

Decision for dispute CAC-UDRP-105610

Case number	CAC-UDRP-105610
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Time of filing	2023-07-10 10:38:07
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Domain names	myselogerpro.site
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Case administrator

Name	Olga Dvořáková (Case admin)
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Complainant

Organization	DIGITAL CLASSIFIEDS FRANCE
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Complainant representative

Organization	NAMESHIELD S.A.S.
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Respondent

Name	Cralos Ramirez Fuentes
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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 proved to be the owner of the following trademarks composed by the term "SELOGER":

- The French trademark SELOGER® n° 1751230 registered and duly renewed since April 13, 1988;
- The French trademark SE LOGER PRO® n° 3120500 registered on September 11, 2001;
- The French trademark SELOGER® n° 3436367 registered on June 22, 2006;
- The French trademark SELOGER® n° 4319185 registered on December 2, 2016.

The Complainant also owns the domain name <seloger.com> registered since October 18, 1996, used for its official website and <selogerpro.com> registered since May 29, 2000.

FACTUAL BACKGROUND

The Complainant is a group specializing in the distribution of real estate advertisements on the internet and in the specialized press. The Complainant supports to employ over 20,000 real estate professionals and to have more than 60 million visits on the Internet.

Furthermore, the Complainant offers a dedicated website/application to real estate professionals called "MySelogerpro".

PARTIES CONTENTIONS

COMPLAINANT:

As regards the First element of the Policy, the Complainant claims that the disputed domain name is confusingly similar to its prior trademarks "SELOGER" and "SE LOGER PRO". According to the Complainant, the addition of the generic term "my" does not exclude the finding of confusing similarity for the purposes of the Policy.

As regards the Second element of the Policy, the Complainant denies that the Respondent has rights or legitimate interests in registering and using the disputed domain name. According to the Complainant the disputed domain name is not used in connection with a bona fide offering of goods or services nor in a fair and non commercial manner as the disputed domain name redirects to an "adobe" login page.

As regards the Third element of the Policy, the Complainant supports that the disputed domain name is used in bad faith because the purpose of the registration was to obtain personal data by internet users for commercial gain.

THE RESPONDENT AND THE DISPUTED DOMAIN NAME

The Respondent did not file an administrative reply. The disputed domain name was registered on June 29, 2023 and resolves to an Adobe login page.

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

1. The disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

The Panel agrees that the disputed domain name is confusingly similar to the SELOGER and SE LOGER PRO trademarks. According to the consolidated case law if the trademark is entirely comprised in the disputed domain name, the threshold requested by the First element of the Policy is met.

In the Panel's view the addition of the generic term "my" increases rather than excludes the risk of confusion for the public as it could be easily associated to a specific project of the Complainant. This is even more true in the present case since the Complainant effectively started a project called "myselogerpro".

Furthermore, the addition of the ".site" gTLD is generally disregarded for assessing confusing similarity in view of its technical function.

As a consequence, the Panel finds that the disputed domain name is confusingly similar to the Complainant's trademarks, for the purposes of the First Element of the Policy.

2. The Respondent lacks rights or legitimate interests in the disputed domain name.

The Respondent has not submitted a response to the Complaint. Therefore, it has filed no information on possible rights or legitimate interests it might hold on the domain name <myseloggerpro.site>. On its part, the Complainant has submitted information and arguments which, according to the Panel, are sufficient to conclude that the Respondent has no rights or legitimate interest in the disputed domain name.

According to the information provided by the Complainant, and not contested, the Respondent is not commonly known by the disputed domain name nor he has been authorized to use the Complainant's trademark. Additionally, the information included in the WHOIS do not confer a right or legitimate interest in registering the disputed domain name.

The Panel agrees that the use of the disputed domain name does not amount to a bona fide offering of goods and services nor to a legitimate non-commercial use for the purpose of the Policy. As proved by the Complainant <myseloggerpro.site> redirects to an "adobe" login page. The Panel agrees that there is no possible connection between the disputed domain name and the services for which it is used.

For these reasons, the Panel takes the view that the Respondent lacks rights or legitimate interests in the disputed domain name for the purposes of the Policy.

3. The disputed domain name has been registered and is being used in bad faith.

The Panel agrees that the Respondent was aware of the existence of the SELOGGER and SELOGGERPRO trademarks at the time of the registration of the disputed domain name since:

- the trademarks SELOGGER and SELOGGERPRO enjoy a certain degree of reputation as shown by the Complainant;
- the disputed domain name is identical to a new project began by the Complainant and called "myseloggerpro";
- all internet search results related to "MYSELOGGERPRO" and to "SELOGGER" are related to the Complainant's business.

The disputed domain name redirects to an Adobe login page. Thus the Respondent could use <myseloggerpro.site> to obtain personal data by internet users for commercial gain. Such use will be done using the reputation of the Complainant's trademark since the internet users could think that <myseloggerpro.site> is part of the Complainant's official network. The Panel considers such potential use as sufficient to conclude that the disputed domain name is also used in bad faith.

All above considered the Panel finds the evidence submitted as sufficient to prove use and registration in bad faith of the disputed domain name for the purposes of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **myseloggerpro.site**: Transferred

PANELLISTS

Name	Andrea Mascetti
DATE OF PANEL DECISION	2023-08-08
Publish the Decision	