

Decision for dispute CAC-UDRP-106074

Case number CAC-UDRP-106074

Time of filing 2023-12-14 09:01:21

Domain names pricesrunner.com

Case administrator

Organization Iveta Špiclová (Czech Arbitration Court) (Case admin)

Complainant

Organization PriceRunner International AB

Complainant representative

Organization SILKA AB

Respondent

Organization Prices Runner

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

In this proceeding the Complainant is a Swedish company and relies on the following trademark registrations:

Trademark	Origin	Registration Number	Registration Date	Class(es) Covered
PRICERUNNER	International	866969	26/01/2005	35
PRICERUNNER	Sweden	371312	24/03/2005	35
PRICERUNNER.COM	European Union	004258794	21/03/2006	9, 35, 42
PRICERUNNER	European Union	003908531	06/04/2006	9, 35, 38, 41, 42

PRICERUNNER	United Kingdom	UK00903908531	06/04/2006	9, 35, 38, 41, 42
PRICERUNNER	United States	4975600	14/06/2016	35, 38, 41

The Complainant also refers to various domain names that incorporate the "PRICE RUNNER" trademark, including <PRICERUNNER.COM>, registered since 19 May 1999. The Complainant gained a considerable popularity and has been awarded as a leading price comparison service provider.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

THE DISPUTED DOMAIN NAME IS IDENTICAL OR CONFUSINGLY SIMILAR TO A TRADEMARK OR SERVICE MARK IN WHICH THE COMPLAINANT HAS RIGHTS

The Complainant contends the disputed domain name is essentially identical to its "PRICE RUNNER" trademark, the addition of the (S) letter being just the result of the variation from the singular into the plural form the "Price" component of the mark, which cannot change the overall impression of the designation so that it does not impact on the likelihood of confusion. It is clear that the Complainant's mark remains dominant and recognisable in the disputed domain name's string (see WIPO Overview 3.0, section 1.7: 'in cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing.').

THE RESPONDENT HAS NO RIGHTS OR LEGITIMATE INTERESTS IN RESPECT OF THE DISPUTED DOMAIN NAME

The Complainant submits that the Respondent lacks rights or legitimate interests in the disputed domain name. Following the submissions made in this section of the Complaint, the burden will shift to the Respondent to put forward evidence to show that it has rights or legitimate interests in the disputed domain name. The Complainant notes that the disputed domain name resolves to a parked page which prominently brandishes the text 'Come Back Soon' above a countdown timer. This page reflects a generic site-building template and lacks links to external pages/sites. There is no evidence that the Respondent has made any use (other than that of a parked/offline/coming soon-type page) of the disputed domain name since its registration in January 2023.

THE DISPUTED DOMAIN NAME WAS REGISTERED AND IS BEING USED IN BAD FAITH

The Complainant further submits that the Respondent's selection of the string 'pricesrunner.com', particularly given the proximity of the letters 'e' and 's' on a Qwerty keyboard, reflects the latter's attempt to capitalise on the former through typosquatting conduct (which panels have affirmed is 'inherently parasitic and of itself evidence of bad faith' – see National Association of Professional Baseball Leagues, Inc., d/b/a Minor League Baseball v. John Zuccarini, WIPO Case No. D2002-1011). The addition of a single character in the middle of the Complainant's mark reflects the Respondent's attempt to misleadingly capture and divert good faith internet users that mistype 'pricerunner.com' in their browser's search bar. In view of all of the above factors (noting, in particular, the ease with which any internet user can find the Complainant's offerings online), it is clear that the Respondent sought to capitalise on the Complainant's trademark rights through its registration of the disputed domain name.

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

The Panel is satisfied with the Complainant arguments and evidence and determines that the disputed domain name be transferred to the Complainant.

The Complainant showed robust and long-standing ownership in PRICE RUNNER signs, which are intensively and successfully used on the market so that when the disputed domain name was created on 2023 the Respondent had certainly knowledge of the earlier rights owned by the Complainant, which consist in an unit having a superior distinctive character than the sum of its components, so that the adoption of an identical denomination is to be considered more as a speculation by means of "typosquatting" than the casual adoption of already used signs for legitimate and bona fide offering of goods and services online.

The Panel is persuaded that there is no evidence of the Respondent having made any good faith, legitimate non-commercial or fair use of the disputed domain name, nor of being commonly known by such. It is also clear, given the renown of the PRICERUNNER mark and composition of the disputed domain name, which internet users are highly likely to perceive and associate with the Complainant's mark, that no good faith use could be made of it by the Respondent (i.e., use which would not unfairly confuse and mislead internet users).

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **pricesrunner.com**: Transferred
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PANELLISTS

Name	Roberto Manno
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DATE OF PANEL DECISION **2024-01-22**

Publish the Decision
