Decision for dispute CAC-UDRP-106569

Case number	CAC-UDRP-106569
Time of filing	2024-05-31 09:43:56
Domain names	jewelrychanel.com

Case administrator

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

Complainant

Organization	Chanel, Inc.

Complainant representative

Organization	SILKA AB

Respondent

Organization	Spoty Ace Ltd

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 numerous trademarks for "CHANEL", including US trademark registration no. 195,360 "CHANEL", registered on 24 February 1925 (hereinafter referred to as the "Trademark").

FACTUAL BACKGROUND

The Complainant is a subsidiary of the Chanel Group, a world leader in creating, developing, manufacturing, and distributing luxury products. Founded by Gabrielle Chanel at the beginning of the last century, the Chanel Group offers a wide range of high-end creations, including ready-to-wear leather goods, fashion accessories, eyewear, fragrances, make-up, skincare, jewellery, and watches. At the end of 2021, the Chanel Group reported global revenues of USD 15.6 billion and employed over 28,500 people worldwide.

The disputed domain name was registered on 17 January 2024 and was used in connection with an active website featuring jewellery products such as rings and bracelets.

PARTIES CONTENTIONS

COMPLAINANT:

The Complainant alleges that the disputed domain name is confusingly similar to the Trademark as the second level of the domain name consists entirely of the Trademark, preceded only by the term ‘jewelry’, and as the Trademark remains clearly recognisable in the disputed domain name’s string.

The Complainant further submits that the Respondent has no rights or legitimate interests in the disputed domain name. In particular, the Complainant alleges that the Respondent has no trademark rights in "chanel," "jewelrychanel," or any similar term and is not known by such name; that the Respondent is not affiliated with or connected to the Complainant and has not received any license or consent to use the trademark in any way; and that the Respondent has not used or prepared to use the disputed domain name in connection with a bona fide offering of goods or services or a legitimate non-commercial or fair use.

Finally, the Complainant alleges that the disputed domain name has been registered and is being used in bad faith. With respect to bad faith registration, Complainant alleges that it has built substantial goodwill and recognition in the Trademark, which has been registered for more than 90 years; that Complainant is widely known and has a significant online presence, with tens of millions of followers on CHANEL-branded social media accounts; and that previous UDRP panels have repeatedly recognized the reputation and well-known nature of the Trademark. As a result, the Respondent must have been aware of the Complainant and the Trademark. As to bad faith use, the Complainant alleges that the Respondent has intentionally attempted to attract Internet users for commercial gain by creating a likelihood of confusion with the Trademark.

RESPONDENT:

The Respondent filed a timely Response. It submits that the disputed domain name was not registered with the intention of infringing or capitalising on the Trademark but for use in connection with the Respondent's e-commerce business. It states that the registration was made in good faith with no intention to mislead or confuse customers and that there was no attempt to divert traffic or create an association with the Trademark. It stated that it would no longer use the domain name.

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. The Panel notes that the Complainant offered to terminate the proceeding if the Respondent agreed to transfer the disputed domain name to the Complainant and signed the standard settlement form. The Respondent did not respond to the Complainant's communications or to the relevant requests of the Czech Arbitration Court. Therefore, the Complainant paid the additional filing fee and the Panel was appointed. On 2 July 2024, the Respondent filed another non-standard communication stating "hello , i confirm moving the domain ". However, it still did not provide the signed standard settlement form requested by the Complainant.

PRINCIPAL REASONS FOR THE DECISION

Paragraph 4(a) of the Policy requires the Complainant to establish each of the following three elements:

(i) the disputed domain name is identical or confusingly similar to the Complainant's trademark; 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.

1. The Panel accepts that the disputed domain name is confusingly similar to the Trademark because the Trademark is recognizable in the disputed domain name. It is well established that a domain name that fully incorporates a trademark may be confusingly similar to such a trademark within the meaning of the Policy despite the addition of generic terms such as "jewelry".

2. The Complainant has substantiated that the Respondent has no rights or legitimate interests in the disputed domain name. The Panel finds that the Complainant has fulfilled its obligations under paragraph 4(a)(ii) of the Policy. The Respondent argued that it had registered the disputed domain name for use in connection with its e-commerce business.

Based on the evidence on file, the Panel cannot find any rights or legitimate interests of the Respondent. In particular, the Respondent's website does not meet the Oki Data criteria because, at a minimum, the Respondent has not disclosed its complete lack of relationship or connection with the Complainant. In addition, neither party claims that genuine products are offered on the Respondent's website. on the website. As a result, the Panel considers that the Respondent's website was a clear cut trademark infringement and that the Complainant has established that the Respondent has no rights or legitimate interests in respect of the disputed domain name under paragraphs 4(a)(ii) and 4(c) of the Policy.

3. The Panel is satisfied that the Respondent registered the disputed domain name with full knowledge of the Complainant and the Complainant's rights in the Trademark as the Trademark is well-known. Furthermore, given the fact that the Respondent offers jewellery, which is one of the Complainant's core products, it is obvious that the Respondent, as a direct competitor of the Complainant, must have known about the Complainant and its well-known Trademark. The Respondent has also not denied knowledge of the Trademark.

As to bad faith use, by using the disputed domain name in connection with a website mentioned above, the Respondent has, in fact, diverted traffic intended for the Complainant’s website to its own for commercial gain as set out under paragraph 4(b)(iv) of the Policy. The Respondent claimed that the disputed domain name was not registered with the intent to infringe or capitalise on the trademark, but for use in connection with the Respondent's e-commerce business. However, the Panel found that there had been an actual infringement of the Complainant's rights. The Respondent's asserted good faith in this respect cannot help to avoid a finding of bad faith use.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **jewelrychanel.com**: Transferred

PANELLISTS

Name	**Peter Müller**

DATE OF PANEL DECISION 2024-07-25

Publish the Decision