

Decision for dispute CAC-UDRP-104992

Case number CAC-UDRP-104992

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Domain names circet-usa.com

Case administrator

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

Complainant

Organization CIRCET

Complainant representative

Organization NAMESHIELD S.A.S.

Respondent

Name suzan cernal

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, inter alia, proprietor of the International Registration 1530135 CIRCET, registered on February 26, 2020 for goods and services in classes 9, 38, 42 and extended to inter alia Canada and the US. The Complainant is also proprietor of the European Union Trademark 018200743 CIRCET applied for on February 24, 2020 in classes 9, 37, 38, 42 and registered on August 13, 2020. The marks are in effect.

FACTUAL BACKGROUND

The Complainant is a world leading telecom network service provider. The Complainant is present in 14 countries in Europe, North Africa and America. In 2021, its business generated €2.42 billion in total sales and had 15,350 employees worldwide.

The disputed domain name <circet-usa.com> was registered on April 4, 2022 and it resolves to a Registrar's page providing information regarding the Registrars domain name broker services.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

The Complainant contends that the disputed domain name <circet-usa.com> is confusingly similar to the trademark CIRCET®. The addition of the geographic term "USA" and a hyphen is not sufficient to avoid the likelihood of confusion.

The Complainant further contends that the Respondent is not affiliated with nor authorized by the Complainant in any way. The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant does not carry out any activity for, nor has any business with the Respondent.

Given the distinctiveness of the Complainant's trademark and its reputation, Complainant finally contends that the Respondent has registered and used the domain name with full knowledge of the Complainant's trademark.

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

In order to succeed in its claim, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied:

- (i) The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) The Respondent has no rights or legitimate interests with respect to the disputed domain name; and
- (iii) The disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant has established the fact that it has valid trademark rights for CIRCET in classes 9, 38 and 42 in several countries.

The disputed domain name is confusingly similar to the CIRCET mark of the Complainant since the TLD „.com“ and the geographical identifier „USA“ being descriptive and non-distinctive words cannot be considered as relevant to influence the overall impression of the domain name.

The Panel therefore considers the disputed domain name to be confusingly similar to the trademark CIRCET in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Respondent has no rights 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 the Respondent to use its trademarks. Furthermore, the Respondent has no legitimate interest in the domain name since there is no indication that the Respondent is commonly known by the name "CIRCET" or „CIRCET-USA.com" nor that the Respondent is using the domain name in connection with a bona fide offering of related goods or services.

The Panel therefore finds that the Respondent does not have rights or legitimate interests in the disputed domain name.

C. Registered and Used in Bad Faith

The Panel does not believe that the application of a domain name being highly similar to a distinctive trademark as the one from Complainant, even with the addition of a geographical identifier, is accidental.

This Panel does not see any conceivable legitimate use that could be made by the Respondent of this particular domain name without the Complainant's authorization.

The circumstances of this case, in particular the commercial domain name broking services to which the disputed domain name is resolved to furthermore indicate that the Respondent registered and uses the disputed domain name primarily with the intention of attempting to attract, for commercial gain, Internet users to its potential website or other online locations, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of such website or location, or of a product or service on such website or location. The Panel therefore considers the disputed domain name to have been registered and used in bad faith in accordance with paragraph 4(a)(iii) of the Policy.

The Panel therefore considers the disputed domain name to have been registered and used in bad faith in accordance with paragraph 4(a)(iii) of the Policy.

DECISION

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name be transferred to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **circet-usa.com**: Transferred

PANELLISTS

Name	Dietrich Beier
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DATE OF PANEL DECISION 2022-12-20

Publish the Decision
