Decision for dispute CAC-UDRP-106464

Case number	CAC-UDRP-106464
Time of filing	2024-04-18 17:23:24
Domain names	taxiparis-g7.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	G7

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Organization	IceNetworks Ltd.

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the the Disputed Domain Name.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of the following trademarks:

- The European wordmark TAXIS G7 n°008445091, registered since July 6, 2009;
- The French combined trademark G7 n°4259547, registered on March 24, 2016;
- The European Union figurative trademark G7 n°016399263 registered on July 7, 2017.

In addition, the Complainant owns different domain names including the term G7 such as <g7.fr> registered since September 22, 1999 and <taxis-g7.com> registered since January 17, 1997.

FACTUAL BACKGROUND

FACTS PROVIDED BY THE COMPLAINANT:

Founded in 1905, G7 Group is Europe's leading cab operator, and holds the leading cab booking platform in France and Europe, with 10,000 taxis in Paris. It also provides vehicle rental and logistics services. G7 GROUP operates in more than 230 cities in France.

The Complainant is the owner of the European wordmark TAXIS G7 as well as the European figurative trademark G7 and the French combined trademark G7. In addition, the Complainant is the owner of different domain names including the term G7 such as <g7.fr> and <taxis-g7.com>.

The disputed domain name <taxiparis-g7.com> (hereinafter, the “Disputed Domain Name”) was registered on January 4, 2024 and it redirects to a website purporting to be a Complainant’s competitor by offering taxi services.

According to Complainant’s non-contested allegations, the Respondent has no rights or legitimate interest in respect of the Disputed Domain Name and he is not related in any way to the Complainant’s business.

For the purpose of this case, the Registrar confirmed that the Respondent is the current registrant of the Disputed Domain Name and that the language of the registration agreement is English.

Respondent did not reply to the Complaint.

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

PARTIES CONTENTIONS

First element: Similarity

The Complainant confirms that the Disputed Domain Name <taxiparis-g7.com> is confusingly similar to its trademarks G7® and TAXIS G7®.

The Complainant states that the addition of the term “Paris” is not sufficient to avoid the likelihood of confusion. On the contrary, the addition of the city name “Paris” to the Complainant’s trademark G7 worsens the likelihood of confusion, as it directly refers to the Complainant’s activities in this city.

Furthermore, the Complainant indicates that the gTLD is not relevant in the appreciation of confusing similarity. Finally, the Complainant’s rights over the trademark “G7” have been confirmed in previous cases.

Second element: Rights or legitimate interest

The Complainant claims that the Respondent is not known as the Disputed Domain Name. Furthermore, the Complainant confirms that the Respondent has no right or legitimate interests in respect of the Disputed Domain Name.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name and he is not related in any way with the Complainant. The Complainant does not carry out any activity for, nor has any business with the Respondent.

Moreover, the Disputed Domain Name points to a website purporting to be a Complainant’s competitor. The Complainant argues that Respondent does not use the Disputed Domain Name for any bona fide offering of goods or services, and that it does not make a legitimate non-commercial or fair use thereof. 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 in terms of the Complainant.

Third element: Bad faith

The Complainant asserts that the Disputed Domain Name is confusingly similar to the well-known trademarks G7. Moreover, the Disputed Domain Name points to a website purporting to be a Complainant’s competitor. Furthermore, the first results of an internet search for the terms "Taxis Paris G7" are related to the Complainant and its products and services. Finally, the Complainant operates widely in Europe, especially in Paris.

The Complainant asserts that Respondent registered the Disputed Domain Name with actual knowledge of Complainant’s trademarks. Besides, the Disputed Domain Name points to a website purporting to be a Complainant’s competitor. The Complainant further argues that 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.

RESPONDENT

Respondent did not reply to the Complaint.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the 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 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 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

- THE DISPUTED DOMAIN NAME IS IDENTICAL TO THE TRADEMARKS TAXIS G7® & G7® OF THE COMPLAINANT.

The Uniform Domain Name Dispute Resolution Policy (the Policy) in its Paragraph 4(a)(i) indicates the obligation of Complainant to demonstrate that the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights.

The Complainant has submitted evidence showing the ownership of the trademarks TAXIS G7® & G7®.

From the Panel's perspective, the Disputed Domain Name <taxiparis-g7.com> incorporates the trademarks TAXIS G7® & G7® in its entirety, omitting the dot and including an "S" to the term TAXI together with the city's name "PARIS". In this sense, UDRP panels agree that where the relevant trademark is recognizable within the Disputed Domain Name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element (see paragraph 1.8. of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition 3.0 ("WIPO Jurisprudential Overview 3.0.).

Lastly, the addition of the Top-Level Domain Name ".com" in a domain is considered as a standard registration requirement and, therefore, it should be disregarded under the first element confusing similarity test (see paragraph 1.11 of WIPO Jurisprudential Overview 3.0).

Therefore, the Panel concludes that the Complainant has satisfied the requirement under paragraph 4(a)(i) of the Policy and the Disputed Domain Name is confusingly similar to Complainant's mark.

- RESPONDENT'S LACK OF RIGHTS OR LEGITIMATE INTERESTS IN THE DISPUTED DOMAIN NAME.

The second element of the Policy requires that the Complainant establishes that the Respondent has no rights or legitimate interests in the Disputed Domain Name. The generally adopted approach by UDRP panels, when considering the second element, is that if a complainant makes out a prima facie case, the burden of proof shifts to the respondent to rebut it (see WIPO Jurisprudential Overview, version 3.0., paragraph 2.1).

The Complainant indicates that the Respondent is not affiliated nor authorized in any way to use the trademarks TAXIS G7® & G7®. Furthermore, the Complaint argues that it does not carry out any activity for, nor has any business with the Respondent. Finally, the Complainant has not granted a license or authorization to the Respondent to make any use of the trademarks.

From the information provided by Complainant, there is no evidence or reason to believe that the Respondent (as individual, business or other organization) has been commonly known by the Disputed Domain Name. The Respondent's name "Privacy Department/IceNetworks Ltd" provided in the Registrar's verification is all what it links the Disputed Domain Name with the Respondent. Absent of any other evidence such as a personal name, nickname or corporate identifier, the Panel is of the opinion that the Respondent is not commonly known by the Disputed Domain Name.

Moreover, the website associated with the Disputed Domain Name resolves to a website purporting to be a Complainant's competitor. Past Panels have agreed that the use of a trademark plus an additional term with a domain name cannot constitute fair use if it effectively impersonates or suggest sponsorship or endorsement by the trademark owner (see WIPO Jurisprudential Overview, version 3.0., paragraph 2.5.1). In this sense, the evidence provided by the Complainant confirms that the Respondent is using the Disputed Domain Name to offer services which look similar to those offered by the Complainant. In the absence of

Respondent's reply, this Panel is of the opinion that the registration of the Disputed Domain Name was with the intention to confuse consumers about the origin of the services as well as to generate a commercial gain. This behavior cannot be supported as fair use (see WIPO Jurisprudential Overview, version 3.0., paragraph 2.5.2).

Therefore, the Panel concludes that neither the Respondent nor the evidence establishes that the Respondent has any right or legitimate interest to the Disputed Domain Name. The Complainant has therefore also satisfied the requirement under paragraph 4(a)(ii) of the Policy.

- **THE DISPUTED DOMAIN NAME HAS BEEN REGISTERED AND IS BEING USED IN BAD FAITH IN ACCORDANCE WITH THE POLICY.**

Paragraph 4(a)(iii) of the Policy indicates that Complainant must assert that the Respondent registered and is using the Disputed Domain Name in bad faith. In this sense, Paragraph 4(b) of the Policy sets out four circumstances which if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith:

(i) circumstances indicating that the Respondent has registered or acquired the Disputed Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Disputed 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 Respondent's documented out-of-pocket costs directly related to the domain name; or

(ii) The Respondent 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 Respondent has engaged in a pattern of such conduct; or

(iii) The Respondent has registered the Disputed Domain Name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the Respondent's 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.

The evidence submitted by Complainant confirms that its trademarks TAXIS G7® & G7® are distinctive and they has a strong reputation in the cab operation and booking industry. In this vein, the Complainant referred to the UDRP CAC case No. 105542 by which the Panels confirmed the well know status of the G7® trademark. The Complainant has also provided with an internet search showing that the terms "Taxis Paris G7" are related to the Complainant and its products and services. Absent of Respondent's reply, the Panel finds that Respondent, prior to the registration of the Disputed Domain Name was aware of Complainant's trademark, in particular since the Disputed Domain Name was registered on January 4th, 2024 and Complainant's trademarks were registered long before the registration of the Disputed Domain Name.

As indicated by Complainant, the website associated with the Disputed Domain Name resolves to a website offering similar services similar as Complainant. Past panelist have found that the following types of evidence to support a finding that a respondent has registered a domain name to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the complainant's mark: (i) actual confusion, (ii) seeking to cause confusion (including by technical means beyond the domain name itself) for the respondent's commercial benefit, even if unsuccessful, (iii) the lack of a respondent's own rights to or legitimate interests in a domain name, (iv) redirecting the domain name to a different respondent-owned website, even where such website contains a disclaimer, (v) redirecting the domain name to the complainant's (or a competitor's) website, and (vi) absence of any conceivable good faith use

The current use of the Disputed Domain Name not only creates confusion but rather it redirects to a domain name to a Complainant's competitor (see paragraph 3.1.4. of WIPO Overview).

In light of the above-mentioned findings, the Panel finds that the evidence submitted by the Complainant supports the argument that by using the Disputed Domain Name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the Respondent's 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.

Therefore, the Panel concludes that Respondent registered and is using the Disputed Domain Name in bad faith and thus has 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. **taxiparis-g7.com**: Transferred

PANELLISTS

Name	**Victor Garcia Padilla**

DATE OF PANEL DECISION 2024-05-20

Publish the Decision