCO" of the Complainant.

The Complainant has, to the satisfaction of the Panel, shown that it has valid trademarks rights in "ADECCO". The disputed domain name includes the Complainant's trademark in its entirety.

The additions of "usa" and "inc" to the domain are not sufficient to escape a finding that the disputed domain name is identical to Complainant's trademarks and does not change the overall impression of the name as being associated with Complainant's trademarks. Rather, the addition reinforces the overall impression. The addition of the top-level domain ".com" does not change this impression, as is undisputed in the jurisdiction.

C. The Respondent has no rights or legitimate interests in respect of the disputed domain name within the meaning of the Policy.

The Complainant has established a prima facie proof that the Respondent has no rights or legitimate interests in the disputed domain name, since the Respondent is not a licensee of the Complainant nor has the Complainant granted any permission or consent to use its trademarks in a domain name. Specifically, the Responded is not an authorized reseller of the Complainant.

Furthermore, the disputed domain name does not correspond to the name of the Respondent or his organization. The disputed domain name does not resolve to an active website.

In addition, the sending of emails - impersonating Adecco and Adecco USA, Inc. - to third-party individuals with the purpose of obtaining banking payments, as the Complainant stated, seems to initiate a scheme of phishing, which further indicates that the Respondents lacks rights and legitimate interests in the disputed domain name.

In summary, there is no evidence for a use of the disputed domain name for any bona fide offer of goods or services or a

legitimate non-commercial or fair use.

D. The disputed domain name has been registered and is being used in bad faith within the meaning of the Policy.

The Complainant's trademarks "ADECCO" are widely known. Given the distinctiveness of the Complainant's trademarks and reputation, it can be concluded that the Respondent has registered the disputed domain name with full knowledge of the Complainant's trademarks.

As stated by the Complainant Internet users receiving emails from email addresses associated with the disputed domain name (such as "finance@adeccousainc.com") are led to believe that they are personally contacted by ADECCO. Being deceived, Internet users may start to interact with the sender and be victims of fraud attempts. Hence, there is a high risk of the disputed domain name being used for fraudulent purposes, by impersonating the Complainant.

The Panel has no reason to disbelieve these claims presented by the Complainant. The overall described circumstances, as accepted by the Panel due to the lack of any response by Respondent, are clear demonstration that the registration and use of the disputed domain name has been in bad faith.

Also, the passive holding of the disputed domain name without resolving to an active website and with presumed knowledge of the corresponding trademark rights of the Complainant indicates, that the Respondent has registered and uses the disputed domain names in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. ADECCOUSAINC.COM: Transferred

PANELLISTS

Name	Dominik Eickemeier
------	--------------------

DATE OF PANEL DECISION 2022-08-16

Publish the Decision
