

## Decision for dispute CAC-UDRP-104774

Case number	CAC-UDRP-104774
Time of filing	2022-08-17 00:00:00
Domain names	adecco-employment.com

### Case administrator

Organization	Denisa Bilík (CAC) (Case admin)
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### Complainant

Organization	Adecco Group AG
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### Complainant representative

Organization	BRANDIT GmbH
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### Respondent

Name	Klint Williams
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#### 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 the following trademarks:

- The Swiss trademark ADECCO No. 2P-431224, registered on 26 September 1996, in classes 35, 41 and 42;
- The Swiss trademark ADECCO No. P549358, registered on 18 August 2006, in classes 9, 35, 36, 41 and 42;
- The European Union trademark ADECCO No. 3330149, registered on 19 January 2005, in classes 35, 41 and 42;
- The International trademark ADECCO No. 666347, registered on 17 October 1996, in classes 35, 41 and 42;
- The International trademark ADECCO No. 901755, registered on 18 August 2006, in classes 9, 35, 36, 41 and 42;
- The United States trademark ADECCO No. 2209526, registered on 8 December 1998, in class 35, 41 and 42; and
- The United States trademark ADECCO No. 5922639, registered on 26 November 2019, in class 35.

("Complainant's Trademarks")

The disputed domain name was registered on 21 April 2021.

#### FACTUAL BACKGROUND

As the Respondent did not file any response to the complaint, the Panel took into account the following facts asserted by the Complainant (and supported by the documentary evidence submitted by the Complainant) and unchallenged by the Respondent:

(a) The Adecco Group ("Adecco") to which the Complainant belongs is the world's leading workforce solutions company, helping over 100,000 organizations with their talent needs as well as enabling millions of people to develop their skills and exceed their potential. The company has 32,000 employees in more than 60 countries and territories, including the United States of America. Adecco offers flexible placement, permanent placement, outsourcing and managed services across all sectors. It places around 600,000 associates into roles daily, enabling flexibility and agility for its clients. As a career partner, Adecco also supports the employability of associates and is committed to their success.

(b) The Complainant is the owner of Complainant's Trademarks.

(c) The Adecco Group enjoys a strong online presence via its official websites and social media platforms. Adecco owns many domain names containing the trademark ADECCO, including <adecco.com> (registered on 15 May 1993), <adecco.ch> (registered on 17 May 1996), <adecogroup.com> (registered on 21 June 2002) and <adeccosa.com> (registered on 2 October 2003). The Complainant uses these domain names to resolve to the Adecco group's official websites through which it informs Internet users and potential consumers about its ADECCO mark and its related products and services.

(d) The disputed domain name redirects to official website of Adecco <adecco.com>.

(e) Active MX records are associated with the disputed domain name and therefore it is likely that e-mail addresses were created under the disputed domain name.

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#### PARTIES CONTENTIONS

#### THE COMPLAINANT:

In addition to the above factual assertions, the Complainant also contends the following:

(i) Disputed domain name is confusingly similar to Complainant's Trademarks as it includes the principal distinctive element of Complainant's Trademarks "ADECCO" and addition of descriptive term "employment" is not sufficient to prevent such confusing similarity.

(ii) The Respondent is not affiliated with the Complainant nor authorized by it in any way to use Complainant's Trademarks. The Complainant does not carry out any activity for, nor has any business with the Respondent. Moreover, the structure of the disputed domain name reveals that Respondent's initial intention in registering the disputed domain name was to refer to the Complainant, its trademark and business activities. In this regard, previous UDRP Panels have constantly held that where a domain name consists of a trademark plus an additional term (at the second- or top-level), such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner (please see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, section 2.5.1). Therefore, the Respondent does not have right or legitimate interest to the disputed domain name.

(iii) The structure of the disputed domain name comprising the Complainant's trademark ADECCO and the term "employment" as well as its use to redirect to the Complainant's website clearly refer to the Complainant, its trademark and business activities. The inclusion of the Complainant's ADECCO trademark with the term "employment" in the disputed domain name reflects the Respondent's clear intention to create an association, and a subsequent likelihood of confusion, with the Complainant's Trademarks. Such facts clearly show that the Respondent registered the disputed domain name having the Complainant in mind. Furthermore, active MX records are associated with the disputed domain name. It is very likely that corresponding email addresses have been set up and used. As the disputed domain name incorporates the trademark ADECCO and redirects to Adecco's official website, Internet users receiving emails from email addresses associated to the disputed domain name (such as "[...]@adecco-employment.com") are led to believe that they are

personally contacted by and receiving genuine messages from the Adecco group. Being deceived, Internet users may start to interact with the sender and be victim of fraud attempts. Therefore the Complainant believes that the disputed domain name has been registered and is being used in bad faith.

#### THE RESPONDENT:

The Respondent did not provide any response to the complaint.

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#### RIGHTS

The Panel concluded that the disputed domain name is confusingly similar to the Complainant's Trademark within the meaning of paragraph 4(a)(i) of the Uniform Domain Name Dispute Resolution Policy ("UDRP" or "Policy").

For details, please see "Principal Reasons for the Decision".

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#### 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.

For details, please see "Principal Reasons for the Decision".

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#### 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.

For details, please see "Principal Reasons for the Decision".

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#### 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.

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#### PRINCIPAL REASONS FOR THE DECISION

Paragraph 4(a) of the Policy requires that the Complainant proves each of the following three elements to obtain an order that the disputed domain name should be transferred or revoked:

- (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 in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

The Panel will proceed to analyze whether the three elements of paragraph 4(a) of the Policy are satisfied in these proceedings.

#### RIGHTS

The Panel fully agrees with the Complainant that the disputed domain name is confusingly similar to Complainant's Trademarks as it includes the principal distinctive element of Complainant's Trademarks "ADECCO" and addition of a descriptive term "employment" is not sufficient to prevent such confusing similarity.

For sake of completeness, the Panel asserts that the top-level suffix in the domain name (i.e. the ".com") must be

disregarded under the identity / confusing similarity test as it is a necessary technical requirement of registration.

Therefore, the Panel concludes that the Complainant satisfied the requirement under paragraph 4(a)(i) of the Policy.

#### NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant is required to make out a prima facie case that the Respondent lacks rights or legitimate interests. Once such prima facie case is made, the Respondent carries the burden of demonstrating rights or legitimate interests in the disputed domain name. If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy (please see, for example, WIPO case no. D2003-0455, Croatia Airlines d.d. v. Modern Empire Internet Ltd.).

As asserted by the Complainant (and unchallenged by the Respondent), the Respondent is not commonly known by the disputed domain name. Neither is the Respondent in any way related to the Complainant or has been authorized to use Complainant's Trademarks. The Panel also agrees with the Complainant that legitimate interest to disputed domain name cannot be established in cases where the disputed domain name consists of a trademark plus an additional non-distinctive effectively impersonating or suggesting sponsorship or endorsement by the trademark owner (please see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, section 2.5.1), unless of course such registration is authorized by the trademark owner.

The Respondent failed to provide any information and evidence that it has relevant rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a) (ii) of the Policy).

Therefore, the Panel concludes that the Respondent does not have right or legitimate interest to the disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy).

#### BAD FAITH

The structure of the disputed domain name comprising the Complainant's Trademarks and the term "employment" as well as its use to redirect to the Complainant's website clearly refer to the Complainant, its trademark and business activities. The inclusion of the Complainant's ADECCO trademark with the term "employment" in the disputed domain name reflects the Respondent's clear intention to create an association, and a subsequent likelihood of confusion with Complainant's Trademarks. Such facts clearly show that the Respondent registered the disputed domain name fully aware of the Complainant and Complainant's Trademarks and deliberately chose disputed domain name confusingly similar to Complainant's Trademarks. Furthermore, active MX records are associated with the disputed domain name and it is very likely that corresponding email addresses have been set up and used. As the disputed domain name incorporates the trademark ADECCO and redirects to Adecco's official website, Internet users receiving emails from email addresses associated to the disputed domain name may be led to believe that they are personally contacted by and receiving genuine messages from the Adecco group. Being deceived, Internet users may start to interact with the sender and be victim of fraud attempts (although no evidence of such fraud was presented by the Complainant).

The Panel cannot find any conceivable good faith registration and use of the disputed domain names by the Respondent under such circumstances. Respondent also failed to provide any explanation of his conduct as he did not respond to the cease and desist letter of the Complainant or to the complaint.

For these reasons the Panel held that the disputed domain name has been registered and is being used in bad faith by the Respondent (within the meaning of paragraph 4(a)(iii) of the Policy).

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FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. ADECCO-EMPLOYMENT.COM: Transferred

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## PANELLISTS

Name	Michal Matějka
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DATE OF PANEL DECISION 2022-09-22

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Publish the Decision

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