Decision for dispute CAC-UDRP-106266

Case number	CAC-UDRP-106266
Time of filing	2024-02-15 14:30:30
Domain names	g7taxiparis.com

Case administrator

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

Complainant

Organization	G7

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Organization	My Store

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 following trademarks:

- The French trademark G7, No. 4259547, registered on 24 March 2016; and
- The European Union trademark G7, No. 016399263, registered on 7 July 2017.

("**Complainant's Trademarks**")

The disputed domain name <g7taxiparis.com> was registered on 13 February 2024.

FACTUAL BACKGROUND

As the Respondent did not file any response to the complaint, the Panel took into account the following facts asserted by the Complainant (and supported by the documentary evidence submitted by the Complainant) and unchallenged by the Respondent:

- The Complainant is specialized in the taxi, rental vehicle and logistics;
- The Complainant is the owner of Complainant's Trademarks;
- The Complainant owns multiple domain names consisting in the wording “G7”, such as <g7.fr> registered since 22 September

1999; and
- The website under the disputed domain name purports to be a Complainant’s competitor by offering taxi services.

PARTIES CONTENTIONS

COMPLAINANT:

In addition to the above factual assertions, the Complainant also contends the following:

- The disputed domain name is confusingly similar to Complainant's Trademarks;
- The Respondent is not known by the disputed domain name and has no rights or legitimate interests in respect of the disputed domain name. The Respondent is not related in any way with the Complainant and the Complainant does not carry out any activity for, nor has any business with the Respondent. Neither license nor authorization has been granted to the Respondent to make any use of the Complainant’s Trademarks, or apply for registration of the disputed domain name by the Complainant. Therefore, the Respondent has no right or legitimate interest to the disputed domain name; and

- The Respondent registered and used the disputed domain name to attract Internet users and offer possibly fraudulent services while impersonating Complainant or, at a minimum, disrupt Complainant’s business by offering services in direct competition with Complainant. Therefore, the disputed domain name was registered and is being used in bad faith by the Respondent.

RESPONDENT:

The Respondent did not provide any response to the complaint.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is identical or confusingly similar to Complainant’s Trademarks within the meaning of paragraph 4(a)(i) of the Uniform Domain Name Dispute Resolution Policy ("**UDRP**" or "**Policy**") (within the meaning of paragraph 4(a)(i) of the Policy).

For details, please see "Principal Reasons for the Decision".

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).

For details, please see "Principal Reasons for the Decision".

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).

For details, please see "Principal Reasons for the Decision".

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

Paragraph 4(a) of the Policy requires that the Complainant proves each of the following three elements to obtain an order that the disputed domain name should be transferred or revoked:

(i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights;

and

(ii) the respondent has no rights or legitimate interests in respect of the disputed domain name; and

(iii) the disputed domain name has been registered and is being used in bad faith.

The Panel will proceed to analyse whether the three elements of paragraph 4(a) of the Policy are satisfied in these proceedings.

RIGHTS

The disputed domain name is confusingly similar to Complainant's Trademarks. It contains the distinctive element of Complainant's Trademarks "G7". Addition of other descriptive and/or non-distinctive elements such as "taxi" or "Paris" is not sufficient to diminish confusing similarity of disputed domain name to Complainant's Trademarks.

For sake of completeness, the Panel asserts that the top-level suffix in the domain name (i.e. the ".com") must be disregarded under the identity / confusing similarity test as it is a necessary technical requirement of registration.

Therefore, the Panel concludes that the Complainant satisfied the requirement under paragraph 4(a)(i) of the Policy.

NO RIGHTS OR LEGITIMATE INTERESTS

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 Respondent carries the burden of demonstrating rights or legitimate interests in the disputed domain name. If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy (for example, WIPO case no. D2003-0455, Croatia Airlines d.d. v. Modern Empire Internet Ltd.).

As asserted by the Complainant (and unchallenged by the Respondent), the Respondent is not commonly known by the disputed domain name. Neither is the Respondent in any way related to the Complainant. The Respondent failed to provide any information and evidence that it has relevant rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy). Moreover, the Respondent operated a website under the disputed domain name which advertised services similar to those of the Complainant (taxi services). Such use certainly cannot establish legitimate interest of the Respondent in the disputed domain name.

Therefore, the Panel concludes that the Respondent has 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 Respondent operated a website under the disputed domain name which advertised services similar to those of the Complainant (taxi services). This clearly shows bad faith of the Respondent in registration and use of the disputed domain name as the Respondent intentionally attempted to attract, for commercial gain, Internet users to Respondent's web site by creating a likelihood of confusion with the Complainant's Trademarks as to the services on the Respondent's website. Such conduct (being considered unfair competition in many jurisdictions) is one of the model cases of bad faith in registration and use of the disputed domain name under paragraph 4(b)(iv) of the Policy.

As a result, the Panel found that the disputed domain name has been registered and is being used by the Respondent 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. **g7taxiparis.com**: Transferred

PANELLISTS

Name	**Michal Matějka**

DATE OF PANEL DECISION 2024-03-16

Publish the Decision