Decision for dispute CAC-UDRP-106595

Case number	CAC-UDRP-106595
Time of filing	2024-06-11 08:59:08
Domain names	molgroups.com

Case administrator

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

Complainant

Organization	MOL Magyar Olaj- és Gázipari Nyilvánosan Működő Részvénytársaság

Complainant representative

Organization	OPLgunnercooke Assosiation of Law Firms

Respondent

Name	Ben Adams

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 registered owner of the following trademarks:

Trade mark no.	Mark	Jurisdiction	Registration date	Int. Classes
007085152	MOL (fig.)	European Union	June 5, 2009	4, 35, 43
018735962	MOLGROUP (fig.)	European Union	March 3, 2023	4, 39, 40
UK00916151094	MOLGROUP CARDS (fig.)	United Kingdom	May 15, 2017	4, 35, 36, 37, 43

1357012	MOLGROUP CARDS (fig.)	Bosnia and Herzegovina (BA) and Serbia (RS)	March 20, 2017	4, 35, 36, 37, 43

("**Complainant's Trademarks**")

The disputed domain name <molgroups.com> was registered on 28 May 2024.

FACTUAL BACKGROUND

As the Respondent did not file any response to the complaint, the Panel took into account the following facts asserted by the Complainant (and supported by the documentary evidence submitted by the Complainant) and unchallenged by the Respondent:

a. The Complainant is a Hungarian multinational oil and gas company headquartered in Budapest, Hungary. Complainant is the third most valuable company in Central and Eastern Europe and was ranked 402nd on the Fortune Global 500 list of the world's largest companies in 2013. Complainant is active in exploration and production, refining, distribution and marketing, petrochemicals, power generation, trading and retail. MOL Group has operations in over 50 countries and employs 25,000 people worldwide. MOL's exploration and production activities are supported by 80 years' experience in the hydrocarbon field.
b. The Complainant is the owner of Complainant's Trademarks.
c. The disputed domain name was registered on 28 May 2024 and no website is operated under the disputed domain name. However, on 30 May 2024 an email was sent from the e-mail address created under the disputed domain name to the law firm representing the Complainant in this dispute purporting to be from the Complainant's Czech subsidiary and requesting a proposal for supply of certain goods and services.

PARTIES CONTENTIONS

THE COMPLAINANT:

In addition to the above factual assertions, the Complainant also contends the following:

i. The disputed domain name <molgroups.com> only differs from Complainant's MOLGROUP mark in having an additional "s" at the end, thus it is almost identical to Complainant's MOLGROUP mark, but at least confusingly similar to the verbal element of Complainant's "MOLGROUP" registered figurative trademarks.

ii. The Respondent is not known by the Complainant. The Respondent is not affiliated with the Complainant and is not related in any way to Complainant's business. The Respondent is apparently making neither a bona fide offering of goods or services, nor a legitimate noncommercial or fair use, through the disputed domain name. Therefore, the Respondent has no right or legitimate interest to the disputed domain name.

iii. The Respondent acquired the disputed domain name with the specific purpose of targeting the Complainant and its trademarks, it's trade name and company name, as evidenced by the fraudulent e-mail purporting to be from the Czech subsidiary of the Complainant. Given the distinctiveness of Complainant's Trademarks, it is unlikely that the Respondent had no knowledge of the Complainant's Trademarks when he had registered the disputed domain name confusingly similar to such trademarks. Moreover, considering that MX servers are set for the disputed domain name, it is inconceivable that the Respondent makes any good faith use of the disputed domain name as part of an e-mail address.

For these reasons the Complainant believes that it satisfies all requirements under the Uniform Domain Name Dispute Resolution Policy ("**UDRP**" or "**Policy**") for transfer of the disputed domain name to the Complainant.

THE RESPONDENT:

The Respondent did not provide any response to the complaint.

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).

For details, please see "Principal Reasons for the Decision".

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).

For details, please see "Principal Reasons for the Decision".

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).

For details, please see "Principal Reasons for the Decision".

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

Paragraph 4(a) of the Policy requires that the Complainant proves each of the following three elements to obtain an order that the disputed domain name should be transferred or cancelled:

(i) the disputed 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 disputed domain name; and

(iii) the disputed domain name has been registered and is being used in bad faith.

The Panel will now analyse whether the three elements of paragraph 4(a) of the Policy are satisfied in these proceedings.

IDENTITY / CONFUSING SIMILARITY

The disputed domain name is confusingly similar to Complainant’s MOLGROUP Trademarks as it contains the element “Molgroup” and mere addition of plural suffix "s” is not sufficient to distinguish the disputed domain name from Complainant’s Trademarks.

In line with the long-established UDRP practice the Panel also concludes that the top-level suffix in the domain name (i.e. the ".com") must be disregarded under the identity / confusing similarity test as it is a necessary technical requirement of registration.

Therefore, the Panel concludes that the Complainant satisfied the requirement under paragraph 4(a)(i) of the Policy.

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant is required to make out a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. 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 (please see, for example, WIPO case No. D2003-0455, Croatia Airlines d.d. v. Modern Empire Internet Ltd. <croatiaairlines.com>).

As asserted by the Complainant (and unchallenged by the Respondent), the Respondent is not commonly known by the disputed domain name. Neither is the Respondent in any way related to the Complainant. No website is operated under the disputed domain name. The Respondent failed to provide any information and evidence 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 in the disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy).

BAD FAITH

The Panel noted that the Complainant is a well-known company at least in Europe where the Respondent allegedly resides. Thus, given the distinctiveness of the Complainant's Trademarks and Complainant's reputation, the Panel agrees with the Complainant that the Respondent has registered the disputed domain name with full knowledge of the Complainant's Trademarks, and therefore could not ignore the Complainant. In this respect, the Panel also deems appropriate to refer to paragraph 2 of the Policy under which it is the responsibility of the Respondent as the registrant of the disputed domain name to determine whether its registration infringes or violates someone else's rights. Moreover, the Respondent has already used the disputed domain name for clearly fraudulent purpose of sending an email purporting to be from the Czech subsidiary of the Complainant.

In the light of the above circumstances the Panel failed to find any plausible good faith reasons for registration and use of the disputed domain name by the Respondent. The Respondent has not submitted any response to the Complaint and therefore has not presented any facts or arguments that could counter the above conclusions of the Panel. As a result, the Panel holds that the disputed domain name has been registered and used by the Respondent in bad faith (within the meaning of 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. **molgroups.com**: Transferred

PANELLISTS

Name	**Michal Matějka**

DATE OF PANEL DECISION 2024-07-05

Publish the Decision