

Decision for dispute CAC-UDRP-105681

Case number CAC-UDRP-105681

Time of filing 2023-08-08 09:58:24

Domain names g7-paris.com

Case administrator

Organization Iveta Špiclová (Czech Arbitration Court) (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

The Complainant bases its Complaint on the following trademark registrations:

- The French trademark G7, no. 4259547, filed on March 24, 2016, registered on July 15, 2016, for goods in class 12;
- The European Union trademark G7, no. 016399263, filed on February 23, 2017, registered on July 7, 2017, for services in classes 37, 38, 39.

In addition, the Complainant holds domain names that include the wording "G7", such as <g7.fr> registered since September 22, 1999.

FACTUAL BACKGROUND

Founded in 1905, the Complainant's Group is a leading cab operator, holding a cab booking platform in France and Europe, with 9,900 affiliated cabs. It also provides vehicle rental and logistics services, relying on a team of 230 employees who make possible to carry out over 20 million journeys every year.

The Complainant owns „G7” trademarks as well as domain names that include the wording “G7”.

The disputed domain name was registered on July 14, 2023 and redirected at the time when the Complaint was filed to a website purporting to be a Complainant's competitor offering taxi services.

PARTIES CONTENTIONS

RESPONDENT:

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

COMPLAINANT:

The disputed domain name <g7-paris.com> is confusingly similar to the Complainant's "G7" trademark, the Respondent has no rights or legitimate interests in respect of the disputed domain name and the disputed domain name is registered and is being used in bad faith.

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

I. Confusing Similarity

The Panel agrees that the disputed domain name incorporates the Complainant's earlier "G7" trademark in its entirety and the addition of the denomination "paris" which corresponds to the capital city of France is insufficient to avoid a finding of confusing similarity.

Moreover, the extension ".com" is not to be taken into consideration when examining the similarity between the Complainant's trademark and the disputed domain name (WIPO Case No. D2005-0016, Accor v. Noldc Inc.). The mere adjunction of a gTLD such as ".com" is irrelevant as it is well established that the generic Top Level Domain is insufficient to avoid a finding of confusing similarity (WIPO Case No. 2013-0820, L'Oréal v Tina Smith, WIPO Case No. D2008-0820 Titoni AG v Runxin Wang and WIPO Case No. D2009-0877, Alstom v. Itete Peru S.A.).

Therefore, the Panel is satisfied that the first condition under the Policy is met.

II. Lack of Respondent's rights or legitimate interests

The Complainant is required to make out a prima facie case that the respondent lacks rights or legitimate interests. Once such prima facie case is made, the burden of proof shifts to the respondent to come forward with appropriate allegations or evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such appropriate

allegations or evidence, a complainant is generally deemed to have satisfied paragraph 4(a)(ii) of the Policy.

Based on the available evidence, the Respondent does not appear to be known by the disputed domain name. The Respondent is not a licensee of, nor has any kind of relationship with, the Complainant. The Complainant has never authorised the Respondent to make use of its trademark, nor of a confusingly similar trademark in the disputed domain name.

Based on the available evidence, at the time when the Complaint was filed, the disputed domain name pointed to a website purporting to be a Complainant's competitor while using the Complainant's graphic charter and pictures.

No bona fide offering of goods or services or a legitimate noncommercial or fair use of the disputed domain name was proven.

The Panel notes that the Respondent had an opportunity to comment on the Complaint's allegations by filing a Response, which the Respondent failed to do.

Thus, the Panel is satisfied that the Complainant has at least established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. Accordingly, the Panel takes the view that also the second requirement under the Policy is met.

III. Bad Faith

The Complainant's trademark "G7" was registered prior to the disputed domain name, the Complainant's group being a leading cab operator. The disputed domain name is incorporating the "G7" trademark in its entirety with the addition of the denomination "paris" which corresponds to the capital city of France, the country of the Complainant's headquarters. Therefore, the Panel concludes that at the time of registration of the disputed domain name, the Respondent was well aware of the Complainant's trademark and business.

At the time when the Complaint was filed, the disputed domain name pointed to a website purporting to be a Complainant's competitor while using the Complainant's graphic charter and pictures. Thus, the Respondent registered and used the disputed domain name in order to attract Internet users while impersonating the Complainant and/or to disrupt Complainant's business by offering services in direct competition with the Complainant, which supports a finding of bad faith.

In the present case, the following factors should be considered:

- (i) the Complainant's „G7" trademark was registered prior to the disputed domain name;
- (ii) the Respondent failed to submit any response and has not provided any evidence of actual or contemplated good faith use of the disputed domain name;
- (iii) the Respondent registered the disputed domain name by incorporating in its entirety the Complainant's „G7" trademark with the addition of the denomination "paris" which corresponds to the capital city of France, the country of the Complainant's headquarters;
- (iv) the disputed domain name pointed to a website purporting to be a Complainant's competitor while using the Complainant's graphic charter and pictures; and
- (iv) any good faith use of the disputed domain name would be implausible, as the Respondent has no business relationship with the Complainant, nor was ever authorised to use a domain name confusingly similar to the Complainant's „G7" trademark.

In light of the foregoing, the Panel concludes that the Respondent has registered and has been using the disputed domain name in bad faith. Thus, also the third and last condition under the Policy is satisfied.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **g7-paris.com**: Transferred

PANELLISTS

Name	Delia-Mihaela Belciu
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DATE OF PANEL DECISION **2023-09-12**

Publish the Decision
