Decision for dispute CAC-UDRP-101150

Case number	CAC-UDRP-101150
Time of filing	2016-01-05 11:58:16
Domain names	alstom.club

Case administrator

Name	Lada Válková (Case admin)

Complainant

Organization	ALSTOM S.A.

Complainant representative

Organization	Nameshield (Anne Morin)

Respondent

Name	Cameron Jackson

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings.

IDENTIFICATION OF RIGHTS

According to the evidence submitted by Complainant, Complainant is the owner of the following trademarks: International semi-figurative trademark ALSTOM number 706360, registered on 28 August 1998, and International wordmark ALSTOM number 706292, registered on 28 August 1998.

FACTUAL BACKGROUND

FACTS ASSERTED BY COMPLAINANT AND NOT CONTESTED BY RESPONDENT:

According to the information provided Complainant is a global leader in the world of power generation, power transmission and rail infrastructure.

The disputed domain name <alstom.club> is inactive since its registration. The disputed domain name was registered on 9 October 2015.

The trademark registration of Complainant has been issued prior to the registration of the disputed domain name.

According to Complainant the disputed domain name is identical to Complainant's trademark.

According to Complainant, Respondent has no rights or legitimate interest in the disputed domain name as there is no website under the disputed domain name and Respondent is not related in any way with the business of Complainant.

According to Complainant the disputed domain name is registered in bad faith. Given the distinctiveness of Complainant's trademark, it is reasonable to infer that Respondent has registered the disputed domain name with full knowledge of Complainant's trademark.
In addition, Respondent is already known in several UDRP proceedings as a registrant of domain names which includes well known trademarks; see Alstom v. Cameron Jackson, WIPO Case No. D2007-1022 (<alstom-belgium.info>, <alstom-china.info>, <alstom-europe.info>, <alstom-fiji.info>, <alstom-france.info>, <alstom-global.info>, <alstom-honduras.info>, <alstom-newzealand.info>, <alstom-perth.info>, <alstom-switzerland.info> and <alstoms.info>).

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the 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 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 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

In the opinion of the Panel the disputed domain name is identical to Complainant's trademarks [Policy, Par. 4 (a)(1)]. Many UDRP decisions have found that a disputed domain name is identical or confusingly similar to a complainant’s trademark where the disputed domain name incorporates the complainant’s trademark or the principal part thereof in its entirety. The International trademarks of Complainant predate by many years the registration date of the disputed domain name.

In the opinion of the Panel Complainant has made a prima facie case that Respondent lacks rights or legitimate interest in the disputed domain name. Complainant has not licensed or otherwise permitted Respondent to use its trademarks or to register the disputed domain name incorporating its marks. Respondent is not making a legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain to misleadingly divert consumers or to tarnish the trademarks of Complainant. Respondent is not commonly known by the disputed domain name nor has it acquired trademark rights. Complainant has no relationship with Respondent.

Respondent did not submit any response. Under these circumstances, the Panel finds that Respondent has no rights or legitimate interests in the disputed domain name [Policy, Par. 4 (a)(11)].

The Panel finds that the disputed domain name has been registered and is being used in bad faith [Policy, Par. 4(b)(iv)]. The

trademarks of Complainant have been existing for a long time. Respondent knew or should have known that the disputed domain name included Complainant's trademarks. The Panel notes that there is currently no website at the disputed domain name. However, such passive holding of the website does not prevent the Panel from finding registration and use in bad faith. The Panel also notes that Respondent's undeveloped use of the website at the disputed domain name which incorporates Complainant's trademarks in its entirety indicates that Respondent possibly registered the disputed domain name with the intention to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the trademarks of Complainant as to the source, sponsorship, affiliation, or endorsement of its website or location or of a service on its website or location. Finally, there is a large number of UDRP decisions by WIPO panelists in which bad faith registration of domain names by Respondent has been established, in particular Alstom v. Cameron Jackson, WIPO Case No. D2007-1022 (<alstom-belgium.info>, <alstom-china.info>, <alstom-europe.info>, <alstom-fiji.info>, <alstom-france.info>, <alstom-global.info>, <alstom-honduras.info>, <alstom-newzealand.info>, <alstom-perth.info>, <alstom-switzerland.info> and <alstoms.info>).

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **ALSTOM.CLUB**: Transferred

PANELLISTS

Name	**Dinant T.L. Oosterbaan**

DATE OF PANEL DECISION 2016-02-05

Publish the Decision