Decision for dispute CAC-UDRP-106586

Case number	CAC-UDRP-106586
Time of filing	2024-06-04 16:40:57
Domain names	webedia-groupe.com

Case administrator

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

Complainant

Organization	WEBEDIA

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Organization	wedbest

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 owns several trademarks including the wording “WEBEDIA”, such as the international trademark WEBEDIA No. 1330451 registered on May 23, 2016, and several domain names including the term “WEBEDIA” such as <webedia-group.com> registered on December 5, 2014.

FACTUAL BACKGROUND

Founded in 2007, The Complainant is a French media-tech and a world-leading actors in online entertainment.

With a presence in over 15 countries, the Complainant's activities revolve around content distribution, brand and media publishing, creator management and audiovisual production. The Complainant has over 250 million viewers worldwide every month.

The disputed domain name <webedia-groupe.com> was registered on April 30, 2024 and is inactive. The disputed domain name resolves to an inactive page and it has been used in a phishing scheme.

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 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 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 these proceedings:

RIGHTS

The Complainant has established rights in the name WEBEDIA. The disputed domain name <webedia-groupe.com> is confusingly similar to the Complainant’s trademark and company name.

This finding is based on the settled practice in evaluating the existence of a likelihood of confusion of:

a) disregarding the top-level suffix in the domain names (i.e. “.com") in the comparison; and

b) finding that the simple addition of a generic term such as "groupe" (French for the English word "group") would not be considered sufficient to distinguish a domain name from a trademark. The word simply refers to the fact that this is a group of companies identified under the umbrella of WEBEDIA. In fact, the disputed domain name is almost identical to the Complainant's domain "webedia-group.com". The words "group" or "groupe" are neither distinctive nor dominant and do not serve to avoid a likelihood of confusion. The word "webedia" on the other hand has no meaning and is highly distinctive.

The disputed domain name is therefore found to be confusingly similar to the earlier rights in the name WEBEDIA and the Panel concludes 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 on the Complainant. However, once such a 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.

The Respondent has no rights or legitimate interests in the disputed domain name. The Complainant and the Respondent have never had any previous relationship, nor has the Complainant ever granted the Respondent any rights to use the WEBEDIA trademark in any form, including in the disputed domain name. The disputed domain name resolves to an inactive page but has been used in a phishing scheme as has been demonstrated by the Complainant. A bona fide offering or good faith use of the disputed domain name cannot be detected. There is no available evidence that the Respondent engages in, or has engaged in any activity or work, i.e., legitimate or fair use of the disputed domain name, that demonstrates a legitimate interest in the disputed domain name, so that there is nothing that could be interpreted as rights or legitimate interests of the Respondent.

The Respondent was given an opportunity to present arguments relating to rights or legitimate interests in the disputed domain name but has failed to do so. This behavior, coupled with use of the disputed domain name for a phishing scheme demonstrates the Respondents' absence of rights or legitimate interests in respect of the disputed domain name.

The Panel therefore concludes that the Respondent did not refute the Complainant's prima facie case and has not established any rights or legitimate interest in 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.

The name WEBEDIA is distinctive and well known in numerous countries. Since the name has no meaning, any, including the most basic Google search in respect of the letter combination WEBEDIA would have yielded obvious references to the Complainant. There is no evidence at all of any actual or contemplated good-faith use of the disputed domain name.

The Respondent has used the domain name for phishing purposes. Clearly, the goal was to create confusion in the minds of the users. Therefore, this registration can only be viewed as an attempt to exploit the goodwill vested in the trademark by attracting Internet users and confusing them to the extent that they would believe that a website connected to the disputed domain name offers the services of an entity that is affiliated to the Complainant.

No other reason for registering a domain name so closely resembling the name WEBEDIA appears even remotely feasible. The fact that the company was founded and has its headquarters in France and the use of the trademark of the Complainant together with the French word "groupe" by the Respondent is a further indication that he was very much aware of the company at the time of registration of the domain.

The Panel therefore 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. **webedia-groupe.com**: Transferred

PANELLISTS

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

DATE OF PANEL DECISION 2024-07-10

Publish the Decision