# Decision for dispute CAC-UDRP-106091

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| Case number | CAC-UDRP-106091 |
| Time of filing | 2023-12-20 10:21:44 |
| Domain names | uefaeuro2028.com |

## Case administrator

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| Name | Olga Slanařová (Case admin) |

## Complainant

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| Organization | Union des Associations Européennes de Football |

## Complainant representative

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| Organization | Stobbs IP |

## Respondent

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| Name | Orkun Tekin |

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 submitted evidence that it is the owner of the following registered trademarks (the "Trademarks").

- UK trademark "UEFA" n. UK00800931376, registered on 7 July 2008, for classes 1, 4, 35, 37 and 42;

- UK trademark "UEFA" n. UK00907464084, registered on 22 July 2009, for classes 3, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 18, 20, 21, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 38, 39, 40, 41, 43, 44 and 45;

- UK trademark 00003205047 "THE EUROS", registered on 7 April 2017, for classes 3, 4, 9, 12, 14, 16, 18, 28, 30, 32, 35, 36, 39, 42, 43.

The Complainant asserts to be the owner of several other trademarks containing the word "UEFA". Since the Complainant did not submit evidence of this claim, the Panel will only take into consideration the trademarks mentioned above (the "Trademarks").

The Complainant also asserts to be the owner of the domain name <uefa.com>. The Complainant submitted an excerpt from the website associated with this domain name.

FACTUAL BACKGROUND

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

The Complainant was founded on 15 June 1954 and runs national and club football competitions, including the UEFA European Championship, the UEFA Nations League, the UEFA Champions League, the UEFA Europa League, and the UEFA Super Cup.

The UEFA European Championship is a prestigious European football tournament which has taken place every four years since the 1960s. The Complainant claims that the tournament is known as “the Euros” and is commercially identified as “EURO” coupled with the year of the event. The Complainant states that the name is often used many years prior to the tournament itself. The Complainant argues that the EURO Football tournaments are world famous and that its Trademarks are well-known. According to the Complainant, 2 billion viewers watched the EURO 2016 tournament, and 5.2 billion viewers watched the EURO 2020 tournament (live match cumulative event audience).

The upcoming EURO 2028 Championship will take place in the UK and Ireland.

The Complainant claims that it promotes its “EURO brand” on social media, with significant endorsement on several platforms (millions of followers on Facebook, Instagram, and Twitter - X).

The Complainant provided evidence that it is the owner of the Trademarks referred to above.

The disputed domain name <UefaEuro2028.com> was registered on 3 August 2012.

PARTIES CONTENTIONS

The Complainant´s contentions are summarised below.

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

According to the information provided by the CAC, the Respondent accessed the online case file on January 20, 2024 and reviewed the documents in the case file. Nevertheless the Respondent did not provide any additional filing nor contacted the CAC.

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. **Confusing similarity**

The Complainant provided evidence that it has registered trademarks for the terms “UEFA” since 2008 and “THE EUROS” since 2017. In addition, the Complainant claims to have built up substantial recognition for its UEFA brands. The Complainant refers to several UDRP decisions and to the endorsements on social media.

The Panel notes that the first element solely looks at whether the domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights. In this case, the Complainant has proven to have rights to the trademarks “UEFA” and “THE EUROS”.

Section 1.7 of WIPO Overview 3.0 states that, "in cases where a domain name contains the whole of a trademark, or where at least one dominant feature of the relevant trademark is recognisable in the domain name, the domain name shall normally be considered confusingly similar to that trademark for the purposes of UDRP status".

The Panel notes that the disputed domain name incorporates the entirety of the Complainant’s “UEFA” trademarks, the dominant element “EURO” of the Complainant’s “THE EUROS” trademark, and the number 2028. The number “2028” seems to refer to the year in which the upcoming EURO Championship will take place and is likely to increase the risk of confusion with the Complainant’s Trademarks. In each case, the addition of the number “2028” does not add distinctiveness to the disputed domain name.

The gTLD ".com" may be disregarded when considering whether a domain name is confusingly similar to a trademark in which the Complainant has rights. In this regard, section 1.11.1 of WIPO Overview 3.0 states: “The applicable Top Level Domain (“TLD”) in a domain name (e.g., “.com”, “.club”, “.nyc”) is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test.”.

For these reasons, the Panel concludes that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights within the meaning of paragraph 4(a)(i) of the Policy.

2. **Rights or legitimate interests**

As regards paragraph 4(a)(ii) of the Policy, while the overall burden of proof rests with the Complainant, it is commonly accepted that this should not result in an often-impossible task of proving a negative. Therefore, numerous previous Panels have found that the Complainant is required to make out a prima facie case that the Respondent lacks rights or legitimate interests. Once such prima facie case is made, the burden of production shifts to the Respondent to come forward with appropriate allegations or evidence demonstrating rights or legitimate interests in the disputed domain name. If the Respondent fails to come forward with such appropriate allegations or evidence, the Complainant is generally deemed to have satisfied paragraph 4(a)(ii) of the Policy. If the Respondent does come forward with some allegations or evidence of relevant rights or legitimate interests, the panel then must weigh all the evidence, with the burden of proof always remaining on the Complainant.

The Complainant argues that:

- The Respondent solely registered the disputed domain name to take advantage of the Complainant’s rights and the reputation of its Trademarks.

- The disputed domain name was registered in 2012. The Complainant already had rights in various registered or unregistered “UEFA” and “EURO” trademarks. Moreover, it was common knowledge that a “EURO” competition would take place in 2028, since these competitions are organised every four years.

- The Respondent does not use the disputed domain name for a bona fide offering of goods and services. The disputed domain name does not resolve and has never resolved to an active website.

- The Respondent has never legitimately been known by the “UEFA” trademark.

- The Respondent is not making a legitimate non-commercial or fair use of the disputed domain name, without intent of or commercial gain to misleadingly divert consumers. The disputed domain name does not resolve and has never resolved to an active website.

The Panel finds that the Respondent does not have rights or legitimate interests in respect of the disputed domain name from the following facts:

- The disputed domain name incorporates the entirety of the Complainant’s “UEFA” trademarks (which predate the creation date of the disputed domain name), the dominant element “EURO” of the Complainant’s “THE EUROS” trademark, and the number 2028. The number “2028” refers to the year in which the UEFA EURO Championship will take place and the addition of this number weights against the Respondent.

- There is no evidence that the Respondent is known or has been commonly known, by the disputed domain name or by the terms “UEFA”, “EURO” or “EURO2028” or a combination of these terms. The WHOIS record does not provide any information that might indicate any rights of the Respondent to use the terms “UEFA”, “EURO” or “EURO2028” or a combination of these terms in a domain name.

- The disputed domain name was registered on 3 August 2012, whereas the Complainant’s “UEFA” trademarks were registered on 7 July 2008 and 22 July 2009. The Complainant’s “THE EUROS” trademark was registered after the creation date of the disputed domain name. However, the Complainant has shown to the satisfaction of the Panel that it used the name “EURO” extensively before the registration date of the disputed domain name.

- There is no evidence to show that the Respondent is making a legitimate non-commercial or fair use of the disputed domain name, without intent for commercial gain or to misleadingly divert consumers. The disputed domain name resolves to a parking page.

- The Respondent does not seem to have any consent or authorisation to use the Trademarks or variations thereof and does not seem to be related in any way to the Complainant.

- The Respondent did not show to have any trademark rights or other rights regarding the terms “UEFA”, “EURO” or “EURO2028” or a combination of these terms.

- The Respondent did not file an administratively compliant (or any) response. The Respondent did not provide evidence that it has rights or legitimate interests in the disputed domain name (the Respondent could, inter alia, have provided evidence of the factors mentioned in paragraph 4(c) of the Policy, but failed to do so).

In sum, on the balance of probabilities, and in the absence of any evidence to the contrary or any administratively compliant response being put forward by the Respondent, the Panel finds that the Complainant has made a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name.

The Panel concludes that the Respondent does not have rights or legitimate interests in the disputed domain name.

3. **Bad faith**

The Complainant argues that:

- The Complainant’s Trademarks pre-date the registration of the disputed domain name.
- The Respondent has registered the domain name with full knowledge of the Complainant and its Trademarks. The Complainant refers to the fame and reputation of the Trademarks and the Euro championships which occur every four year and are organised by the Complainant.
- The Respondent has not provided any evidence of good faith use. The Respondent is passively holding the disputed domain name and has done so since the creation date of the domain name. There is a risk that the Respondent might activate resolving websites at the disputed domain name, which would increase the confusing similarity with the Complainant.

The Panel weighs these arguments and facts as follows:

First, as mentioned already, the disputed domain name reproduces the entirety of the Complainant’s “UEFA” trademarks, the dominant feature “EURO” of the Complainant’s “THE EUROS” trademark, and the number 2028. The number “2028” refers to the year in which the next Euro Championship will take place. This likely creates confusion among the public.

Second, the Complainant’s UEFA trademarks predate the registration date of the disputed domain name.

Third, the Complainant submitted evidence of trademark registrations in the United Kingdom, i.e. the country where the 2028 EURO Championship will take place. The Complainant did not provide evidence of trademark registrations in Turkey, i.e., the Respondent’s home country.

Fourth, the Complainant claims that its EURO football tournaments are world famous and that its Trademarks are well-known. The Complainant has submitted evidence that previous panels confirmed the well-known character of the Complainant’s UEFA Trademarks. The Complainant included links to its social media accounts which prove that the Complainant’s UEFA EURO 2024 Facebook page (https://www.facebook.com/EURO2024/) has 17 million followers, that its UEFA EURO 2024 Instagram page (https://www.instagram.com/euro2024/) has 14 million followers, and that its UEFA EURO 2024 X or Twitter account (https://twitter.com/euro2024?lang=en) has 3.7 million followers. This panel believes that the “well-known” or “famous” character

of a trademark should not be accepted too readily, and that a complainant should present sufficient and convincing evidence to support such claim. In the circumstances of the present case, the Complainant's claim of the well-known character of its UEFA trademarks is justified, undisputed, and undisputable.

Fifth, the Complainant has submitted evidence that the Respondent does not actively use the disputed domain name for a genuine website. The Panel accepts this evidence and the claim that disputed domain name is currently not in active use. The Complainant further argues that the disputed domain name has never led to an active webpage since its creation in 2012, but the Panel is not entirely convinced of the evidence submitted by the Complainant in this regard and does not take this argument into further consideration.

Sixth, the Respondent did not contest any of the Complainant's arguments and did not provide any explanation concerning its choice for registering and/or using a domain name that includes the Complainant's registered "UEFA" trademarks, in combination with the word "EURO" (the dominant element of the Complainant's "THE EUROS" trademark), and in combination with the number "2028" which is commonly known as a year in which a EURO Championship will take place.

Given the above elements, it is extremely unlikely that the Respondent would have come up with a domain name consisting of the term(s) "UEFAEURO2028" without having prior knowledge of the Complainant and its Trademarks and activities. On the balance of probabilities, it is evident that the Respondent had knowledge of the existence of the Complainant and its activities, and of the existence and scope of the Complainant's Trademarks at the time of registration and use of the disputed domain name.

The Panel finds that the disputed domain name is not being used for a bona fide offering of goods or services. The disputed domain name is rather used to mislead internet users who are looking for the Complainant. The Panel is convinced that the Respondent had the Trademark(s) of the Complainant in mind when registering and subsequently using the disputed domain name. There is no evidence whatsoever of any bona fide offering of goods.

For all the reasons set out above, the Panel concludes that the disputed domain name was registered and is being used in bad faith within the meaning of 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. **uefaeuro2028.com**: Transferred

## PANELLISTS

| Name | **Bart Van Besien** |
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DATE OF PANEL DECISION 2024-01-24

Publish the Decision