

Decision for dispute CAC-UDRP-104903

Case number CAC-UDRP-104903

Time of filing 2022-10-07 08:54:04

Domain names sezaneboutique.com

Case administrator

Organization Denisa Bilík (CAC) (Case admin)

Complainant

Organization BENDA BILI

Complainant representative

Organization NAMESHIELD S.A.S.

Respondent

Name tk tk

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 relies on its International Trademark registration no. 1170876 for the mark SÉZANE in classes 14, 18 and 25 registered on 3 June 2013 in respect of a number of countries around the world.

FACTUAL BACKGROUND

The Complainant sells ready-to-wear collections and accessories for women under the mark SÉZANE through its online shop at www.sezane.com.

The disputed domain name <sezaneboutique.com> was registered by the Respondent on 23 September 2022. It locates a website selling shoes which compete with some of the products sold by the Complainant.

PARTIES CONTENTIONS

No administratively compliant Response has been filed.

RIGHTS

The Panel finds that the Complainant has registered rights in the mark SÉZANE. The Panel also finds that the disputed domain name is confusingly similar to this mark, from which it differs only in the addition of the generic word "boutique" and the generic top level domain suffix. These additions promote rather than dispel confusion.

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 Panel finds on the undisputed evidence that the Respondent is not commonly known by the disputed domain name and that it has not been authorised by the Complainant to use it. The Panel further finds that the Respondent has not used or prepared to use the disputed domain name for a bona fide offering of goods or services, nor for any legitimate non-commercial or fair use. On the contrary, the Respondent has used it in bad faith with evident intent misleadingly to divert consumers to its own website for commercial gain by confusion with the Complainant's established registered mark.

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 Panel finds that the Respondent has by using the disputed domain name intentionally attempted to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation or endorsement of its website.

In accordance with paragraph 4(b)(iv) of the Policy this constitutes evidence of registration and use of the disputed domain name in bad faith. There is no evidence displacing this presumption. Accordingly, 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

Disputed domain name consists of Complainant's registered mark plus a generic word and the gTLD suffix. Only use has been to divert consumers to Respondent's website selling competing goods by confusion with Complainant's prior mark. Para 4(b)(iv) of UDRP applied.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **sezaneboutique.com**: Transferred

PANELLISTS

Name	Jonathan Turner
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DATE OF PANEL DECISION: 2022-11-21

DATE OF PANEL DECISION 2022 11 21

Publish the Decision
