Decision for dispute CAC-UDRP-101995

Case number	CAC-UDRP-101995
Time of filing	2018-06-20 09:05:28
Domain names	studentmovers.com

Case administrator

Name	Iveta Špiclová (Case admin)

Complainant

Organization	Student Movers, Inc.

Respondent

Organization	Student Movers,Inc.

OTHER LEGAL PROCEEDINGS

The panel is not informed of other legal proceedings relating to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant owns two Trademarks containing the term “STUDENT MOVERS”:

- US Trademark “STUDENT MOVERS” (semi-figurative) No. 4460996 registered on January 4th, 2014
- US Trademark “STUDENT MOVERS” (word) No. 4919723 registered on March 15th, 2016

FACTUAL BACKGROUND

The disputed domain name was registered on June 25th, 1996.

The Complainant relies upon several registered “STUDENT MOVERS” Trademarks. The Complainant had registered a number of Trademarks in the USA for services in class 39.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

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 not, 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 not, 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 Panel finds that the disputed domain name is identical to the Complainant's trademark.

The Complainant contends that he has been using "STUDENT MOVERS" Trademarks for years prior to registration of the disputed domain name in a continuous manner in order to market her products and services, namely moving company services.

The Panel notes that the Complainant's earliest Trademark was registered on January 4th, 2014. The Panel further notes that the disputed domain name was registered on June 25th, 1996. From the evidence provided by the Complainant, the Panel cannot infer that the Complainant's Trademark was in use at the time when the disputed domain name was registered.

Without such evidence, the Complainant had failed to offer a prima facie case showing that the Respondent does not have rights or legitimate interests.

Moreover, no evidence suggests that the Respondent knew or should have known of the Complainant's trademark rights at the time of registration of the domain name.

The Panel, therefore finds, that the Respondent has rights in respect of the disputed domain name.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Rejected

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

1. **STUDENTMOVERS.COM**: Remaining with the Respondent

PANELLISTS

Name	**Nathalie Dreyfus**

DATE OF PANEL DECISION 2018-08-10

Publish the Decision