

Decision for dispute CAC-UDRP-105827

Case number **CAC-UDRP-105827**

Time of filing **2023-10-18 10:04:52**

Domain names **swissgolddsafe.org**

Case administrator

Name **Olga Dvořáková (Case admin)**

Complainant

Organization **Ludwig Karl (Swiss Gold Safe AG)**

Respondent

Organization **Rosalia South (Supranatural LLC)**

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 trademark SWISSGOLDSAFE which is registered as a figurative trademark for different services in several countries all over the world, such as:

- Swiss figurative mark SWISSGOLDSAFE, registered on 8 December 2017, under number 710623 for services of the classes 36, 39 and 45;
- International figurative mark SWISSGOLDSAFE, registered on 1 June 2019, under number 1483819 for services of the classes 36, 39 and 45, offering protection in the EU and the US;
- UK figurative mark SWISSGOLDSAFE, registered on 24 January 2020, under number UK00801483819 for services of the classes 36, 39 and 45.

FACTUAL BACKGROUND

The Complainant demonstrates that the website operating under the disputed domain name shows a page displaying a certificate of authenticity. The Complainant cites previous instances of fraudulent use of its name, where individuals were deceived into making payments for precious metals supposedly stored with Complainant, which was not the case. The Complainant explains that the victims received forged documents with the Complainant's name and logo, along with occasional links to a deceptive website for document verification. The Complainant contends that the Respondent could use the disputed domain name for similar fraudulent activities.

The Respondent registered the disputed domain name on October 14, 2022 (based on information provided by the Registrar).

PARTIES CONTENTIONS

Complainant's contentions are summarised above.

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 disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights

The disputed domain name entirely incorporates the words of the Complainant's SWISSGOLDSAFE figurative trademark. The generic Top-Level Domain extension of the disputed domain name, in this case ".org", is typically disregarded under the confusing similarity test, as it is a standard requirement for registration.

Therefore, the Panel concludes that the disputed domain name is confusingly similar with the Complainant's figurative trademark.

2. The Respondent has no rights or legitimate interests in respect of the disputed domain name

The Complainant asserts that the Respondent's has no rights or legitimate interests in respect of the disputed domain name and the Respondent did not dispute this assertion.

According to the Complainant, the use of privacy or proxy registration services for the disputed domain name is indicative of the Respondent lacking any rights or legitimate interest in the disputed domain name.

In lack of any Response from the Respondent, or any other information indicating the contrary, the Panel concludes that the Respondent has no rights or legitimate interests in respect of the domain names.

3. The disputed domain name is registered and is being used in bad faith

The Complainant contends that the Respondent registered and used the disputed domain name with fraudulent intent. Previous instances involved individuals being misled into payments for non-existent precious metals, receiving forged documents with the Complainant's name and logo, and links to deceptive verification websites.

The Complainant asserts that the Respondent could use the disputed domain name for similar fraudulent activities.

Moreover, the Complainant asserts that the use of privacy or proxy registration services by the Respondent for the disputed domain name is indicative of bad faith registration and use.

The disputed domain name is similar with the prior figurative trademark of the Complainant. Even though the words of the trademark are

general dictionary words, the combination of the words leads the Panel to believe that the Respondent had the Complainant in mind when registering the disputed domain name. The Respondent did not rebut this.

In lack of any Response from the Respondent, or any other information indicating the contrary, the Panel concludes that the Respondent has registered and used the disputed domain name in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **swissgolddsafe.org**: Transferred

PANELLISTS

Name	Tom Heremans
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DATE OF PANEL DECISION 2023-11-24

Publish the Decision
