Decision for dispute CAC-UDRP-106189

Case number	CAC-UDRP-106189
Time of filing	2024-01-25 13:47:33
Domain names	ce-vivendi.com

Case administrator

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

Complainant

Organization	VIVENDI

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	Dev Dev

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 several international trademark registrations for the wording “VIVENDI”, such as:

- the international trademark VIVENDI n° 687855, registered and renewed since February 23, 1998;
- the international trademark VIVENDI n° 930935 registered and renewed since September 22, 2006.

The Complainant also owns and communicates on Internet through various domain names, such as the domain name <vivendi.com> registered on November 12, 1997.

FACTUAL BACKGROUND

The Complainant is a French multinational mass media conglomerate headquartered in Paris. The company has activities in music, television, film, video games, telecommunications, tickets and video hosting service.

With 38,315 employees, the Complainant’s total revenues amounted to €9,6 billion worldwide in 2022.

The disputed domain name was registered on January 18, 2024 which and links to an inactive website.

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.

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

As the Respondent did not file an administratively compliant Response, pursuant to paragraph 14(b) of the Rules, the Panel may draw such inferences therefrom as it considers appropriate. Thus, the Panel accepts the contentions of the Complainant as admitted by the Respondent.

1. The disputed domain name is confusingly similar to the trademark “VIVENDI” of the Complainant.

The Complainant has, to the satisfaction of the Panel, shown that it has valid rights to the trademark “VIVENDI”.

The disputed domain name includes the Complainant's trademark in its entirety, with the addition of the term “CE” (in reference of French wording “Comité d’Entreprise” translates in English as “Works Committee” as suggested by the Complainant) connected by a hyphen, which is not sufficient to distinguish the disputed domain name from the trademark of the Complainant. Users could think that the domain name provides for information on a works committee of the Complainant or the like.

The addition of the gTLD suffix “.COM” is not sufficient to escape the finding that the disputed domain name is confusingly similar

to the Complainant's trademarks and does not change the overall impression of the designation as being connected to the trademark of the Complainant.

2. The Respondent has no rights or legitimate interests in respect of the disputed domain name within the meaning of the Policy.

The Complainant has established a prima facie proof that the Respondent has no rights or legitimate interests in the disputed domain name, since the Respondent is not a licensee of the Complainant nor has the Complainant granted any permission or consent to use its trademark in a domain name.

Further, the disputed domain name does not correspond to the name of the Respondent nor is he commonly known as “VIVENDI”.

Moreover, the disputed domain name resolves to an inactive page. The Panel is convinced that the Respondent did not make any use of disputed domain name since its registration, and it confirms Complainant's view that the Respondent has no demonstrable plan to use the disputed domain name. It demonstrates a lack of legitimate interest in respect of the disputed domain name.

Summarised, there is no evidence for a use of the disputed domain name for any bona fide offer of goods or services or a legitimate non-commercial or fair use.

3. The disputed domain name has been registered and is being used in bad faith within the meaning of the Policy.

The Panel is convinced that the Complainant’s trademark “VIVENDI” is highly distinctive and well-established and has already been well known at the time, the Respondent registered the disputed domain name. Given the distinctiveness of the Complainant's trademarks and reputation, it can be concluded that the Respondent has registered the disputed domain name with full knowledge of the Complainant's trademarks.

Furthermore, all the results of a web search of the terms “CE VIVENDI” refer to the Complainant.

Also, the passive holding of the disputed domain name without resolving to an active website and with presumed knowledge of the corresponding trademark rights of the Complainant indicates that the Respondent has registered and used this disputed domain name in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **ce-vivendi.com**: Transferred

PANELLISTS

Name	**Dominik Eickemeier**

DATE OF PANEL DECISION 2024-02-27

Publish the Decision