Decision for dispute CAC-UDRP-106176

Case number	CAC-UDRP-106176
Time of filing	2024-01-31 10:29:50
Domain names	patekphilippe.store

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	PATEK PHILIPPE SA GENEVE

Complainant representative

Organization	Cabinet Vidon, Marques & Juridique PI

Respondent

Name	Sagar Pawar

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 Complaint is based, in particular, on International trademark registration for “PATEK PHILIPPE” (verbal) No. 394802 in classes 9 and 14, filed on 21 December 1972 designating many countries world wide. This trademark has duly been renewed and is in force.

FACTUAL BACKGROUND

It results from the registrar verification response that the Respondent registered the disputed domain name on 14 June 2020. Therefore, the above trademark registration predates, by a considerable time, the registration of said domain name.

It results from the Complainant's undisputed and documented allegations that the disputed domain name resolves to the registrar’s parking webpage with commercial pay-per-click-links related amongst others to the Complainant's core business, i.e. jewellery in particular jewellery for women.

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

1.
The Panel finds that the disputed domain name is identical or confusingly similar to the Complainant’s trademark, paragraph 4(a)(i) of the Policy.

Proceedings to a side-by-side comparison of the disputed domain name and the textual component of the Complainant's trademark, it is to be noted that the disputed domain name consists of the identical verbal elements forming the trademark. The addition of the generic Top-Level Domain (new “gTLD”) “.store" does not add any distinctiveness to the disputed domain name. Consequently, the Panel has no doubt that the disputed domain name is identical or confusingly similar to the Complainant's trademark.

2.
In the absence of any response, or any other information from the Respondent indicating the contrary, the Panel further holds that the Complainant successfully presented its prima facie case and that the Respondent has no rights or legitimate interests in respect of the disputed domain name, paragraph 4(a)(ii) of the Policy.

In particular, the Respondent is neither affiliated with nor authorized by the Complainant, and it is not related in any way to the Complainant’s business. In addition, the Respondent is not commonly known by the disputed domain name. Finally, the website to which the disputed domain name resolves is parked and shows commercial pay-per-click-links including links related to the Complainant's business. This can neither be considered as bona fide offering of goods or services nor a legitimate non-commercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

3.
Finally, the Panel finds that the disputed domain name has also been registered and is being used in bad faith, paragraph 4(a)(iii) of the Policy.

It is the view of this Panel that the Respondent has intentionally registered the disputed domain name, which identically reproduces the trademarked verbal elements “PATEK PHILIPPE". The Panel is convinced that by the time the disputed domain name was registered, the Respondent had positive knowledge of the Complainant’s rights on its trademark. In doing so, the Respondent attempts to pass itself off as the Complainant.

In the Panel’s view, the Respondent has intentionally registered the disputed domain name which identically reproduces the trademarked verbal elements “PATEK PHILIPPE". By the time the disputed domain name was registered, it is unlikely that the

Respondent did not have knowledge of the Complainant and its mark “PATEK PHILIPPE", which is identically included in the disputed domain name and which is recognized as enjoying a strong reputation. The Complainant also provided evidence that the Respondent is using the disputed domain name to lead to a website featuring pay-per-click advertisement links to competing website. These facts confirm that the disputed domain name is used to intentionally attempt to attract, for commercial gain, Internet users to the Respondent’s website, by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of the Respondent’s website.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **patekphilippe.store**: Transferred

PANELLISTS

Name	**Tobias Malte Müller**

DATE OF PANEL DECISION 2024-03-12

Publish the Decision