

Decision for dispute CAC-UDRP-105898

Case number **CAC-UDRP-105898**

Time of filing **2023-10-20 09:34:03**

Domain names **maureletsprom.com**

Case administrator

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

Complainant

Organization **ETABLISSEMENTS MAUREL ET PROM**

Complainant representative

Organization **NAMESHIELD S.A.S.**

Respondent

Name **Raymond Todd**

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 the French trademark MAUREL & PROM No. 4937414 with the registration date of February 15, 2023 and expiry date of February 15, 2033.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

The Complainant is a company specializing in the extraction of oil and natural gas, mainly in Gabon and Tanzania. With a history of almost two centuries, the Complainant has an important portfolio of assets focused on Africa and Latin America. The Complainant holds a 20.46% stake in Seplat, one of Nigeria's main operators that is listed on the stock exchanges of London and Lagos. It counted 707 employees in 2021.

The Complainant also owns an important domain names portfolio, such as the domain name <maureletprom.com> registered since September 9, 2009 and <maureletprom.fr> registered since July 9, 2002.

The Respondent appears to be an individual domiciled in the United Kingdom.

The disputed domain name was registered on July 12, 2023.

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).

First, the Complainant claims rights in the MAUREL & PROM mark through its trademark registrations with the National Institute of Industrial Property of France. By virtue of its trademark registrations with USPTO, Complainant has proved that it has rights in the mark under paragraph 4(a) of the Policy. See *Avast Software s. r. o. v Milen Radumilo*, 102384, (CAC 2019-03-12).

Second, the Complaint claims that the prominent part of the domain name is confusingly similar to its trademark registration with the additional letter "s" and replaced the sign "&" with the French equivalent "ET", which is a characteristic of typosquatting practice. See *Boehringer Ingelheim Pharma GmbH & Co.KG v opio bros*, 105869, (CAC 2023-11-07).

Third, the Complainant contends that the addition of the gTLD ".COM" does not change the overall impression of the designation as being connected to the Complainant's trademark. It does not prevent the likelihood of confusion between the disputed domain name and the Complainant, its trademark and its domain name associated.

By doing a side-by-side comparison, the Panel agrees that the domain name is visually and aurally similar to Complainant's trademark, see paragraph 1.7 of the WIPO Jurisprudential Overview 3.0:

- Complainant's trademark: "MAUREL & PROM";
- Complainant's domain names: <maurelETprom.fr> and <maurelETprom.com>;
- Disputed domain name of the present case: <maurelETSprom.com>

For the foregoing reasons, the Panel finds the Complainant has satisfied 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). More specifically, the Complainant must first make a prima facie case that the Respondent lacks rights and legitimate interests in the disputed domain name, and the burden of prove then shifts to the Respondent to show it does have rights or legitimate interests. See *PepsiCo, Inc. v Smith power production*, 102378, (CAC 2019-03-08) ("The Panel finds that the Complainant has made out a prima facie case that arises from the considerations above. All of these matters go to make out the prima facie case against the Respondent. As the Respondent has not filed a Response or attempted by any other means to rebut the prima facie case against it, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.").

First, the Complainant asserts that the Respondent is not identified in the Whois database as the disputed domain name. Thus, the Respondent is not known as the disputed domain name. The Complainant further contends that the Respondent has no rights or legitimate interests in respect of the domain name and he is not related in any way with the Complainant. The Complainant does not carry out any activity for, nor has any business with the Respondent. Neither license nor authorization has been granted to the Respondent to make any use of the Complainant's trademark and associated rights, or apply for registration of the disputed domain name by the Complainant.

Second, the Complainant also claims that the disputed domain name is a typosquatted version of its trademark. Typosquatting is the practice of registering a domain name in an attempt to take advantage of Internet users' typographical errors and can evidence that a respondent lacks rights and legitimate interests in the domain name. In addition, the disputed domain name redirects to the Complainant's official website <https://www.maureletprom.fr/>.

Having reviewed the proof of redirection provided by the Complainant, the Panel notes that the Complainant has provided ample evidence to support its allegation that the Respondent used disputed domain name, which is confusingly similar to both Complainant's trademark and domain names, to redirect Internet traffics to Complainant's official website.

The Panel finds that the Complainant has established a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name. The burden of proof has been shifted to the Respondent to prove that it has right or legitimate interests to the disputed domain name. However, the Respondent has not submitted any response to rebut the assertion.

For the foregoing reasons, the Panel finds the Complainant has satisfied 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).

First, the Complainant reiterates that the disputed domain name <maureletsrom.com> is confusingly similar to its trademark. Indeed, the Complainant has been very active for almost two centuries in particular in Gabon and Tanzania, and holds a 20.46% stake in Seplat. Given the distinctiveness of the Complainant's rights and reputation, it is reasonable to infer that the Respondent has registered the domain name with full knowledge of the Complainant's prior rights.

Second, the Complainant states the misspelling of the trademark MAUREL & PROM was intentionally designed to be confusingly similar with the Complainant's prior rights. The redirection of disputed domain name to the Complainant's official website <https://www.maureletprom.fr/> further evinces that the Respondent has actual knowledge of the Complainant's trademark prior to the registration of the disputed domain name, which is an evidence of bad faith.

Pursuant to paragraph 4(b) of the Policy, 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 disputed domain name in bad faith:

- (i) circumstances indicating that respondent has registered or 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 respondent's documented out-of-pocket costs directly related to the domain name; or
- (ii) 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 respondent has engaged in a pattern of such conduct; or
- (iii) respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the domain name, respondent has intentionally attempted to attract, for commercial gain, Internet users to respondent's web site 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 your web site or location or of a product or service on respondent's web site or location.

According to the evidence presented by the Complainant, it is undisputed that the disputed domain name is confusingly similar to Complainant's trademark and domain names. Without a proper explanation, there is no justifiable reason to support that registering a confusingly similar domain name and redirecting Internet traffics from the domain name to brand owner's official website constitute to registration and use of the disputed domain name in good faith. The Panel is of the view that both the registration and use of the disputed domain name constitutes to bad faith under paragraph 4(b)(iv) of the Policy.

For the foregoing reasons, the Panel finds the Complainant has satisfied 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

Having established all three elements required under the UDRP Policy, the Panel concludes that relief shall be granted.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **maureletsprom.com**: Transferred

PANELLISTS

Name **Mr Paddy TAM (Presiding Panelist)**

DATE OF PANEL DECISION 2023-11-14

Publish the Decision
