Decision for dispute CAC-UDRP-106573

Case number	CAC-UDRP-106573
Time of filing	2024-05-31 09:16:02
Domain names	infomaconnect.com

Case administrator

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

Complainant

Organization	Informa Connect Limited

Complainant representative

Organization	Stobbs IP Ltd

Respondent

Name	Carolina Rodrigues

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 bases its Complaint on several INFORMA trademarks which are registered in the name of companies from the Complainant's group, among which:

- US trademark "INFORMA", no. 3222761, registered on 27 March 2007, for services in class 38;
- UK trademark "INFORMA", no. UK00908617045, registered on 26 March 2013, for goods and services in classes 16, 35, 41;
- European Union trademark "INFORMA", no. 008617045, registered on 26 March 2013, for goods and services in classes 16, 35, 41.

FACTUAL BACKGROUND

The Complainant is the subsidiary of an international publishing and events group. The Complainant's parent, Informa PLC was incorporated in 1998. For the financial year ending 31 December 2023, the Parent's underlying operating profit was £854 million.

The Complainant's parent business-to-business (B2B) markets include INFORMA MARKETS, INFORMA CONNECT, INFORMA TECH and INFORMA INVESTMENTS. INFORMA CONNECT market creates live and on-demand experiences based on unique content and platforms that enable professionals in a specialist market to meet, network, discuss and learn.

Companies from the Complainant's group hold several domain names which contain the mark INFORMA or the denomination INFORMA CONNECT, among which also the domain name <informaconnect.com>, registered on 11 January 2019, which is used by the Complaint for the purposes of an active website that promotes the INFORMA CONNECT business division and INFORMA mark as early as 29 February, 2000, providing information about the Complainant's activities, such as its further business divisions, investor relations, media and opportunities for its employees.

In 2023, the INFORMA CONNECT market generated £581m in revenue, and has supported over 50,000 meetings for 25 years. Brands operating under the INFORMA CONNECT market include BIO-EUROPE, FUNDFORUM INTERNATIONAL and CATERSOURCE. The Complainant is noted for its leading industry events through its subsidiaries, such as SUPERRETURN in private capital, the National Restaurant Association Show, and FanExpo – the largest comic con event producer in the world.

The Complainant's group owns several INFORMA trademarks, among which, a few were cited above.

The disputed domain name <infomaconnect.com> was registered on 23 April 2024 and resolved at the time when the Complaint was filed to a website displaying pay-per-click ("PPC") advertisements.

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.

The Complainant's contentions are the following:

The disputed domain name <infomaconnect.com> is confusingly similar to the Complainant's earlier trademark INFORMA, that the Respondent lacks rights or legitimate interests in the disputed domain name for a number of reasons and that the disputed domain name was registered and is being used in bad faith.

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

1. Confusing Similarity

The Panel agrees that the disputed domain name <infomaconnect.com> is confusingly similar to the Complainant's group earlier trademark INFORMA and also with the earlier domain name <informaconnect.com> used by the Complainant. The disputed domain name <infomaconnect.com > represents a typosquatting version of the earlier trademark INFORMA, reproducing this trademark with

the omission of letter “R”, using identically after the typosquatting version of the mark INFORMA, the denomination “connect”, which is present within the earlier domain name used by the Complainant. Moreover, the denomination “INFORMA CONNECT” corresponds to a business division of the Complainant and of the Complainant’s group. This is not sufficient to escape the finding that the disputed domain name is confusingly similar to the Complainant's group earlier trademark and it does not change the overall impression of the designation as being connected to the trademark INFORMA.

A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. This stems from the fact that the domain name contains sufficiently recognizable aspects of the relevant mark, as is this case. (WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Jurisprudential Overview 3.0"), point 1.9).

Moreover, the extension “.com” is not to be taken into consideration when examining the similarity between the Complainant’s group trademark and the disputed domain name (WIPO Case No. D2005-0016, Accor v. Noldc Inc.). The mere adjunction of a gTLD such as “.com” is irrelevant as it is well established that the generic Top Level Domain is insufficient to avoid a finding of confusing similarity (WIPO Case No. 2013-0820, L’Oréal v Tina Smith, WIPO Case No. D2008-0820 Titoni AG v Runxin Wang and WIPO Case No. D2009-0877, Alstom v. Itete Peru S.A.).

Therefore, the Panel is satisfied that the first condition under the Policy is met.

2. Lack of Respondent's rights or legitimate interests

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 burden of proof shifts to the respondent to come forward with appropriate allegations or evidence demonstrating rights or legitimate interests in the disputed domain name. If the respondent fails to come forward with such appropriate allegations or evidence, a complainant is generally deemed to have satisfied paragraph 4(a)(ii) of the Policy.

Based on the available evidence, the Respondent does not appear to be known by the disputed domain name as such is not identified in the WHOIS database as the disputed domain name.

Based on the available evidence, at the time when the Complaint was filed, the disputed domain name resolved to a website displaying PPC advertisements. Such use does not amount to a bona fide offering of goods or services, or to a legitimate noncommercial or fair use of the disputed domain name.

The Panel notes that the Respondent had an opportunity to comment on the Complaint’s allegations by filing a Response, which the Respondent failed to do.

Thus, the Panel is satisfied that the Complainant has at least established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. Accordingly, the Panel takes the view that also the second requirement under the Policy is met.

3. Bad Faith

Based on the available evidence, the Complainant's group trademarks INFORMA predate the registration date of the disputed domain name. Moreover, an online search in respect of the wording “INFORMA CONNECT” shows references to the Complainant and the Complainant’s group. Thus, the Respondent has chosen to register the disputed domain name representing a typosquatting version of the Complainant’s group INFORMA trademark in order to create a confusion with such trademark and with the Complainant’s INFORMA CONNECT business division. Therefore, the Panel concludes that at the time of registration of the disputed domain name, the Respondent was well aware of the Complainant’s group earlier trademark and has intentionally registered one in order to create confusion with such trademark and with the Complainant’s INFORMA CONNECT business division.

In the present case, the following factors should be considered:

(i) the Complainant's group trademarks INFORMA predate the registration date of the disputed domain name;

(ii) the Respondent failed to submit any response and has not provided any evidence of actual or contemplated good faith use of the disputed domain name;

(iii) the Respondent registered the disputed domain name representing a typosquatting version of a registered trademark in order to create a confusion with such trademark and with the Complainant’s INFORMA CONNECT business division;

(iv) at the time when the Complaint was filed, the disputed domain name resolved to a website displaying PPC advertisements. Considering the above, in the Panel’s view, it is inconceivable that the Respondent will be able to make any good faith use of the disputed domain name.

In light of the foregoing, the Panel concludes that the Respondent has registered and has been using the disputed domain name in bad faith. Thus, also the third and last condition under the Policy is satisfied.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **infomaconnect.com**: Transferred

PANELLISTS

Name	**Delia-Mihaela Belciu**

DATE OF PANEL DECISION 2024-07-09

Publish the Decision