

Decision for dispute CAC-UDRP-104714

Case number CAC-UDRP-104714

Time of filing 2022-07-08 09:08:13

Domain names maisonsdumonde.info

Case administrator

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

Complainant

Organization Maisons du Monde France

Complainant representative

Organization IP TWINS

Respondent

Name Kecoa Terbang

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 for the term MAISONS DU MONDE such as:

- the French trademark MAISONS DU MONDE (device) N° 99792285 registered on 10 May 1999; and
- the European trademark MAISONS DU MONDE (word) N° 005120481 registered on 27 May 2010.

The Complainant is also the owner of <maisonsdumonde.com> registered on 22 July 2004, which is used in connection with the Complainant's official website.

FACTUAL BACKGROUND

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

The Complainant, Maisons du Monde France, is a French furniture and home decor company founded in 1996. The Complainant is one of the leading companies on the furniture and home decor market. As of 2020, the Complainant had more than 360 stores across Europe, in particular in France, Italy, Spain, Luxembourg, Belgium, Germany, Portugal, Austria

and Switzerland. The Complainant also sells online to the 9 above-mentioned countries, the United Kingdom and the Netherlands, its website being available in 9 different languages. The Complainant is equally renowned beyond the borders of Europe thanks to a franchising network and numerous partnerships (notably in Algeria, Morocco, Dubai, Qatar, Martinique, Reunion, the USA etc.).

In 2020, the Complainant generated sales of almost 1.2 billion euros and employed over 8,500 people. The Complainant is also listed on the Paris stock exchange Euronext.

The disputed domain name was registered on 26 March 2022.

The disputed domain name directs to a gambling website.

PARTIES CONTENTIONS

PARTIES' CONTENTIONS:

COMPLAINANT:

The Complainant contends that:

A) The disputed domain name is identical to the Complainant's trademarks.

B) Lack of legitimate rights or interests

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name, that the Respondent is not commonly known and that it is not related in any way with the Complainant. The Complainant does not carry out any activity for, nor does it have any business with, the Respondent. Neither license nor authorization has been granted to the Respondent to make any use of the Complainant's trademark MAISONS DU MONDE, or to apply for registration of the disputed domain name, by the Complainant.

C) Registered or Used in Bad Faith

The Complainant contends that, given the distinctiveness of the Complainant's trademark and its reputation, it is reasonable to infer that the Respondent has registered and used the disputed domain name with full knowledge of the Complainant's trademark.

The Complainant further contends that the Respondent has registered/acquired and is using the disputed domain name to attract Internet users by creating a likelihood of confusion with the Complainant's prior trademarks, and to intentionally deceive internet users in the hope and expectation that those users searching for the Complainant's services and products would instead come across the Respondent's domain name.

Finally, the Complainant submits that by maintaining the disputed domain name in association with a dubious gambling website, the Respondent has been using the domain name in bad faith, in an attempt to exploit the renown of the Complainant's trademark for its own benefit.

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

A) Confusingly similar

The Complainant contends that the disputed domain name is identical to its well-known and distinctive trademark MAISONS DU MONDE.

The Panel agrees with the Complainant's assertion that the absence of spaces between the word elements of the trademark, as well as the addition of the gTLD .info, do not prevent the disputed domain name from being confusingly similar to the Complainant's trademark.

B) Lack of legitimate rights or interests

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name and that it is not related in any way with the Complainant. The Complainant does not carry out any activity for, nor does it have any business with, the Respondent. Neither license nor authorization has been granted to the Respondent to make any use of the Complainant's trademark MAISONS DU MONDE, or to apply for registration of the disputed domain name, by the Complainant.

Furthermore, the Complainant's assertions that the Respondent is not commonly known by the disputed domain name and is not affiliated with nor authorised by the Complainant are sufficient to constitute a prima facie showing of absence of rights or legitimate interest in the disputed domain name on the part of the Respondent. The evidentiary burden therefore shifts to the Respondent to show by concrete evidence that it does have rights or legitimate interests in this name. The Respondent has made no attempt to do so.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.

C) Registered or Used in Bad Faith

The Complainant gives several sound bases for its contention that the disputed domain name was registered in bad faith and that it has been used in bad faith.

Firstly, given the reputation of the Complainant's trademark, its distinctiveness and the fact that the registration of the Complainant's trademark predates the registration of the disputed domain name by many years, the Panel finds on the balance of probabilities that the Respondent was aware of the Complainant's trademark when registering the disputed domain name.

Secondly, the Panel accepts the Complainant's unchallenged assertion that the Respondent has registered/acquired and is using the disputed domain name to attract internet users by creating a likelihood of confusion with the Complainant's prior trademarks, and to intentionally deceive internet users in the hope and expectation that those users searching for the Complainant's services and products would instead come across the Respondent's domain name.

Thirdly, the Panel also accepts the Complainant's contention that by maintaining the disputed domain name in association with a dubious gambling website, the Respondent has been using the domain name in bad faith, in an attempt to exploit the renown of the Complainant's trademark for its own benefit.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **MAISONSDUMONDE.INFO**: Transferred
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PANELLISTS

Name	Dr. Fabrizio Bedarida
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DATE OF PANEL DECISION **2022-08-17**

Publish the Decision
