

Decision for dispute CAC-UDRP-105826

Case number **CAC-UDRP-105826**

Time of filing **2023-10-18 11:10:22**

Domain names **eon-i2i.com**

Case administrator

Name **Olga Dvořáková (Case admin)**

Complainant

Organization **E.ON SE**

Complainant representative

Organization **Udo PFLEGHAR B.A. (Melbourne) (ARISTOS IP Partnerschaft von Rechtsanwälten mbB)**

Respondent

Organization **Dom Manley (OPVS 4 Ltd)**

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

Complainant is the owner of an extensive portfolio of trademarks for EON, including but not limited to the European Union word trademark E.ON with number 002361558 with registration date 19 December 2002, and the European Union figurative trademark E.ON with number 0876364 with registration date 9 September 2005.

FACTUAL BACKGROUND

According to the information provided by the registrar the disputed domain name <e.on-i2i.com> was registered on 3 December 2020.

The disputed domain name redirects to a website containing the logo/figurative trademark of Complainant.

PARTIES CONTENTIONS

COMPLAINANT:

According to the evidence submitted by Complainant, Complainant is a European electric utility company based in Essen, Germany. The E.ON Group is one of Europe's largest operators of energy networks and energy infrastructure and a provider of innovative customer solutions for 50 million customers in more than 30 countries. Complainant also owns numerous domains consisting of the trademark EON including <eon.com>.

According to Complainant the disputed domain name is confusingly similar to Complainant's trademark E.ON. The addition of the generic term "i2i", which is a well-known abbreviation either for "eye to eye" or (in Canada) to "idea to innovation" mirroring commonly used abbreviations such as "b2b" (for "business to business") or "b2c" (for "business to consumer") does not create sufficient distance to create an impression of dissimilarity. On the contrary, the first three letters EON are shared by the earlier trademark and dominate the disputed domain name. The addition of such a generic element cannot be sufficient to avoid confusing similarity. This is also true for the hyphen found in the disputed domain name. The use of the mark by Complainant with a "." between the letters "E" and "ON" does not change this assessment. The separation is neither audible, nor is it dominant or distinctive in the earlier marks or the company name. Moreover, Complainant does not use this separation of the letters in its own domain names, such as <eon.com>. Thus, there is a likelihood of confusion between the disputed domain name and Complainant's trademark.

According to Complainant, Respondent has no rights or legitimate interest in the disputed domain name. Complainant and Respondent have never had any previous business or other relationships, nor has Complainant ever granted Respondent any rights to use the E.ON trademark in any way at all. This includes use in the disputed domain name. Respondent should have performed a search before registering the disputed domain name. It would have been obvious that Complainant is the owner of numerous trademarks and domains in many countries around the world, including the United Kingdom, the country where Respondent is located. However, Respondent still chose to register the disputed domain name and is using Complainant's logo/figurative trademark on the website in order to divert consumers from Complainant, causing potential damage to the name and trademark of Complainant. Respondent therefore has no rights in the disputed domain name.

According to Complainant the disputed domain name is registered and is being used in bad faith. Respondent obviously knew about Complainant and its trademark because there is no other discernible reason for choosing the name. Complainant's trademark E.ON is a distinctive, well-known trademark. There has been no indication that there could be credible evidence-backed rationale for registering the disputed domain name. Complainant asserts that the disputed domain name must be deemed as registered in bad faith. Complainant submits that the use of Complainant's very logo, which is also a registered trademark, on the website connected to the disputed domain name, which is used on every single page, without the consent of Complainant also demonstrates that Respondent is aware of Complainant, Complainant's company name, reputation, trademark rights and logo. Therefore, there can be no other reason for the registration and use of the disputed domain name than bad faith. The disputed domain name was registered and is being used to attract Internet users for commercial gain by creating a likelihood of confusion with Complainant, to disrupt the business of a competitor and to benefit from the renown of the well-known character of Complainant's trademark and company name.

RESPONDENT:
NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

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 Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

Complainant has, to the satisfaction of the Panel, shown 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

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

In the opinion of the Panel the disputed domain name is confusingly similar to Complainant's trademark (Policy, Par. 4 (a)(i)). Many UDRP decisions have found that a disputed domain name is identical or confusingly similar to a complainant's trademark where the disputed domain name incorporates the complainant's trademark or the principal part thereof in its entirety. Complainant has established that it is the owner of trademark registrations for E.ON. The disputed domain name incorporates the entirety of the well-known E.ON trademark as its distinctive element. The addition of the term "i2i" and the hyphen "-" in the disputed domain name, is insufficient to avoid a finding of confusing similarity as the E.ON trademark remains the dominant component of the disputed domain name. The top-level domain "com" in the disputed domain name may be disregarded. The Panel notes that Complainant's registration of its trademarks predates the creation date of the disputed domain name.

In the opinion of the Panel Complainant has made a prima facie case that Respondent lacks rights or legitimate interest in the disputed domain name. Complainant has not licensed or otherwise permitted Respondent to use its trademark or to register the disputed domain name incorporating its mark. Respondent is not making a legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark of Complainant. Respondent is not commonly known by the disputed domain name nor has it acquired trademark rights. Complainant has no relationship with Respondent. Respondent did not submit any response. Under these circumstances, the Panel finds that Respondent has no rights or legitimate interests in the disputed domain name.

The Panel finds that the disputed domain name has been registered and is being used in bad faith. Complainant has rights in the E.ON trademarks. Respondent knew or in any event should have known that the disputed domain name includes Complainant's well-known marks. The Panel notes the undisputed submission of Complainant that the website under the disputed domain name contains the logo/figurative trademark of Complainant.

The Panel further notes that the disputed domain name incorporates Complainant's well-known trademarks in its entirety which indicates, in the circumstances of this case, that Respondent registered and used the disputed domain name with the intention to attract, for commercial gain, Internet users to the website by creating a likelihood of confusion with the trademarks of Complainant as to the source, sponsorship, affiliation, or endorsement of its website or location or of a service on its website or location, which constitutes registration and use in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **eon-i2i.com**: Transferred

PANELLISTS

Name	Dinant T.L. Oosterbaan
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DATE OF PANEL DECISION 2023-11-16

Publish the Decision
