Decision for dispute CAC-UDRP-106258

Case number	**CAC-UDRP-106258**
Time of filing	**2024-03-05 09:41:01**
Domain names	**standardautoglass.com**

Case administrator

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

Complainant

Organization	**Belron International Limited**

Complainant representative

Organization	**HSS IPM GmbH**

Respondent

Organization	**DNS Admin**

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 proprietor of a number of earlier registrations of the name "Standard Auto Glass" in Canada. These include:

COUNTRY	TM	REG. NO.	REG DATE	OWNER
CANADA	STANDARD AUTO GLASS	TMA197301	1974-02-08	Belron International Limited
CANADA	STANDARD AUTO GLASS	TMA447504	1995-09-15	Belron International Limited
CANADA	STANDARD AUTOGLASS	TMA753439	2009-11-18	Belron International Limited
CANADA	STANDARD	TMA1035952	2019-07-04	Belron International

	AUTOGLASS & Design			Limited

FACTUAL BACKGROUND

Belron International Limited (the "Complainant"), based in Egham, Surrey, United Kingdom, is part of the Belron Group, the worldwide leader in vehicle glass repair and replacement. It is present in more than thirty-five countries across six continents and has approximately twenty-nine thousand employees who delivered around fifteen million jobs for its customers in 2022.

The multinational owns different brands, such as:

- STANDARD AUTO GLASS and STANDARD AUTOGLASS (used in Canada);
- CARGLASS (used in continental Europe, Africa, South America, and the Middle East);
- SAFELITE (used in the United States);
- AUTOGLASS (used in the UK, Ireland, Poland).

The brand STANDARD AUTO GLASS, owned by Complainant, has been used in vehicle glass repair and replacement since 1960. With multiple locations across Canada, including Ontario, Alberta, Prince Edward Island, and New Brunswick, STANDARD AUTO GLASS is delivering service to its customers.

The above STANDARD AUTO GLASS and STANDARD AUTOGLASS trademark registrations owned by Complainant as early as 1974 predate the registration of the disputed domain name, which was created on 05.12.2003. Due to extensive use, advertising, and revenue associated with the STANDARD AUTO GLASS and STANDARD AUTOGLASS trademarks, the Complainant enjoys a high degree of renown with consumers and businesses across Canada.

The Complainant owns the domain name with the brand STANDARD AUTOGLASS <standardautoglass.ca>, registered on 01.12.2000. The Complainant and its affiliates use the above domain name to connect to the website through which they inform customers about the STANDARD AUTO GLASS and STANDARD AUTOGLASS marks, related brands, and products and services thereof.

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

According to Paragraph 4(a) of the Policy, the Complainant is required to prove each of the following three elements to obtain an order that the disputed domain name should be transferred or cancelled:

(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.

The Panel has examined the evidence available to it and has come to the following conclusion concerning the satisfaction of the three elements of paragraph 4(a) of the Policy in this proceeding:

EARLIER RIGHTS

The disputed domain name is confusingly similar to the Complainant's trademarks and domain(s). This finding is based on the settled practice of evaluating the existence of a likelihood of confusion whilst disregarding the top-level suffix in the domain name (i.e., ".com").

Therefore, the Panel comes to the conclusion that the Complainant has satisfied the requirement under paragraph 4(a)(i) of the Policy.

NO RIGHTS OR LEGITIMATE INTERESTS

The onus to make out a prima facie case that the Respondent lacks rights or legitimate interests is placed on the Complainant. However, 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 (see e.g., WIPO case no. D2003-0455, Croatia Airlines d.d. v. Modern Empire Internet Ltd.).

The Complainant has put forward that the Respondent is not commonly known by the disputed domain name. Neither is the Respondent in any way related to the Complainant. Nor has the Respondent been granted an authorization or license to use the disputed domain name by the Complainant. This has not been contested by the Respondent. Instead, the Respondent failed to provide any information and evidence whatsoever that could have shown 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).

Therefore, the Panel concludes that the Respondent did not establish any right or legitimate interest to the disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy). The Complainant has therefore also satisfied the requirement under paragraph 4(a)(ii) of the Policy.

BAD FAITH

The Panel finds that the Complainant has established that the disputed domain name was registered by the Respondent and is being used by the Respondent in bad faith. For this purpose, the Complainant has successfully put forward prima facie evidence that the Respondent has not made use, or demonstrable preparations to use, of either the disputed domain name in connection with a bona fide offering of goods or services, or of making a legitimate non-commercial or fair use of the disputed domain name. The Respondent is also in no way commonly known under the disputed domain name. This prima facie evidence was not challenged by the Respondent.

Whether a domain name is registered and used in bad faith for purposes of the Policy may be determined by evaluating four (non-exhaustive) factors set forth in the Policy: (i) circumstances indicating that the registrant has registered or the registrant has acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the registrant's documented out-of-pocket costs directly related to the domain name; or (ii) the registrant has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding

domain name, provided that the registrant has engaged in a pattern of such conduct; or (iii) the registrant has registered the domain name primarily for the purpose of disrupting the business of a competitor; or (iv) by using the domain name, the registrant has intentionally attempted to attract, for commercial gain, Internet users to the registrant's website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the registrant's website or location or of a product or service on the registrant's website or location.

In WIPO Case No. D2019-1403 Safelite Group,Inc. v. Will Reed <safelitekc.com>, in a case dealing with the very goods and services concerned in the present case, the Panel decided as follows: "Complainant specifically states that paragraph 4(b)(iv) of the Policy is applicable here because Respondent "has used the Disputed Domain Name to redirect and divert Internet users to another website, 911-autoglass.com… [which] is used to advertise and offer goods and services that are competitive to Complainant, which primarily includes glass installation services for automotive vehicles and the sale of automotive vehicle glass installation goods, and retail store services featuring automobile glass products."

In the present case, the Complainant has put forward evidence clearly showing that the Respondent is using the disputed domain name to redirect and divert Internet users through links name "Window Glass Replacement", "Auto Glass Replacement" and "Auto Glass Windshield Replacement", thus clearly showing that the Respondent is not only aware of but exploiting the good will and reputation of the Complainant's trademarks. As set forth in Section 3.1.4 of the WIPO Overview 3.0 "redirecting the domain name to the complainant's (or a competitor's) website" supports a finding of bad faith registration and use.

In the absence of any reaction to the complaint by the Respondent and given the reputation of the Complainant and its trademarks and domain(s) as supported by the Complainant's evidence, in conjunction with the use of the domain name to redirect potential customers to competitors' websites, the Panel must conclude that the Respondent was fully aware of the Complainant's trademarks and domain name(s) "STANDARD AUTO GLASS" and "STANDARD AUTOGLASS" at the time of registering the disputed domain name <STANDARDAUTOGLASS.COM>. The Respondent provided no response to the Complaint at all and therefore provided no information, evidence or argument which could have shown good faith at the time of registering the domain or good faith use during the years the domain has been registered.

The use of a privacy service in the registration of the domain is a further indication of bad faith in this case. That the Respondent appears to have been unable to make good faith use or put forward arguments or evidence of good faith use during the years of registration shows that there seems to be no other reason for the registration than that put forward by the Panel above. Therefore, it has been established to the satisfaction of the Panel that the disputed domain name was registered and is being used in bad faith, in order to prevent the Complainant from making proper use of the mark in the disputed domain name.

Therefore, the Panel concludes that the Respondent has registered and is using the disputed domain name in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy). The Complainant has therefore also satisfied the requirement under 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. **standardautoglass.com**: Transferred

PANELLISTS

Name	**Udo Pfleghar B.A. (Melb.)**

DATE OF PANEL DECISION 2024-05-08

Publish the Decision