

Decision for dispute CAC-UDRP-105625

Case number CAC-UDRP-105625

Time of filing 2023-07-17 09:23:09

Domain names reny-cointreau.com

Case administrator

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

Complainant

Organization REMY COINTREAU

Complainant representative

Organization NAMESHIELD S.A.S.

Respondent

Name Marcie Smerdon

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, inter alia, the active International Registration 895405 REMY COINTREAU registered on July 27, 2006 in classes 32, 33, 43.

FACTUAL BACKGROUND

The Complainant is the successor of the known E. Remy Martin & C. Company as well as the Cointreau Company being active in the sector of wine and spirits.

The disputed domain name <reny-cointreau.com> was registered on July 5, 2023 and resolves to a parking page with commercial links to third parties, inter alia in the field of wine.

PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be

transferred to it.

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 Complainant has established the fact that it has valid trademark rights for "REMY COINTREAU". The disputed domain name is confusingly similar to this trademark since only the letter „M" in "Remy" is changed to „N" in the first part of the disputed domain name which does not essentially change the similarity.

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

The Respondent has no rights or legitimate interests 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 or designations confusingly similar to its trademarks. Furthermore, the Respondent has no rights or legitimate interests in the disputed domain name, since there is no indication that the Respondent is commonly known by the name "REMY COINTREAU" or that the Respondent is using the disputed domain name in connection with a bona fide offering of goods or services. The Panel therefore finds that the Respondent does not have rights or legitimate interests in the disputed domain name within the meaning of paragraph 4(a)(ii) of the Policy.

In view of the reputation of the Complainant acknowledged also by other panels already (see CAC 101952 Remy Cointreau vs. Erika Slade re remy-cointreau-fr.com with further reference), Respondent must have been aware of the Complainant and its trademarks when registering the disputed domain name. The Complainant has not authorized the Respondent to make use of a designation which is highly similar to its marks. This Panel does not see any conceivable legitimate use that could be made by the Respondent of this particular disputed domain name without the Complainant's authorization.

The circumstances of this case, in particular the commercial advertising links to third parties as well as the disputed domain name being different only in the letter "N" instead of "M" indicate that the Respondent registered and uses the disputed domain name in the form of typosquatting 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.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **reny-cointreau.com**: Transferred

PANELLISTS

Name	Dietrich Beier
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DATE OF PANEL DECISION **2023-08-12**

Publish the Decision
