

Decision for dispute CAC-UDRP-104813

Case number CAC-UDRP-104813

Time of filing 2022-08-24 11:11:07

Domain names gefcos.net

Case administrator

Organization Denisa Bilík (CAC) (Case admin)

Complainant

Organization GEFCO

Complainant representative

Organization ATOUT PI LAPLACE

Respondent

Name Lyon Ivy

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

GEFCO has been registered by the Complainant or members of its corporate group as a trade mark including but not limited to in France as of 1988 (under n° 1467049), and in the European Union under n° 010795871, United Kingdom under No. UK00910795871, Hong Kong under No. 302227536 Mexico under No. 1267842 and as an International trade mark as of 2012, for transportation and logistics transport services of class 39. It is also the Company name and trade name of the Complainant and included in the name of all its subsidiaries all around the world.

GEFCO is also the owner of several domain names under various extensions including <gefco.net>.

FACTUAL BACKGROUND

GEFCO is a French company created in 1949 specialising in supply-chain solutions and the automotive logistics.

The disputed domain name was registered on November 17, 2021.

PARTIES CONTENTIONS

COMPLAINANT:

GEFCO is an invented word composed of the acronym for “Groupages Express de Franche-Comté” (in French) which in English means “Express groupings from Franche-Comté”. Franche-Comté is a Region from France.

The disputed domain name is highly similar to the Complainant's GEFCO trade mark which is included in its entirety without any alteration. The addition of the letter “s” at the end of the sign does not have an impact since the Complainant's trade mark is still recognizable. Also, the additional letter “s” is placed at the end of the sign while it is known that consumers remember only the first letters/syllables of a sign. GEFCO.NET is registered and used by the Complainant and the addition of the letter “s” is part of a typosquatting/misspelling practice.

The extension “.net” is not to be taken into account when comparing the disputed domain name and the Complainant's mark.

The Complainant is the sole owner of rights in its GEFCO mark. GEFCO owns multiple and various kind of rights to protect this denomination all around the world.

The Complainant has not given any authorization to anyone to make any use, or apply for registration of the disputed domain name.

Respondent does not have any rights or legitimate interest in the disputed domain name.

9 months after registration of the disputed domain name, the webpage is still not in use. However, three IP addresses were created suggesting the disputed domain name may be used for phishing/cybersquatting purposes.

Google's first results for GEFCO refer to the complainant's websites, actualities, news, and services and especially to complainant's website “gefco.net”. Registration of the disputed domain name was made in bad faith in full awareness of Complainant earlier and legitimate rights and activities.

Respondent deliberately registered the disputed domain name with the intention to create a likelihood of confusion in the consumers' mind as part of a typosquatting/misspelling practice well known by scammers.

Purpose of such registration was thus to mislead/divert GEFCO's clients. In order to facilitate its phishing practice, Respondent has created e-mail addresses from the disputed domain name.

The sole creation of an IP address is an act constitutive of bad faith (Robertet SA v. Marie Claude Holler, WIPO Case No. D2018-1878, November 6, 2018 and Credit Industriel et Commercial S.A. v. Xing Zhou, WIPO Case No. D2019-0654, May 17, 2019).

The fraudulent character of the disputed domain name is intensified by the fact Complainant uses “....@gefco.net” as the e-mail addresses of all of its employees.

It is thus clear that Respondent intends to impersonate the Complainant in order to obtain sensitive information from complainant's clients, to fraudulently earn money, to mislead/divert GEFCO's clients by suggesting an affiliation with Complainant.

RESPONDENT: NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED

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 disputed domain name is confusingly similar to the Complainant's mark adding only a letter 's' and the gTLD ".net" which do not prevent said confusing similarity between the disputed domain name and the Complainant's mark, the latter which is still recognizable in the disputed domain name.

The Respondent is not authorised by the Complainant or commonly known by the disputed domain name. The disputed domain name has not been used and so there is no bona fide offering of goods or services or legitimate non-commercial fair use.

The disputed domain name appears to be a typosquatting registration differing from the Complainant's gefco.net url by only one letter which is also an indication of a lack of rights or legitimate interests.

Typosquatting is bad faith per se. Passive holding of a domain name containing a mark with a reputation in such circumstances is also registration and use in bad faith.

For all the reasons stated above, the Complaint is

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **gefcos.net**: Transferred
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PANELLISTS

Name	Dawn Osborne
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DATE OF PANEL DECISION 2022-09-19
