Decision for dispute CAC-UDRP-106125

Case number	CAC-UDRP-106125
Time of filing	2024-01-03 09:39:10
Domain names	fr-courir.com

Case administrator

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

Complainant

Organization	GROUPE COURIR

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	leondia sun

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 (the "Domain Name").

IDENTIFICATION OF RIGHTS

The Complainant owns various registered trade marks that comprise or incorporate the term "COURIR".

They include:

- European trade mark n° 017257791 registered on 22 December 2018 in respect of COURIR as a word mark in class 35;
- European trade mark n° 006848881 registered on 26 November 2008 for a figurative mark incorporating the term COURUR in classes 25 and 28; and
- International trade mark n° 941035 filed on 25 September 2007 in respect of COURIR as a word mark in classes 25 and 28, which has proceeded to registration at least in part in 16 territories.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT

The Complainant operates in the sneaker (i.e. trainer) fashion industry, and its stores are aimed at an urban clientele from 15 to 25 years old. With its selection of sneakers, ready-to-wear and fashion accessories for men, women and children, the Complainant has

187 stores and 70 affiliated stores in France. The Complainant is also present internationally, with 57 stores located in Spain, Belgium, Luxembourg and in the Maghreb, the Middle East and overseas territories.

In addition to its registered trade marks, the Complainant owns and operates a number of domain names including <courir.com>, which has been registered since 1998, and <courir.fr>, which has been registered since 1999. It also uses a stylised representation of the letter "C" as its logo.

The Domain Name was registered on 18 December 2023 and redirects to a website purporting offering for sale shoes and other footwear under the "Foot L" name. That website also uses as a favicon the Complainant's "C" logo together with the name "Foot Locker".

The MX servers for the Domain Name are also configured.

PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the Domain Name should be transferred to it

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the Domain Name (within the meaning of paragraph 4(a)(ii) 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 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 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 Complainant has demonstrated trade mark rights for COURIR. The Domain Name can be most sensibly read as the term “Courir”, combined with the "fr" country code for France and the “.com” gTLD. Accordingly, the Complainant’s trade mark is clearly recognisable in the Domain Name. This is sufficient for a finding of confusing similarity under the Policy (see section 1.7 of the WIPO Overview 3.0). The Complainant has, therefore, satisfied the requirements of paragraph 4(a)(i) of the Policy.

The Panel is also satisfied that the Domain Name has been registered and held by the Respondent with knowledge of the Complainant and its mark and with the intention of using the similarity and potential confusion between the Domain Name and the Complainant's mark for the purpose of drawing internet users to a website that sells products that compete with those of the Complainant.

Somewhat unhelpfully, the Complainant does not disclose, let alone address, the fact that the term "Courir" is an ordinary French word that translates into English as "to run", and that, therefore, this is a term that conceivably might be used descriptively in relation to athletic footwear. Nevertheless, the Panel is satisfied that the Respondent has not registered and is not using the Domain Name because of any descriptive reading of the Domain Name. The reasons for this include that fact that this term is not used descriptively in the website operating from the Domain Name. Further, there is the Complainant's contention, which it has evidenced and which the Panel accepts is correct, that the Respondent has used a logo used by the Complainant, as part of the

favicon for the Respondent's website. Lastly, there is the extent of the Complainant's business and the form of the Domain Name itself, which comprises the domain name used by the Complainant for its own website combined with the country code for France, which is the country where the Complainant is primarily located. The Panel is, therefore, satisfied absent any argument or evidence to the contrary, that the Domain Name has been deliberately chosen to imitate that of the Complainant.

The use of a trade mark of another in a domain name to draw internet users to a website which sells products that compete with the trade mark owner, does not involve a fide offering of goods or services, and is evidence that the registrant has no right or legitimate interest in that domain name Further, the registration and use of such a domain name, falls within the scope of the example of circumstances indicating bad faith registration and use set out in paragraph 4(b)(iv) of the UDRP. The Complainant has, therefore, satisfied the requirements of paragraphs 4(a)(ii) and (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. **fr-courir.com**: Transferred

PANELLISTS

Name	**Matthew Harris**

DATE OF PANEL DECISION 2024-01-28

Publish the Decision