

Decision for dispute CAC-UDRP-105879

Case number	CAC-UDRP-105879
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Time of filing	2023-10-13 09:38:50
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Domain names	jcdafrica.com
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Case administrator

Name	Olga Dvořáková (Case admin)
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Complainant

Organization	JCDECAUX
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Complainant representative

Organization	NAMESHIELD S.A.S.
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Respondent

Name	James Haule
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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 registered owner of several trademark registrations consisting of the term “JCDECAUX”, in particular international trademark registration “JCDecaux” No. 803987, registered on 27.11.2001 with scope of protection for several countries worldwide for goods and services in classes 6, 9, 11, 19, 20, 35, 37, 38, 39, 41 and 42.

FACTUAL BACKGROUND

It results from the Complainant's undisputed and documented allegations that it is active in the outdoor advertising since 1964. It employs a total of 10,720 people and is present in more than 80 different countries and 3,518 cities and has generated revenues of €2,745m in 2021.

Furthermore, the registrar verification revealed that the Respondent registered the disputed domain name <jcdafrica.com> on 22.06.2023 and redirects to one of the Complainant's website <https://www.jcdecauxafrica.com/jcdecaux-global>.

PARTIES CONTENTIONS

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

1.
The Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark "JCDECAUX".

While each case is judged on its own merits, in cases where a domain name incorporates at least a dominant feature of the relevant mark, which is recognizable as such in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing (see paragraph 1.7. of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, "WIPO Jurisprudential Overview 3.0"). In the case at hand, the Panel is satisfied that the trademark "JCDECAUX" remains recognizable within the disputed domain name.

Additionally, since the relevant trademark has been found recognizable within the disputed domain name, the addition of the geographic term "africa" will not prevent a finding of confusing similarity under the first element.

2.
In the absence of any Response, or any other information from the Respondent indicating the contrary, the Panel further holds that the Complainant successfully presented its *prima facie* case and that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

In particular, the Respondent is neither affiliated with nor authorized by the Complainant in any way, and is not related in any way to the Complainant's business. Moreover, the Respondent has not demonstrated any preparations to use the disputed domain name in connection with a *bona fide* offering of goods or services; in fact the disputed domain name does currently resolve to the Complainant's website. In the Panel's view this connection to the Complainant's own official website effectively impersonates or suggests sponsorship or endorsement of the disputed domain name (and eventual emails sent under this domain name) by the trademark owner.

3.
Finally, the Panel finds that the disputed domain name has been registered and is being used in bad faith.

In fact, the Panel holds that registering the disputed domain name which recognizably contains the Complainant's trademark's dominant feature "JCD", is intended to confuse the users and therefore indicates bad faith. In addition, Respondent redirected the disputed domain name to Complainant's official website, which suggests its knowledge of the Complainant at the time of registration of the disputed domain name and therefore its intention to target the Complainant's trademark "JCDECAUX" with the element "JCD" in the disputed domain name... Therefore, it is the view of this Panel that Respondent knew or should have known that the disputed domain name is highly similar to the Complainant's trademark when registering the disputed domain name. Registration of a confusingly similar domain name in awareness of a reputed trademark and in the absence of rights or legitimate interests amounts to registration in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **jcdafrika.com**: Transferred

PANELLISTS

Name	Tobias Malte Müller
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DATE OF PANEL DECISION 2023-11-21

Publish the Decision
