

Decision for dispute CAC-UDRP-105604

Case number CAC-UDRP-105604

Time of filing 2023-07-10 10:37:22

Domain names g7-taxis-paris.com

Case administrator

Name Olga Dvořáková (Case admin)

Complainant

Organization G7

Complainant representative

Organization NAMESHIELD S.A.S.

Respondent

Organization taxi service

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

Factual Background

The Complainant is the owner of the following prior trademarks:

- French word and device trademark G7 No 16 4259547, registered on March 24, 2016;
- European word and device Union trademark G7 No 016399263, registered on July 7, 2017;
- European Union trademark TAXIS G7 No 8445091, registered on January 12, 2010, duly renewed.

The Complainant asserts that it is also the owner of multiple domain names composed with the G7 trademark, such as <taxis-g7.com> registered on January 17, 1997.

The disputed domain name <g7-taxis-paris.com> was registered on April 20, 2023 and resolves to a page offering taxi services.

The Respondent is an organization called "Taxi Service", which is domiciled in France.

FACTUAL BACKGROUND

Founded in 1905, G7 Group is Europe's leading cab operator, with 9 900 taxis in Paris and a team of 230 employees. Its cab booking platform is available in France and in Europe, with 20 million journeys each year.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED. P

COMPLAINANT:

- The disputed domain name <g7-taxis-paris.com> is confusingly similar to the earlier G7 and TAXIS G7 trademarks.

The disputed domain name reproduces the Complainant's G7 and TAXIS G7 trademarks.

The addition of the term "Paris" is not sufficient to avoid the likelihood of confusion.

It can only increase the likelihood of confusion since the Complainant operates in Paris.

Therefore, the Complainant contends that the contested domain name is confusingly similar to the Complainant's earlier trademarks.

- The Respondent has no rights or legitimate interests in respect of the disputed domain name (Policy, paragraph 4(a)(ii); Rules, paragraph 3(b)(ix)(2)).

The Respondent has not been commonly known by the disputed domain name, but as "Taxi Service".

He is not related in any way with the Complainant and he is not authorized to make any use of the Complainant's trademarks or to register the disputed domain name.

The disputed domain name points to a website purporting to be a Complainant's competitor and offering competing services.

This is neither a bona fide offering of goods and services, nor a legitimate or non-commercial fair use.

Using a domain name that is composed of the G7 and TAXIS G7 trademarks to impersonate the Complainant and to confuse users indicate a lack of right or legitimate interest.

The Complainant submits that it has made a prima facie case of the Respondent's lack of rights or legitimate interests in the disputed domain name.

- The disputed domain name was registered and is being used in bad faith (Policy, paragraphs 4(a)(iii), 4(b); Rules, paragraph 3(b)(ix)(3)).

The Complainant contends that the Respondent has registered and is using the disputed domain name in bad faith, for the following reasons.

All results of an internet search on "G7" are related to the Complainant and to its services.

The G7 and TAXIS G7 trademarks are well-known in France.

The disputed domain name resolves to a website offering taxi services.

The Complainant contends that the Respondent registered the disputed domain name with full knowledge of the Complainant's well-known trademarks.

The use of the disputed domain name that impersonates the Complainant to resolve to a website purporting to be a Complainant's competitor proves that the Respondent registered and used the disputed domain name in bad faith, to attract internet users.

The Complainant contends that the disputed domain name was registered and is being used in bad faith by the Respondent.

RIGHTS

Paragraph 4(a)(i) of the Policy requires the Complainant to show that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights.

The disputed domain name <g7-taxis-paris.com> wholly incorporates the G7 and TAXIS G7 trademarks.

The disputed domain name only differs from the G7 and TAXIS G7 trademarks by the addition of the term "Paris" which refers to the city where the Complainant operates.

Such addition does not prevent a finding of confusing similarity.

The earlier trademarks of the Complainant are immediately recognizable within the disputed domain name.

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

Pursuant to paragraph 4(c) of the Policy, the Respondent may establish rights or legitimate interests in the disputed domain name by demonstrating any of the following:

(i) before any notice to it of the dispute, the Respondent's use of, or demonstrable preparations to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services; or

(ii) the Respondent has been commonly known by the disputed domain name, even if it has acquired no trademark or service mark rights; or

(iii) the Respondent is making a legitimate non-commercial or fair use of the disputed domain name, without intent for commercial gain, to misleadingly divert consumers, or to tarnish the trademark or service mark at issue.

The Respondent is not commonly known under the disputed domain name.

The Complainant asserts that the Respondent is not related in any way with the Complainant and that it did not grant either license, or an authorization to use the G7 and TAXIS G7 trademarks or to register the disputed domain name.

There is no indication that the Respondent is commonly known by the G7 and TAXIS G7 trademarks.

There is no evidence of any bona fide use of the disputed domain name.

The Respondent did not respond to the Complainant to rebut its prima facie case. It did not provide any evidence or allege any circumstance to establish that it has rights or legitimate interests in the disputed domain name.

Therefore, the Complainant has established a prima facie case that the Respondent has no rights or legitimate interests in respect to the disputed domain name, which was not rebutted by the Respondent

The Panel concludes that the Complainant has established that the Respondent does not have any rights or legitimate interests in the disputed domain name, within the meaning of paragraph 4(a)(ii) of the Policy.

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

Paragraph 4(b) of the Policy sets out examples of circumstances that will be considered by a Panel to be evidence of bad faith registration and use of the disputed domain name.

It provides that:

For the purposes of paragraph 4(a)(iii), the following circumstances, in particular but without limitation, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith:

(i) circumstances indicating that the respondent has registered or the respondent has acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name; or

(ii) the Respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or

(iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to your website or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the respondent's website or location.

The G7 and TAXIS G7 trademarks are well-known in France, where the Respondent is domiciled.

Given the well-known character of the Complainant's trademarks and the use of the disputed domain name, to offer Complainant's competing services under a domain name that impersonates the Complainant, the Respondent necessarily had the Complainant's name and trademark in mind when registering the disputed domain name.

This use of the disputed domain name to target internet users searching taxi services and to attract them to a website, by using the confusing similarity with the G7 and TAXIS G7 trademarks characterizes bad faith use in the meaning of paragraph 4(b)(iv) of the Policy: "by using the Domain Name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to your website or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the respondent's website or location".

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 <g7-taxis-paris.com> wholly incorporates the G7 and TAXIS G7 trademarks.

The disputed domain name only differs from the G7 and TAXIS G7 trademarks by the addition of the term "Paris" which refers to the city where the Complainant operates.

Such addition does not prevent a finding of confusing similarity.

The earlier trademarks of the Complainant are immediately recognizable within the disputed domain name.

The Complainant asserts that the Respondent is not related in any way with the Complainant and that it did not grant either license, or an authorization to use the G7 and TAXIS G7 trademarks or to register the disputed domain name.

There is no indication that the Respondent is commonly known by the G7 and TAXIS G7 trademarks.

There is no evidence of any bona fide use of the disputed domain name.

The Respondent did not respond to the Complainant to rebut its prima facie case. It did not provide any evidence or allege any circumstance to establish that it has rights or legitimate interests in the disputed domain name.

Given the well-known character of the Complainant's trademarks and the use of the disputed domain name, to offer Complainant's competing services under a domain name that impersonates the Complainant, the Respondent necessarily had the Complainant's name and trademark in mind when registering the disputed domain name.

This use of the disputed domain name to target internet users searching taxi services and to attract them to a website, by using the confusing similarity with the G7 and TAXIS G7 trademarks characterizes bad faith use in the meaning of paragraph 4(b)(iv) of the Policy

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. g7-taxis-paris.com:

PANELLISTS

Name Marie-Emmanuelle Haas Avocat

DATE OF PANEL DECISION 2023-08-23

Publish the Decision
