

Decision for dispute CAC-UDRP-105849

Case number CAC-UDRP-105849

Time of filing 2023-10-09 09:32:50

Domain names courirmagasin.store

Case administrator

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

Complainant

Organization GROUPE COURIR

Complainant representative

Organization NAMESHIELD S.A.S.

Respondent

Name mohammed zhar

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 relies amongst others the international trademark COURIR n° 941035 registered since 25 September 2007 designating Marocco where the Respondent is located; European trademark COURIR n° 006848881 registered since 26 November 2008; international semi-figurative trademark C COURIR n° 1221963 registered since 9 July 2014; European trademark COURIR n° 017257791 registered since 7 March 2017. It also owns the official domain name <courir.com> since 16 February 1998.

FACTUAL BACKGROUND

According to the Registrar verification, the Respondent registered the disputed domain name on 20 September 2023. The language of the registration agreement is English.

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 showed genuine trademark rights on the COURIR element, as a result of robust commercial usage in the EU as well as other territories covered by active trademark registration, and the intense use on the Internet since decades. The disputed domain name comprehends Complainant's trademarks with the addition of the French word "magasin". The Panel finds that the disputed domain name is therefore confusingly similar to Complainant's trademark COURIR. The generic word "magasin" and TLD .store do not add any distinctiveness to the disputed domain name.

Respondent is not affiliated with nor authorized by the Complainant in any way. The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant does not carry out any activity for, nor has any business with the Respondent. The disputed domain name is used for a website template partially filled and displaying clothing, shoes and articles along with the Complainant's trademark. Neither license nor authorization has been granted to the Respondent to make any use of the Complainant's trademark COURIR, or apply for registration of the disputed domain name by the Complainant.

In addition, Complainant has been successful in a number of earlier CAC domain disputes, as CAC-UDRP-102698 for the disputed domain <courirfrance.com>, where the Panel held that "The Complainant's trademark is recognizable in the disputed domain name as the first and most dominant element thereof, and the additional geographic term does not distinguish the disputed domain name from such mark...".

As a result, the Panel is persuaded that the disputed domain name has been used and registered in bad faith, so to intentionally attempt to attract for commercial gain Internet users to its website by creating likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the web site under 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. **courirmagasin.store**: Transferred
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PANELLISTS

Name **Roberto Manno**

DATE OF PANEL DECISION **2023-11-14**

Publish the Decision
