

Decision for dispute CAC-UDRP-105779

Case number	CAC-UDRP-105779
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Time of filing	2023-09-14 10:37:49
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Domain names	algeco.space
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Case administrator

Name	Olga Dvořáková (Case admin)
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Complainant

Organization	ALGECO
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Complainant representative

Organization	NAMESHIELD S.A.S.
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Respondent

Name	John Smith
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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 is the proprietor of the following registered marks:

- international trademark registration no. 386452 for a logo of the name "algeco", registered on 27 January 1972 in classes 6, 12, 19, 20, 36, 39 and 42; and
- international trademark registration no.1099894 for the word mark "ALGECO", registered on 21 October 2011 in classes 6, 19, 20, 37, 39 and 43.

FACTUAL BACKGROUND

The Complainant has carried on a business of providing modular space and secure storage solutions for businesses and public sector agencies since the 1950s. The disputed domain name was registered by the Respondent on 23 August 2023 and resolves to a web page with no content.

PARTIES CONTENTIONS

No administratively compliant Response has been filed.

RIGHTS

The Panel finds that the Complainant has registered and unregistered rights in the mark ALGECO. The disputed domain name consists of this mark and the top level domain suffix, .space, which is also a descriptive term relevant to the Complainant's business. The Panel has no doubt that many Internet users would assume that the disputed name relates to the Complainant and its business. The Complainant has, to the satisfaction of the Panel, shown that 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

On the undisputed evidence, the Respondent has not made any use or preparations for use of the disputed domain name or any corresponding name for any bona fide offering of goods or services, nor for any legitimate non-commercial or fair use. The Respondent is not commonly known by any such name and has not been licensed by the Complainant to use any such name. The Complainant has, to the satisfaction of the Panel, shown that the Respondent has 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's mark is distinctive and long established. As observed above, the disputed domain name consists of this mark coupled with a top level domain suffix that is a descriptive term relevant to the Complainant's business. The Panel infers on the balance of probabilities that the Respondent chose the disputed domain name to target the Complainant in bad faith in some way. The Respondent has not provided any explanation displacing this inference and there is no evidence contradicting it on the file. In all the circumstances, the Complainant has, to the satisfaction of the Panel, shown that 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 Respondent in this dispute contacted the Center via email several times. The email messages did not include any statements of the Respondent. The first email simply stated "What is it". The Center responded to these emails several times but did not receive any further feedback.

Upon reviewing the communication in the proceeding, the Panel filed the following procedural order on 7 October 2023: " The Center is to write to the email address shmek004@gmail.com attaching a copy of the Complaint and stating that if the Respondent wishes to dispute the Complaint it must send to the Center by 16 October 2023 its proposed Response together with an explanation of why it did not submit its Response within the time limit specified in the UDRP Rules and any other reason why it should be allowed to respond after that deadline. The Center shall place any such communication from the Respondent on the electronic file and notify the Complainant of its receipt. If a draft Response is delivered by 16 October 2023, the Panel will give further consideration to whether to allow the Respondent to rely on it in the light of any explanation that is given."

The Respondent to this day did not reply to the communication of the Center.

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 consists of the Complainant's distinctive, long-established and registered mark together with a top level domain suffix referable to the Complainant's business. It was recently registered by the Respondent and resolves to a blank web page. The disputed domain name is clearly confusingly similar to the Complainant's registered mark. The Respondent has no rights or legitimate interests and bad faith is inferred.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

- 1. **algeco.space**: Transferred

PANELLISTS

Name	Jonathan Turner
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DATE OF PANEL DECISION	2023-10-30
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Publish the Decision