Decision for dispute CAC-UDRP-106061

Case number	CAC-UDRP-106061
Time of filing	2023-12-13 10:34:03
Domain names	weuro2025.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Union des Associations Européennes de Football

Complainant representative

Organization	Stobbs IP

Respondent

Name	Juerg Stadelmann

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 various trademarks, including the following:

* Switzerland trademark registration no. 640130 for EURO 2020, registered on 21 February 2013;

* United Kingdom trademark registration no. UK00003477533 for EURO 2021, registered on 11 August 2020;

* Switzerland trademark registration no. 714708 for EURO 2024, registered on 28 March 2018;

* Switzerland trademark registration no. 801453 for UEFA WOMEN'S EURO 2025, registered on 4 April 2023; and

The Complainant owns and operates the domain name <uefa.com>. The Complainant also maintains a social media presence through its Facebook, Instagram, and X accounts.

The Respondent registered the disputed domain name on 5 April 2023. Currently, the disputed domain name resolves to a parked webpage stating that the disputed domain name has been purchased.

FACTUAL BACKGROUND

The Complainant represents the national football associations of Europe and runs national and club competitions including for male and female players. The men's football competitions include the UEFA European Championship, UEFA Nations League, UEFA Champions League, UEFA Europa League and UEFA Super Cup. The Women's competitions include the UEFA Women's Champions League, UEFA Women's European Championship and UEFA Women's Nations League.

The UEFA European Championship, originally called the UEFA European Nations' Cup, is a European football tournament at the national level, which has taken place every four years since 1960 in the even-numbered year between World Cup tournaments, is the primary association football competition contested by the senior men's national teams of the members of UEFA, determining the continental champion of Europe.

As early as 1984, the UEFA European Football Championship, has been informally and commercially identified as "EURO", and suffixed with a two digit or four digit number referring to the year of the event. In the case of the 1984 tournament the form this name took was 'EURO 84', and in subsequent years the names used have been 'EURO 88', 'EURO 92', 'EURO 96', 'EURO 2000', 'EURO 2004', 'EURO 2008', 'EURO 2012', 'EURO 2016', 'EURO 2020' and this year, 'EURO 2024'. In each case, the name was used to refer to the tournament many years prior to the date of the tournament itself. For example, the name "EURO 2000" was in use since at least 1997 with the draw for the tournament taking place in January 1998, in Belgium.

In 1984, UEFA established its first European tournament for Women's Football called the UEFA Women's European Championship which was commercially identified as the Women's EURO. The Complainant has continued to organise the Women's EURO tournaments, with the Complainant's registered trademark in UEFA WOMEN'S EURO dating back to 2008.

The Complainant's most recent Women's EURO tournament in 2022 generated a significant growth in demand, with a 289% increase in media rights values since the previous Women's EURO; £44m in total spectator spending around matchdays and trips across the host nation, England, for Women's EURO 2022; and a global live viewership of 365 million, across 195 territories. Viewer figures significantly increased for the Women's EURO 2022 tournament.

The Women's Euro 2025 Championship will take place in Switzerland after a successful bid by the Swiss Football Association. Switzerland shall be hosting the Women's tournament for the first time after hosting the men's EURO 2008 with Austria.

The Complainant owns very extensive rights in the EURO/S / WOMEN'S EURO trademarks (the "Registered Trade Marks"). The Complainant has a significant reputation and has built up a significant amount of goodwill in the Registered Trademarks across Europe.

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.

The Panel notes that Respondent sent an email to the CAC, the contents of which are as follows:

"No problem to resign on the domain, would very much like the UEFA donate something for SOS Kinderdorf (www.sos-kinderdorf.ch), maybe through their UEFA Foundation for children? Would be great, if we could solve the case soon."

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. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires a complainant to show that a domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights.

A registered trademark provides a clear indication that the rights in the mark shown on the trademark certificate belong to its respective owner. The Complainant has provided evidence that it owns the Registered Trademarks include EURO 2020, EURO 2021, EURO 2024, and EURO 2028 trademarks. In addition, the Complainant has provided evidence showing that it owns the formative mark comprising the term "EURO" in combination with a 4-digit number, representing a year (collectively, the "Euro Marks").

In this case, the disputed domain name contains the terms "EURO" and "2025" with the addition of the prefix "w". It is well-established that where the complainant's trademark is recognizable within the disputed domain name, the addition of other letters is commonly insufficient in itself to avoid a finding of confusing similarity to the complainant's mark under the first element. (see WIPO Overview 3.0, section 1.8).

In addition, the disputed domain name comprises the generic Top-Level Domain ("gTLD") ".com". It is well established that the addition of a gTLD ".com" does not avoid confusing similarity between the Complainant's trademark and the disputed domain name (see WIPO Overview 3.0, section 1.11.1).

Consequently, the Panel finds that the Complainant has shown that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

2. Rights or Legitimate Interests

Once the complainant establishes a prima facie case that the respondent lacks rights or legitimate interests in the disputed domain name, the burden of production shifts to the respondent to show that it has rights or legitimate interests in respect to the disputed domain name (see WIPO Overview 3.0, section 2.1).

In the present case, the Complainant has demonstrated prima facie that the Respondent lacks rights or legitimate interests in respect of the disputed domain name and the Respondent has failed to assert any such rights or legitimate interests.

The Complainant has provided evidence that it owns trademark registrations of the Euro Marks long before the date that the disputed domain name was registered.

The Complainant also provided evidence that the Respondent is not commonly known by the disputed domain name. See WIPO Overview 3.0, section 2.3. The Complainant has not consented to the use of its Marks, or part thereof, in the disputed domain name.

It is noted that the disputed domain name resolves to a parking page. Past panels have held that such use of a domain name cannot amount to any bona fide offering of goods or services, or legitimate non-commercial fair use.

Further, the Respondent did not submit a Response in the present case and did not provide any explanation or evidence to show rights or legitimate interests in the disputed domain name which would be sufficient to rebut the Complainant's prima facie case.

The Panel also notes Respondent's email to CAC, and his willingness to "resign on the domain", which the Panel takes to mean that he is willing to give up the disputed domain name, which is evidence that the Respondent does not assert any legitimate interests in the disputed domain name.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

3. Registered and Used in Bad Faith

The Complainant must also show that the respondent registered and is using the disputed domain name in bad faith (see Policy, paragraph 4(a)(iii)). Paragraph 4(b) of the Policy provides circumstances that may evidence bad faith under paragraph 4(a)(iii) of the Policy.

The Complainant provided evidence that the disputed domain name resolves to a parking page. Past panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. Having reviewed the available record, the Panel finds the non-use of the disputed domain name does not prevent a

finding of bad faith in the circumstances of this proceeding. Although panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, and (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement). WIPO Overview 3.0, section 3.3.

Having reviewed the available record, the Panel finds that the Complainant has significant reputation in the Euro Marks; and that the Respondent failed to submit a response and appears to have agreed to the transfer of the disputed domain name to the Complainant under unspecified terms. In the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Further, the disputed domain name incorporates the Complainant's EURO Marks with the addition of the Prefix "w". The Panel finds that this is an attempt by the Respondent to confuse and/or mislead Internet users seeking or expecting the Complainant. Given that the Complainant's various trademarks incorporating its own EURO trademark are well known, and that the Complainant's UEFA Women's European Championship was announced the day before the registration of the disputed domain name, it is unlikely that the Respondent was not aware of the Complainant prior to the registration of the disputed domain name. In fact, the timing of registration of the disputed domain name is so close to the Complainant's announcement that the only logical inference is that the Respondent deliberately targeted the Complainant's trademarks and its goodwill with the intent that traffic would be diverted away from the Complainant's website.

Accordingly, given the particular circumstances of this case, the reputation of the Complainant's trademark, and based on the evidence presented to the Panel, including (1) the registration of the disputed domain name long after the registration of the Complainant's trademark, (2) the registration of the disputed domain name only 1 day after the Complainant announcing its UEFA Women's European Championship, (3) the incorporation of the Complainant's Euro Marks together with the prefix "w" in the disputed domain name, (4) the reputation of the Complainant in the EURO Marks, and, (5) the failure of the Respondent to submit a response, the Panel draws the inference that the disputed domain name was registered and is being used in bad faith.

Accordingly, having regard to the circumstances of this particular case, the Panel finds that the Complainant has met its burden 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. **weuro2025.com**: Transferred

PANELLISTS

Name	**Jonathan Agmon**

DATE OF PANEL DECISION 2024-01-19

Publish the Decision