Decision for dispute CAC-UDRP-106166

Case number	CAC-UDRP-106166
Time of filing	2024-01-19 10:10:21
Domain names	uefaeuro2024.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Union des Associations Européennes de Football (“UEFA”)

Complainant representative

Organization	Stobbs IP

Respondent

Name	Michal Pleban

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 UEFA and EURO trademarks registered in numerous countries. The Complainant owns inter alia the following registrations:
United Kingdom Trademark Registration n. UK00917929120 for UEFA EURO 2024 (device) registered on November 27, 2018;
United Kingdom Trademark Registration n. UK00911322351 for EURO 2024 registered on March 20, 2013;
United Kingdom Trademark Registration n. UK00910433944 for UEFA (device) registered on April 26, 2012;
International Trademark Registration n. 718096 for UEFA registered on April 16, 1999.
The Complainant has an active online presence including owning the domain name uefa.com.

FACTUAL BACKGROUND

The Complainant was founded on 15 June 1954 and is the umbrella organisation for the 55 national football associations across Europe. The European football union began with 25 members; that number had doubled by the early 1990s. Until 1959 the head office was located in Paris, after which it was moved to Bern. In 1995 the head office was transferred to Nyon, Switzerland.
The UEFA European Championship is a prestigious European football tournament, which has taken place every four years since 1960.
As early as 1984, the UEFA European Football Championship, commonly known with the word “EURO” followed by a year, has been

commercially identified as EURO coupled with the year of the event. In 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, in the near future, “EURO 2024”.
EURO 2016 was seen by 2 billion people on TV, whereas EURO 2020 had an impressive 5.2 billion cumulative global live audience.
The disputed domain name was registered on June 27, 2012.
The disputed domain name is currently inactive.

PARTIES CONTENTIONS

The Complainant contends that:
1. The disputed domain name is confusingly similar to the Complainant's trademark.

The Complainant states that the disputed domain name is confusingly similar to its trademarks UEFA, EURO 2024 and UEFA EURO 2024 and its domain name uefa.com. In support of this claim, the Complainant refers to prior UDRP cases and affirms that it is a well-established principle that when a domain name wholly incorporates the Complainant's registered mark, the first requirement under the UDRP shall be considered accomplished.
Besides, the Complainant asserts that the UEFA trademark is a renowned trademark, and that past panels have confirmed this renown of the UEFA trademark.

Furthermore, the Complainant quotes panelist Dietrich Beier’s comments in UEFA v. Des Gamble. CAC Case No. 101502 which acknowledged the Complainant’s family of rights in relation to “EURO” as follows: The Panel is of the view that the term EURO in combination with a two digit or 4 digit number is well-known for the socker (sic) Tournament in Europe every 4 years organized by the Complainant and was well-known also before the disputed domain name was registered.

2. The Respondent does not have any rights or legitimate interest in the disputed domain name.
The Complainant contends that the Respondent is not affiliated with nor authorized by the Complainant in any way. The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant does not carry out any activity for, nor has any business with the Respondent. No licence nor authorization has been granted to the Respondent to make any use of the Complainant’s UEFA trademark, nor has permission been given to apply for registration of the disputed domain name. The Complainant further claims that the disputed domain name is passively held by the Respondent, and that the Respondent is not known by the disputed domain name.

3. The disputed domain name has been registered and is being used in bad faith.
The Complainant contends that it is inconceivable that the Respondent could have registered the disputed domain name without actual knowledge of Complainant's rights in the trademark UEFA, and that knowledge of a trademark, in particular a reputable trademark owned by a well-known party, is evidence of bad faith registration.

The Complainant further submits that under the doctrine of “passive holding”, the Respondent’s non-use of the disputed domain name does not prevent a finding of bath faith (WIPO Overview 3.0, paragraph 3.3).

Moreover, the Complainant claims that it is not possible to conceive of any actual or contemplated use of the disputed domain name by the Respondent that would not be illegitimate.

RESPONDENT:

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

C) Registered or Used in Bad Faith

The Complainant gives sound bases for its contention that the disputed domain name was registered and has been used in bad faith.
Firstly, owing to the distinctiveness of the Complainant's trademark and reputation, it is reasonable to infer that the Respondent registered the disputed domain name with full knowledge of the Complainant's trademark, and so the Panel finds on the balance of probabilities that the Respondent was aware of the Complainant's trademark when registering the disputed domain name.
Secondly, the Panel accepts the Complainant's unchallenged assertion that the Respondent registered the disputed domain name with the aim of creating a likelihood of confusion with the Complainant's trademark.
Thirdly, it appears that the Respondent is passively holding the disputed domain name. Having reviewed the available record, the Panel notes that in the circumstances of this case the current passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy. On the contrary, here the passive holding can be seen as further inference of bad faith use and registration of the disputed domain name.
Fourth, the Panel agrees with the Complainant's claim that it is not possible to conceive of any actual or contemplated use of the disputed domain name by the Respondent that would not be illegitimate
Lastly, Respondent has not responded to nor denied any of the assertions made by the Complainant in this proceeding.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **uefaeuro2024.com**: Transferred

PANELLISTS

Name	**Fabrizio Bedarida**

DATE OF PANEL DECISION 2024-02-25

Publish the Decision