

Decision for dispute CAC-UDRP-105510

Case number	CAC-UDRP-105510
Time of filing	2023-06-09 10:21:14
Domain names	frontlinefleeandtick-usa.xyz

Case administrator

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

Organization	Boehringer Ingelheim Animal Health France
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Complainant representative

Organization	NAMESHIELD S.A.S.
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Respondent

Organization	WPH Online
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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 owns the international trademark registrations (i) n. 621912 "FRONTLINE" (word), registered on June 9, 1994, for various goods in class 5, and (ii) n. 1245236 "FRONTLINE" (word), registered on January 30, 2015, for various goods in classes 3 and 5.

The Complainant also owns and uses various domain names incorporating the term "FRONTLINE", including the domain name <frontline.com>, registered on January 28, 1999, which the Complainant uses to promote its "FRONTLINE" branded products for the protection of dogs and cats from, among other things, fleas and ticks.

The disputed domain name was registered on June 2, 2023, i.e., the Complainant's trademark registrations cited above predate the registration of the disputed domain name.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

The Complainant is a global leader in the animal health industry. Its "FRONTLINE" branded products are indicated for the treatment and prevention of fleas, ticks and chewing lice in dogs and cats. They also break the flea life cycle by preventing the development of

immature stages, and aid in the control of sarcoptic mange in dogs. The Complainant operates worldwide, especially in United States of America.

The disputed domain name resolves to a parking page website with commercial advertising links promoting disinfectant and pest control services offered by third parties.

The Complainant further contends that the Respondent is neither affiliated with nor authorized by the Complainant in any way. The Complainant also 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. Neither license nor authorization has been granted to the Respondent to make any use of the Complainant's "FRONTLINE" trademark, or to apply for registration of the disputed domain name.

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, 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

The disputed domain name is confusingly similar to the Complainant's distinctive trademark "FRONTLINE". The addition of generic terms "flee and tick" (even with the misspelling of "flea") and "USA" do not change the overall impression of the designation as being connected to the Complainant's trademark "FRONTLINE". On the contrary, the association of terms "flee and tick" (even with the misspelling of "flea") and "USA" with the trademark worsens the likelihood of confusion between the disputed domain name and the Complainant's trademark, as it refers directly to the Complainant's products and activity on the US market.

The Panel further finds that the Complainant successfully submitted prima facie evidence that the Respondent has neither made any use of, or demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services, nor is making a legitimate non-commercial or fair use of the disputed domain name, nor is commonly known under the disputed domain name. Using the disputed domain names for a parking page website with commercial advertising links to third-party products may be considered a "use" of the disputed domain name in connection with an "offering of goods or services" – but this website is evidently not a bona fide offering (see below on the corresponding aspects of bad faith). The Complainant's prima facie evidence was not challenged by Respondent.

The Panel further finds that the Complainant successfully submitted prima facie evidence that the Respondent has registered and used the disputed domain name in bad faith, namely by intentionally attempting to attract, for commercial gain, internet users to the Respondent's advertising page by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the products advertised there, paragraph 4(b)(iv) of the Policy. Again, the Complainant's prima facie

evidence was not challenged by Respondent.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

- 1. **frontlinefleeandtick-usa.xyz**: Transferred

PANELLISTS

Name	Thomas Schafft
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DATE OF PANEL DECISION	2023-07-17
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Publish the Decision