

Decision for dispute CAC-UDRP-106649

Case number	CAC-UDRP-106649
Time of filing	2024-06-27 09:41:58
Domain names	g7taxi-paris-service.com

Case administrator

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

Organization	G7
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Complainant representative

Organization	NAMESHIELD S.A.S.
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Respondent

Organization	pierre delino (pierre delino)
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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 has submitted evidence, which the Panel accepts, showing that it is the registered owner of the trademarks bearing "G7", *inter alia*, the following:

- European Union trademark "TAXIS G7" n° 008445091, registered on July 6, 2009;
- European Union trademark "G7" n° 016399263, registered on July 7, 2017;
- France trademark "G7" n° 4259547, registered on March 24, 2016;

The Complainant also owns several domain names containing "G7", including the following: <g7.fr> registered on September 22, 1999 and <taxis-g7.com> registered on January 17, 1997.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

G7 Group, founded in 1905, is Europe's leading cab operator and holds the leading cab booking platform in France and Europe, with 10,000 affiliated cabs. It also provides vehicle rental and logistics services. G7 Group covers over 20 countries and over 230 cities in France, transporting over 33 million people each year.

The Complainant owns a large portfolio of trademarks including the wording "G7", such as the European trademark TAXIS G7 n°008445091, registered since July 6, 2009; the French trademark G7 n°4259547, registered on March 24, 2016; and the European Union trademark G7 n°016399263, registered on July 7, 2017.

Furthermore, the Complainant owns multiple domain names consisting of the wording "G7", such as <g7.fr> registered since September 22, 1999, and <taxis-g7.com> registered since January 17, 1997.

The disputed domain name <g7taxi-paris-service.com> was registered on June 18, 2024, and redirects to a website purporting to be a competitor by offering taxi services. Additionally, MX servers are configured.

PARTIES CONTENTIONS

COMPLAINANT:

THE DISPUTED DOMAIN NAME IS CONFUSINGLY SIMILAR

The Complainant states that the disputed domain name <g7taxi-paris-service.com> is confusingly similar to its trademarks "G7" and "G7 TAXIS", as the trademark "G7" is identically reproduced and the addition of the terms "PARIS" and "SERVICE" is not sufficient to avoid the likelihood of confusion. The Complainant refers to a previous case where it was stated that "a domain name that wholly incorporates a Complainant's registered trademark may be sufficient to establish confusing similarity for purposes of the UDRP" (WIPO Case No. D2003-0888, Dr. Ing. h.c. F. Porsche AG v. Vasily Terkin).

The Complainant argues that the addition of the term "PARIS" reinforces the risk of confusion as it refers to one of the Complainant's main places of activity. Moreover, the Complainant notes that past panels have commonly stated that the gTLD is not relevant in the appreciation of confusing similarity (WIPO Case No. D2006-0451, F. Hoffmann-La Roche AG v. Macalve e-dominios S.A.: "It is also well established that the specific top level of a domain name such as ".com", ".org" or ".net" does not affect the domain name for the purpose of determining whether it is identical or confusingly similar.").

The Complainant states that the rights over the trademark "G7" have been confirmed in previous cases (WIPO Case No. D2024-0683, G7 v. yassine el khimmer, Mercury Taxi <taxig7-reservations.com>; WIPO Case No. D2023-2843, G7 v. Lahrayri <taxig7parisien.com>). Thus, the Complainant asserts that the disputed domain name is confusingly similar to the Complainant's trademark.

NO RIGHTS OR LEGITIMATE INTERESTS IN RESPECT OF THE DISPUTED DOMAIN NAME

The Complainant asserts that the Respondent has no rights or legitimate interests in the domain name <g7taxi-paris-service.com>. According to WIPO Case No. D2003-0455, Croatia Airlines d.d. v. Modern Empire Internet Ltd., the Complainant is required to make out a prima facie case that the Respondent lacks rights or legitimate interests. Once such a prima facie case is established, the burden of proof shifts to the Respondent to demonstrate any rights or legitimate interests in the domain name. If the Respondent fails to meet this burden, the Complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy.

The Complainant contends that the Respondent is not known by the disputed domain name. Previous panels have held that a Respondent was not commonly known by a disputed domain name if the WHOIS information did not match the domain name (e.g., Forum Case No. FA 1781783, Skechers U.S.A., Inc. and Skechers U.S.A., Inc. II v. Chad Moston / Elite Media Group).

The Complainant further claims that the Respondent has no rights or legitimate interests in respect of the domain name and is not related to the Complainant. The Complainant asserts that no business or license has been granted to the Respondent to use its trademark or register the disputed domain name. Additionally, it was stated that the disputed domain name points to a website offering competing services.

The Complainant contends that the domain name was registered to create confusion with the Complainant and its trademarks and by using a domain name that incorporates the Complainant's trademark, the Respondent aims to benefit from the Complainant's reputation and offer competing services. It is asserted that the use of a confusingly similar domain name that resolves to a competing website is not considered a bona fide offering of goods or services and this position is supported by previous cases (e.g., Forum Case No. FA 1654759, Upwork Global Inc. v. Shoaib Malik; Forum Case No. FA 1796494, Bittrex, Inc. v. Monty Rj / Media Hub).

The Complainant has made a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name. The evidence presented suggests that the burden of proof now shifts to the Respondent to demonstrate their legitimate interest, which they have failed to do. Consequently, the Complainant asserts that due to the Respondent's lack of legitimate rights and interests, the conditions set out in paragraph 4(a)(ii) of the Policy have been met.

THE DISPUTED DOMAIN NAME WAS REGISTERED AND IS USED IN BAD FAITH

The Complainant asserts that the disputed domain name <g7taxi-paris-service.com> was registered and is being used in bad faith. The Complainant argues that the domain name is confusingly similar to the well-known trademark "G7", as it is identical in reproduction. The Complainant cites CAC Case No. 105542, G7 v. taxi france, which concluded that the Complainant's "G7" trademark is distinctive and well-known, indicating that the Respondent was aware of the Complainant's trademarks at the time of registration.

Additionally, it is stated that the disputed domain name points to a website that appears to be a competitor of the Complainant, offering competing taxi services. The Complainant also contends that initial search results for "G7 TAXI PARIS SERVICE" relate to the Complainant and its products and services, suggesting that the Respondent had actual knowledge of the Complainant's trademarks. The Complainant argues that such actual knowledge can support a claim of bad faith registration.

The Complainant contends that the Respondent registered and uses the disputed domain name to attract Internet users and offer potentially fraudulent services, or at the very least, to disrupt the Complainant's business by offering competing services.

Furthermore, the disputed domain name is set up with MX records, indicating potential use for e-mail purposes. The Complainant cites CAC Case No. 102827, JCDECAUX SA v. Handi Hariyono, where the presence of MX records suggested that the domain might be used for e-mail, further supporting the claim of bad faith.

Based on these grounds, the Complainant concludes that the Respondent has registered and is using the disputed domain name in bad faith.

RESPONDENT:

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

Paragraph 15 of the Rules provides that the Panel is to decide the Complaint on the basis of the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

In this context, the Panel also notes that the burden of proof is on the Complainant to make out its case and past UDRP panels have consistently said that a Complainant must show that all three elements of the Policy have been made out before any order can be made to transfer a domain name.

For the Complainant to succeed it must prove, within the meaning of paragraph 4(a) of the Policy, that:

- the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- the disputed domain name has been registered and is being used in bad faith.

The Panel will therefore deal with each of these requirements in turn.

1. IDENTICAL OR CONFUSINGLY SIMILAR

The Policy simply requires the Complainant to demonstrate that the disputed domain name is identical or confusingly similar to a trademark in which the Complainant has rights. The Panel is satisfied that the Complainant is the owner of the registered “G7” and “TAXIS G7” trademarks.

The Panel finds that the disputed domain name is confusingly similar to the Complainant’s “G7” and “TAXIS G7” trademarks and the addition of the terms “PARIS” and “SERVICE” is not sufficient to vanish the similarity, as the trademark is clearly recognizable in the disputed domain name.

Moreover, the addition of the gTLD “.COM” is not enough to abolish the similarity.

The Panel is of the opinion that the Internet users will easily fall into false impression that the disputed domain name is an official domain name of the Complainant. The Panel recognizes the Complainant's rights and concludes that the disputed domain name is confusingly similar with the Complainant's trademark. Therefore, the Panel concludes that the requirements of paragraph 4(a)(i) of the Policy are met.

2. NO RIGHTS OR LEGITIMATE INTERESTS

Under paragraph 4(a)(ii) of the Policy, the complainant has the burden of establishing that the respondent has no rights or legitimate interests in respect of the domain name.

It is open to a respondent to establish its rights or legitimate interests in a domain name, among other circumstances, by showing any of the following elements:

- (i) before any notice to the respondent of the dispute, the use or making demonstrable preparations to use the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or
- (ii) the respondent of the dispute (as an individual, business, or other organization) has been commonly known by the domain name, even if it has acquired no trademark or service mark rights; or
- (iii) the respondent of the dispute is making a legitimate non-commercial or fair use of the domain name, without an intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

Thus, if the respondent proves any of these elements or indeed anything else that shows that it has a right or legitimate interest in the disputed domain name, the complainant will have failed to discharge its burden of proof and the complaint will fail. The burden is on the complainant to demonstrate a prima facie case that the respondent does not have rights or legitimate interests in the disputed domain name. Once the complainant has made out a prima facie case, then the respondent may, inter alia, by showing one of the above circumstances, demonstrate rights or legitimate interests in the disputed domain name.

The Complainant argues that the Respondent has no rights or legitimate interests in the domain <g7taxi-paris-service.com>. The Panel is satisfied that the Complainant’s “G7” and “TAXIS G7” trademarks are well-known and the Complainant has been using its trademark for many years, while the Respondent registered the disputed domain name recently without authorization.

In the absence of a response, the Panel accepts the Complainant’s allegations as true that the Respondent has no authorization to use the Complainant’s trademark in the disputed domain name.

Hence, as the Complainant has made out its prima facie case, and as the Respondent has not demonstrated any rights or legitimate interests as illustrated under paragraph 4(c) of the Policy, nor has the Panel found any other basis for finding any rights or legitimate interests of the Respondent in the disputed domain name, the Panel concludes that the Complainant has satisfied the requirements of paragraph 4(a)(ii) of the Policy.

3. BAD FAITH

The Panel concludes that the Complainant's “G7” trademark is of distinctive character and is well-known in its sector. Therefore, the Panel is of the opinion that due to the earlier rights of the Complainant in well-known “G7” and “TAXIS G7” trademarks, the Respondent, was aware of the Complainant and its trademarks at the time of registration of the disputed domain name (see e.g., *Ebay Inc. v. Wangming*, WIPO Case No. D2006-1107). Referring to *Parfums Christian Dior v. Javier Garcia Quintas and Christiandior.net*, WIPO Case No. D2000-0226, the Panel believes that the awareness of the Complainant’s trademark at the time of the registration of the disputed domain name is to be considered an inference of bad faith registration.

Besides, the term “TAXI” pertains to the Complainant’s core business and prompts consumers to associate the disputed domain name with the Complainant. Thus, simply adding the non-distinctive word “TAXI” to the well-known “G7” trademark does not eliminate the

similarity and may even enhance it, given its connection to the Complainant's main area of activity. The disputed domain name is nearly identical to the Complainant's trademark "TAXIS G7," leading the Panel to believe that Internet users are likely to mistakenly think that the domain name is officially affiliated with the Complainant. Additionally, the addition of the terms "PARIS" and "SERVICE" does not sufficiently mitigate the risk of confusion. In fact, the term "PARIS" reinforces the risk, as it refers to one of the Complainant's main places of activity.

Moreover, the link <g7taxi-paris-service.com> is currently active and redirects to a website that claims to be a competitor of the Complainant by offering taxi services. The domain also has MX servers configured, which suggests it may be used for e-mail purposes. This setup could mislead consumers into thinking that the Respondent is affiliated with the Complainant and may result in consumers ordering services through the disputed domain name's website. The Panel considers that this may be evaluated under (iv) of paragraph 4(b), which is as follows: by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the respondent's website or location.

Therefore, in light of the above-mentioned circumstances in the present case, the Panel finds that the disputed domain name has been registered and is being used in bad faith and that the Complainant has established the third element 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. **g7taxi-paris-service.com**: Transferred

PANELLISTS

Name	Mrs Selma Ünlü
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DATE OF PANEL DECISION	2024-08-02
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Publish the Decision
