Decision for dispute CAC-UDRP-106468

Case number	CAC-UDRP-106468
Time of filing	2024-04-19 09:13:29
Domain names	g7-reservation.site, g7-taxi.taxi, g7-taxi.tel, taxi-g7-reserver.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	G7

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Organization	taxifrance

OTHER LEGAL PROCEEDINGS

The Panel is unaware of any other pending or decided legal proceedings in respect of the domain names <g7-reservation.site>; <g7-taxi.taxi>; <g7-taxi.tel>; and <taxi-g7-reserver.com> ('the disputed domain names').

IDENTIFICATION OF RIGHTS

The Complainant relies upon the following registered trade marks:

- EU trade mark registration no. 008445091, filed on 6 July 2009, for the word mark TAXIS G7, in classes 9, 12, 35, 37, 38, and 39 of the Nice Classification;
- French trade mark registration no. 4259547, filed on 24 March 2016, for the combined mark G7, in class 12 of the Nice Classification; and
- EU trade mark registration no. 016399263, filed on 23 February 2017, for the figurative mark G7, in classes 37, 38, and 39 of the Nice Classification.

(Hereinafter referred to as 'the Complainant's trade marks').

The disputed domain names were registered on the following dates:

- <g7-reservation.site>: 11 August 2023
- <g7-taxi.taxi>: 11 August 2023

- <g7-taxi.tel>: 11 August 2023
- <taxi-g7-reserver.com>: 28 August 2023

At the time of writing of this decision, the disputed domain names resolve to websites which appear to offer taxi services (for present purposes, 'the Respondent's websites').

FACTUAL BACKGROUND

A. Complainant's Factual Allegations

The Complainant's statements of fact can be summarised as follows:

The Complainant, founded in 1905, is Europe's leading cab operator, providing services in more than 230 cities within France and in 20 countries worldwide. The Complainant also provides vehicle rental and logistics services.

In addition to the trade mark mentioned in the section 'Identification of Rights', the Complainant also owns multiple domain names bearing the term 'G7', most notably <g7.fr> (registered in 1999) and <taxis-g7.com> (registered in 1997).

B. Respondent's Factual Allegations

The Respondent has failed to serve a Response in this UDRP administrative proceeding. Hence, the Complainant's factual allegations are uncontested.

PARTIES CONTENTIONS

A. Complainant's Submissions

The Complainant's contentions can be summarised as follows:

A.1 The disputed domain names are confusingly similar to trade marks in which the Complainant has rights

The Complainant submits that the disputed domain names are confusingly similar to the Complainant's trade marks. The addition of the terms 'reservation', 'reserver' (word 'booking' in French) or 'taxi' to the disputed domain name strings worsens the likelihood of confusion with the Complainant's trade marks. Furthermore, the generic Top-Level Domain (TLD) suffix is typically disregarded in the assessment of identity or confusingly similar under paragraph 4(a) of the UDRP Policy.

In addition, previous WIPO UDRP panels have confirmed the Complainant's rights in the trade mark G7 (G7 v yassine el khimmer, Mercury Taxi, WIPO Case No. D2024-0683; and G7 v Lahrayri, WIPO Case No. D2023-2843).

A.2 The Respondent has no rights or legitimate interests in respect of the disputed domain names

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain names. The Respondent does not carry out any activity for, or has any business with, the Complainant. Neither licence nor authorisation has been given to the Respondent to make any use of the Complainant’s trade marks, or to apply for registration of the disputed domain names on the Complainant's behalf.

The Complainant also submits that the Respondent is not known by the disputed domain names.

Lastly, the Complainant states that the Respondent's websites purport to be a Complainant's competitor, and that such use of the disputed domain names is neither bona fide nor legitimate non-commercial or fair use.

A.3 The Respondent registered and is using the disputed domain names in bad faith

A.3.1 Registration

The Complainant asserts that the Complainant's trade mark G7 is well-known and distinctive, and that its notoriety has been acknowledged in a prior CAC UDRP case, namely: CAC Case No. 105542, G7 v taxifrance (taxi france).

The Complainant further reiterates that the Respondent's websites purport to belong to a Complainant's competitor and that an Internet search would have revealed that the terms 'G7 TAXI' are related to the Complainant's and its products and services.

The Complainant therefore asserts that the Respondent has registered the disputed domain names with actual knowledge of the Complainant’s trade marks.

A.3.2 Use

The Complainant avers that the Respondent's websites purport to belong to a Complainant's competitor and that the Respondent

uses the disputed domain names to attract Internet users and offer possibly fraudulent taxi services while impersonating the Complainant (paragraph 4(b)(iv) of the UDRP Policy). Alternatively, the Complainant claims that the Respondent has attempted to disrupt the Complainant's business by offering services in direct competition with the Complainant (paragraph 4(b)(iii) of the UDRP Policy).

As additional indicia giving rise to a presumption of bad faith, the Complainant refers to the Respondent's pattern of bad faith registration given that the disputed domain names all bear the Complainant's trade marks.

The Complainant therefore concludes that the Respondent has registered and is using the disputed domain names in bad faith.

B. Respondent's Submissions

The Respondent has failed to serve a Response in this UDRP administrative proceeding. Hence, the Complainant's submissions are uncontested.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown that the disputed domain names are identical or confusingly similar to a trade mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the UDRP 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 names (within the meaning of paragraph 4(a)(ii) of the UDRP Policy).

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the disputed domain names have been registered and are being used in bad faith (within the meaning of paragraph 4(a)(iii) of the UDRP 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

A. General

Pursuant to Rule 15 of the UDRP Rules, the Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the UDRP Policy, the UDRP Rules, and any rules and principles of law that the Panel deems applicable.

Paragraph 4(a) of the UDRP Policy sets out the grounds which the Complainant must establish to succeed:

i. The disputed domain names are identical or confusingly similar to a trade mark or service mark in which the Complainant has rights;

ii. The Respondent has no rights or legitimate interests in respect of the disputed domain names; and

iii. The disputed domain names have been registered and are being used in bad faith.

It is incumbent on the Complainant the onus of meeting the above threshold. The evidentiary standard under the UDRP proceedings is the balance of probabilities and, on that basis, the Panel will now proceed to determine each of the three UDRP Policy grounds in turn.

B. Identical or Confusingly Similar

The Panel is satisfied that the Complainant has UDRP-relevant rights in the registered trade marks TAXIS G7 and G7 since 2009 and 2016, respectively.

The disputed domain names, which were all registered in 2023, are <g7-reservation.site>; <g7-taxi.taxi>; <g7-taxi.tel>; and <taxi-g7-reserver.com>. All of them incorporate the Complainant's trade mark G7 in their strings. The additional - and generic - words 'reservation', 'taxi', and 'reserver' (a French word which has the meaning of 'booking' in English) do not impact on the recognisability of the Complainant's trade marks within the disputed domain names. On the contrary, these generic terms heighten the risk of affiliation with the Complainant given that they are readily associated with the Complainant's business segment.

Moreover, whilst TLDs are typically immaterial to the assessment of identity or confusion under this UDRP Policy ground, the TLDs in this case (<.site>; <.taxi>; and <.tel>) may well enhance the link with the Complainant's trade marks and business activities.

The Panel therefore finds that the Complainant has met the requirement under paragraph 4(a)(i) of the UDRP Policy.

C. Rights or Legitimate Interests

The Panel notes that the Respondent does not appear to carry out any activity for, or have any business or relationship of any nature with, the Complainant. There is no evidence of any contractual arrangement/endorsement/sponsorship between the parties to that effect, nor has the Complainant otherwise authorised the Respondent to make any use of the Complainant's trade marks or to register the disputed domain names on the Complainant's behalf. In addition, nothing on the record suggests that the Respondent (as an individual, business, or other organisation) has been commonly known by the disputed domain names.

The Panel is likewise unconvinced that, before any notice of the dispute, the Respondent used, or made demonstrable preparations to use, the disputed domain names or a name corresponding to the disputed domain names in connection with a bona fide offering of goods or services.

The Respondent defaulted in this UDRP administrative proceeding and, consequently, has failed to refute the Complainant's prima facie case that it has met its burden under the second UDRP Policy ground. Instead, there is indicium that the Respondent may have attempted to impersonate, or take advantage from the goodwill and reputation associated with, the Complainant, as discussed in section D below.

In view of the above, the Panel finds that the Complainant has succeeded under paragraph 4(a)(ii) of the UDRP Policy.

D. Registered and Used in Bad Faith

The Panel notes a number of factors which point towards a finding of bad faith registration.

Firstly, the Complainant's trade mark TAXIS G7 predates the registration of the disputed domain names by nearly fifteen years. Secondly, the disputed domain names all bear the trade mark G7 in their strings, coupled with generic words which are immaterial to affect the recognisability of the Complainant's trade marks. In addition, the Panel notes that the Respondent has been involved in other UDRP decisions against the Complainant regarding registered domain names that were confusingly similar to the Complainant's trade marks (see CAC Case No. 105542, G7 v taxi france (taxi france); CAC Case No. 105315, G7 v taxi france (Taxi France); and G7 (SA) v Mehdi REGBAOUI, Taxi France, WIPO Case No. 2023-1313). This, together with the registration of the disputed domain names, shows the Respondent's pattern of abusive domain name registration. Thirdly, the Complainant operates its activities through the nearly identical domain names <g7.fr> and <taxis-g7.com>, both of which registered over two decades ago. Fourthly, the Respondent's name ('taxi france (regbaoui regbaoui))' and email address ('contact.taxifrance@***') on the Whois records create a strong inference that the Respondent was well aware of the Complainant's business. Therefore, the Panel has no hesitation in finding that the Respondent registered the disputed domain names with knowledge of, and intention to target, the Complainant.

With respect to the use in bad faith, the Complainant submits that the Respondent has engaged in the conduct described in paragraph 4(b)(iv) of the UDRP Policy or, alternatively, that the Respondent has attempted to disrupt the Complainant's business by offering services in direct competition with the Complainant (paragraph 4(b)(iii) of the UDRP Policy).

The Panel notes that the disputed domain names resolve to active websites which mimic some of the features and the look and feel of the Complainant's own website and appear to offer taxi services. The websites host content in French language only, while the Complainant has a rather strong presence in Paris and France more generally. In the Panel's view, the Respondent's websites carry a high risk of deceiving Internet users into a mistaken belief of affiliation or connection with the Complainant.

Having considered the available record, the Panel finds that the Respondent has attempted to suggest an affiliation with, or a connection to, or an endorsement of the Complainant or, rather likely, to impersonate the Complainant through the use of the disputed domain names. The Respondent's behaviour would therefore fall into the remit of circumstance (iv) of paragraph 4(b) of the UDRP Policy.

Accordingly, the Panel finds that the Complainant has succeeded under paragraph 4(a)(iii) of the UDRP Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **g7-reservation.site**: Transferred
2. **g7-taxi.taxi**: Transferred
3. **g7-taxi.tel**: Transferred
4. **taxi-g7-reserver.com**: Transferred

PANELLISTS

Name	**Gustavo Moser**

DATE OF PANEL DECISION 2024-05-17

Publish the Decision