Decision for dispute CAC-UDRP-106399

Case number	**CAC-UDRP-106399**
Time of filing	**2024-03-28 08:46:52**
Domain names	**courironline.vip**

Case administrator

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

Complainant

Organization	**GROUPE COURIR**

Complainant representative

Organization	**NAMESHIELD S.A.S.**

Respondent

Name	**asdasd asdasd**

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:

- international trademark COURIR n° 941035 registered since September 25th, 2007;
- European figurative trademark COURIR n° 006848881 registered since April 4th, 2008;
- international figurative trademark C COURIR n° 1221963 registered since July 9th, 2014;
- European trademark COURIR n° 017257791 registered since September 27th, 2017.

The Complainant also owns the domain name <courir.com> registered since February 16th, 1998.

The disputed domain name <courironline.vip> was registered on March 23rd, 2024.

PARTIES CONTENTIONS

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

With 283 stores in France and 320 stores in Europe with the selection of sneakers, ready-to-wear and fashion accessories for men, women and children and, the Complainant has established itself as the leader in sports fashion footwear.

The disputed domain name is confusingly similar to the Complainant's trademark COURIR.

- The disputed domain name is confusingly similar to its trademark COURIR. Indeed, the domain name includes it in its entirety. The addition of the generic term "ONLINE" is not sufficient to escape the finding that the disputed domain name is confusingly similar to the trademark. It does not change the overall impression of the designation as being connected to the Complainant's trademark. Moreover, the addition of the TLD ".VIP" does not change the overall impression of the designation as being connected to Complainant's trademark. It does not prevent the likelihood of confusion between the disputed domain name and Complainant, its trademark and its domain names associated.

The Respondent has no right or legitimate interest in respect of the disputed domain name.

- 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 domain name. If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(a) (ii) of the UDRP.
- The Respondent is not identified in the Whois database as the disputed domain name. Past panels have held that a Respondent was not commonly known by a disputed domain name if the Whois information was not similar to the disputed domain name.
- The Respondent is not affiliated with nor authorized by the Complainant in any way. 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.
- Neither license nor authorization has been granted to the Respondent to make any use of the Complainant's trademark COURIR, or apply for registration of the disputed domain name by the Complainant.
- Finally, the Respondent uses the disputed domain name to disrupt Complainant's business and to attract users by impersonating the Complainant, as the Respondent identified itself as "COURIR" in the "About us" section of the website. Impersonation of a complainant, by using its trademark in a disputed domain name and seeking to defraud or confuse users, indicates a lack of rights or legitimate interests by a Respondent.

The Respondent has registered and is using the disputed domain name in bad faith.

- The Respondent has registered the disputed domain name, which is confusingly similar to Complainant's prior trademarks COURIR, many years after Complainant had established a strong reputation and goodwill in its mark.
- The Complainant's trademark COURIR is widely known. Past panels have confirmed the notoriety of the trademark COURIR (CAC Case No. 102748, GROUPE COURIR S.A. v. Florian Kamps).
- On those facts, given the distinctiveness of the Complainant's trademarks and reputation, it is reasonable to infer that the Respondent has registered the domain name with full knowledge of the Complainant's trademarks.
- Furthermore, the disputed domain name points to an online store displaying the Complainant's trademark and logo COURIR and selling namely clothes and shoes at discounted prices. Using a domain name in order to offer competing goods or services have often been held to disrupt the business of the owner of the relevant mark is bad faith.
- By using the domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other on-line location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or location or of a product or service on the respondent's website or location, as mentioned by Policy, paragraph 4(b) (iv).

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

For the Complainant to succeed it must prove, within the meaning of paragraph 4(a) of the Policy, that:

i. The 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 domain name; and
iii. The domain name has been registered and is being used in bad faith.

Identical or Confusingly Similar

The Complainant has established the fact that it has valid trademark rights for the international trademark COURIR (details provided in the Identification of rights section of the decision).

The Complainant has further established the fact that it also owns the domain name <courir.com> including the same distinctive word Ing COURIR.

The disputed domain name has been registered on March 23rd, 2024, i.e. almost 17 years after the first COURIR trademark registration, and wholly incorporates the Complainant's trademark COURIR.

The term "ONLINE" in the disputed domain name does not distinguish the disputed domain name from the Complainant's trademark. The use of this generic and descriptive term more likely strengthens the likelihood of confusion between the disputed domain name and Complainant's trademark as it could lead to the conclusion, that the disputed domain name points to the online store of the Complainant.

The addition of the top level domain ".VIP" does not change the overall impression of the designation as being connected to Complainant's trademark.

The Panel therefore considers the disputed domain name to be confusingly similar to the Complainant's trademark COURIR in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

Rights or Legitimate Interests

The Complainant has established a prima facie case (not challenged by the Respondent who did not file any response to the complaint) that the Respondent has no rights or legitimate interests in the disputed domain name.

The disputed domain name resolves to a webpage that reproduces the Complainant's trademark and seems to copy design of the Complainant's own website with the offer of the goods offered by the Complainant as well. Such use does not constitute a bona fide offering of goods and services or a legitimate noncommercial fair use. It has not been proved by the Respondent that he has rights or legitimate interests in the disputed domain name, or the Respondent is related with the Complainant. Neither license nor authorization has been proven to be granted to the Respondent to make any use of the Complainant's trademark or apply for registration of the disputed domain name.

The Panel therefore considers 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.

Registered and Used in Bad Faith

Given the distinctiveness of the Complainant's trademark and reputation it is evident that the Respondent had the Complainant and its trademark in mind when registering the disputed domain name containing the entire Complainant's trademark and (generic) term "ONLINE" referring to online presence on the internet. The Panel considers such use of the Complainant's trademark as the evidence of bad faith registration and use.

Furthermore, the website in connection with the disputed domain name resolves to a webpage with the reproduction of the Complainant's trademark and offer of the clothes and shoes at discounted prices. The incorporation of a famous trademark into a domain name, coupled with a copying the official Complainant's website in order to offer competing goods may be evidence of bad faith registration and use as well.

The Panel considers that by using the disputed domain name the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other on-line location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or location or of a product or service on the respondent's website or location.

Moreover, when registering the disputed domain name, the Respondent used obviously fake identification details as the name of the Respondent should be "asdasd asdasd" with the address "asdasd, asdasd, Afghanistan". The Panel considers such hiding of the

Respondent's identity as the evidence of bad faith registration as well.

The Panel therefore considers that 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 Panel finally considers that the Complainant has shown that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights, the Respondent has no rights or legitimate interests in respect of the disputed domain name and the disputed domain name has been registered and is being used in bad faith. The Complainant has thus established all three elements of paragraph 4(a) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **courironline.vip**: Transferred

PANELLISTS

Name	**Petr Hostaš**

DATE OF PANEL DECISION 2024-05-03

Publish the Decision