Decision for dispute CAC-UDRP-105861

Case number	**CAC-UDRP-105861**
Time of filing	**2023-10-11 10:22:32**
Domain names	**roland-garrostickets.com**

Case administrator

Name	**Olga Dvořáková (Case admin)**

Complainant

Organization	**FEDERATION FRANCAISE DE TENNIS (FFT)**

Complainant representative

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

Respondent

Name	**agustina cassensz**

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 numerous trademarks containing the expression “ROLAND GARROS”, such as the following international registrations:

- ROLAND GARROS n°459517 registered since 01-04-1981, and
- RG ROLAND GARROS n° 1370730 registered since 24-01-2017.

The Complainant has also registered numerous domain names including the trademark ROLAND GARROS, such as <rolandgarros.com> registered since 21-04-1999.

FACTUAL BACKGROUND

Founded in 1920, the FEDERATION FRANCAISE DE TENNIS (the Complainant) promotes, organizes and develops tennis in France. It counts more than 1.1 million licensees in 2023. The Complainant also provides representation of France in international meetings and organizes major tournaments such as the International of France at Roland Garros.

The International of France of Roland Garros, also called “French Open”, is the biggest tournament of the tennis season on clay and the only Grand Slam tournament still competing on that surface.

The disputed domain name <ROLAND-GARROSTICKETS.COM> was registered on 03-10-2023 and points to an inactive website. MX servers are also configured.

PARTIES CONTENTIONS

The Complainant submits that the requirements of the Policy have been met and that the disputed domain name should be transferred to it. The Complainant makes a number of legal arguments (referenced below) and also supplies a set of annexes providing evidence of its activities and of the Respondent's use of the disputed domain name.

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

According to Paragraph 4(a) of the Policy, the Complainant is required to prove each of the following three elements to obtain an order that the disputed domain name should be transferred or cancelled:

(i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
(ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
(iii) the disputed domain name has been registered and is being used in bad faith.

The Panel has examined the evidence available to it and has come to the following conclusion concerning the three elements of paragraph 4(a) of the Policy in these proceedings:

RIGHTS AND SIMILARITY

The Complainant has established rights in the name ROLAND GARROS. The disputed domain name <ROLAND-GARROSTICKETS.COM> is found to be confusingly similar to the Complainant’s trademarks. This finding is based on the settled practice in evaluating the existence of a likelihood of confusion of:
a) disregarding the top-level suffix in the domain names (i.e. “.com") in the comparison; and
b) finding that the simple combination of a trademark and a generic term such as “tickets”, which will be widely understood by consumers as referring to a website for purchasing tickets to the famous tennis tournament, would by no means be sufficient to distinguish a domain name from a trademark.

The disputed domain name is therefore found to be confusingly similar to the earlier rights in the name ROLAND GARROS and the Panel concludes that the Complainant has satisfied the requirement under paragraph 4(a)(i) of the Policy.

NO RIGHTS OR LEGITIMATE INTERESTS

The onus to make out a prima facie case that the Respondent lacks rights or legitimate interests is placed on the Complainant. However, once such a prima facie case is made, the Respondent carries the burden of demonstrating rights or legitimate interests in the disputed domain name. If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy.

In the absence of a statement from the Respondent, there are no arguments or facts which could support any rights or legitimate interests in the disputed domain name. The Complainant and the Respondent have no previous relationship, nor has the Complainant ever granted the Respondent any rights or license to use the “ROLAND GARROS” trademark in any form, including in the disputed domain name.

The Respondent does not, at any time, appear to have been known or acted as “ROLAND GARROS”. The registration of the distinctive mark within the disputed domain name leads to the conclusion that the only reason for the registration of the disputed domain name has been to take advantage of the Complainant’s goodwill and valuable reputation. No other logical or reasonable conclusion can be seriously considered. Nothing about the use being made of the disputed domain name suggests legitimate non-commercial or fair use.

The Panel therefore concludes that the Respondent did not refute the Complainant’s prima facie case and has not established any rights or legitimate interest in the disputed domain name. The Complainant has therefore also satisfied the requirement under paragraph 4(a)(ii) of the Policy.

BAD FAITH

The Panel finds that the Complainant has established that both registration and use of the disputed name must be considered as being in bad faith.

The well-known character of the trademark ROLAND GARROS has been established in past Panel decisions and is not put to question by this Panel. Due to the distinctiveness of the Complainant's trademark and reputation, the registration of the disputed domain name by the Respondent must have taken place with knowledge of the Complainant's trademark ROLAND GARROS. It is impossible to google the term without being pointed to the Complainant and the Grand Slam Tournament. No other reasonable explanation for combining this name with the word “tickets” could be taken into consideration. Were such an explanation to exist, the onus of providing it lies with the Respondent. In the absence of a response, the Respondent has failed to give any explanation.

The disputed domain name also points to an inactive page. The Respondent has failed to demonstrate any activity in respect of the disputed domain name, and it is not possible to conceive of any plausible actual or contemplated active use of the domain name by the Respondent that would not be illegitimate, by passing off, infringement of consumer protection legislation, or infringement of the Complainant’s rights under trademark law.

The incorporation of a famous mark into a domain name, coupled with an inactive website, can also be seen as evidence of bad faith registration and use.

Finally, MX servers are also configured which suggests that the disputed domain name may be actively used for email purposes. There is no reasonable way that the Respondent could make use of the disputed domain name as part of an e-mail address in good faith.

The Panel therefore concludes that the Respondent has registered and is using the disputed domain name in bad faith. The Complainant has therefore also satisfied the requirement under paragraph 4(a)(iii) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **roland-garrostickets.com**: Transferred

PANELLISTS

Name	**Udo Pfleghar**

DATE OF PANEL DECISION 2023-11-20

Publish the Decision