Decision for dispute CAC-UDRP-106364

Case number	CAC-UDRP-106364
Time of filing	2024-03-20 10:07:31
Domain names	naturalisdog.com

Case administrator

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

Complainant

Name	Ronny Waschau

Complainant representative

Name	Dr. Jasper Prigge LL.M.

Respondent

Organization	CATCHDADDY LLC

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 provides evidence that it owns a valid trademark registration of the mark Naturalis Dog (word trademark) in the European Union.

FACTUAL BACKGROUND

The domain was registered after the trademark registration was issued at the EUIPO. Date of domain registration was June 15, 2023. The trademark was registered January 11, 2020.

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). The second level of the disputed domain name is identical to Complainant's Naturalis Dog trademark.

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). The Complainant contends that Respondent has no rights or legitimate interests with respect to the disputed domain name; or, in particular, with respect to the trademark Naturalis Dog. The Complainant states that its trademark was not sub-licensed by the Complainant, and that Complainant has not permitted the Respondent to use its trademark otherwise. This sufficiently alleges, prima facia, the Respondent’s absence of rights or legitimate interests in the disputed domain name. Respondent has not appeared to rebut the allegations, and so the Panel accepts them as true.

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). The Complainant provides evidence that the webpage operated under the disputed domain name states that the disputed domain name is on sale for $4.995. Complainant contends this is in excess of Respondent's out-of-pocket costs directly related to the disputed domain name. The webpage offers the disputed domain name to the public. Complainant contends that the disputed domain name was registered primarily for the purpose of selling the disputed domain name registration to the Complainant or a competitor -- either of whom would be most interested in this disputed domain name. The Panel agrees that such use is in bad faith according to Policy, paragraph 4(b)(i).

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 disputed domain name appears to have been registered solely for the purpose of selling it to Complainant or a competitor. Respondent has not appeared to offer any evidence of legitimate use or good faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **naturalisdog.com**: Transferred

PANELLISTS

Name	**Mike Rodenbaugh**

DATE OF PANEL DECISION 2024-04-16

Publish the Decision