Decision for dispute CAC-UDRP-106797

Case number	CAC-UDRP-106797
Time of filing	2024-08-14 15:04:39
Domain names	the8advisory.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	EIGHT ADVISORY

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Organization	The Eight Consulting

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 proved to own the following trademark rights:

- International trademark “EIGHT ADVISORY” n° 1025536 dated September 25, 2009, duly renewed ;
- International trademark “8 ADVISORY” n° 1050812 dated April 21, 2010, duly renewed;
- International trademark “8 EIGHT ADVISORY + logo” n° 1042821 dated April 21, 2010, duly renewed.

The Complainant also owns the domain name <8advisory.com>, registered since July 31, 2009.

The Complainant submitted the following documents to prove the abovementioned facts:

- Information regarding the Complainant
- Complainant’s trademarks
- Complainant’s domain name
- Whois of disputed domain name
- Screenshot of the Respondent’s website
- Google search regarding “The 8 Advisory”
- Search on the company database for the Dubai Chambers Directory.

FACTUAL BACKGROUND

The Complainant is “EIGHT ADVISORY,” an advisory firm specializing in financial, strategic, and operational consulting for managers, investors, and banks

The Complainant is a founding member of the organization Eight International, acting in over 30 countries on all continents for transactions, restructuring, or transformation projects.

The Complainant’s website is https://www.8-international.com/

The Respondent registered the disputed domain name <the8advisory.com> on August 6th, 2024, which directs to a website offering financial, strategic, and operational consultancy services to companies seeking to expand their business to Dubai under the name “The Eight Consulting.”

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

Identity (paragraph 4(a)(i) of the Policy)

The Panel finds the domain name <the8advisory.com> is confusingly similar to the Complainant’s EIGHT ADVISORY and 8 ADVISORY trademarks.

Firstly, the Complainant’s 8 ADVISORY trademark is incorporated in the disputed domain name in its entirety.

Secondly, in the Panel’s opinion, the mere addition of the article “the” and of the extension “.com” does not prevent the similarity between the Complainant’s trademarks and the aforementioned domain name as it refers to the Complainant’s trademarks EIGHT ADVISORY, 8 ADVISORY, and 8 EIGHT ADVISORY. Thus, the Panel finds that disputed domain name is confusing and does not provide additional specification or sufficient distinction from the Complainant or its mark.

Absence of Rights or Legitimate Interests (paragraph 4(a)(ii) of the Policy).

The Complainant asserts that the Respondent has never been granted a license or, in any other way, been authorized to register the disputed domain name. In addition, the Respondent never sought the consent of the Complainant in order to register the aforementioned domain name. Consequently, the Panel finds that the Respondent lacks any right or legitimate interest in using the disputed domain name.

In the present case, the Respondent, “The Eight Consulting,” is not known as the disputed domain name. The Complainant asserts that no company located in Dubai exists under the name "The Eight Consulting" since no information can be found in the company database of the Dubai Chambers Directory. Finally, the website the disputed domain name resolves to is a competing webpage. Therefore, the Panel finds that the Respondent did not intend to use the disputed domain name in connection with any legitimate purpose, nor did the Respondent show a bona fide offer of services.

Also, the Respondent had the opportunity to provide arguments supporting its rights or legitimate interests in the disputed domain name. However, by failing to file a response, the Respondent has missed this opportunity, and the Panel is entitled to draw such inferences from the Respondent's failure as it considers appropriate in accordance with Paragraph 14 of the Rules.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests with respect to the disputed domain name.

Bad faith (paragraph 4(a)(iii) of the Policy):

In the light of the records, the Complainant showed the disputed domain name is consequently similar to the well-known 8 ADVISORY and EIGHT ADVISORY trademarks. The Panel finds that the Respondent could not ignore the trademark, especially considering the first result on Google when searching “the 8 advisory.” Moreover, the time of the registration, namely August 2024, is well posterior to the registration of the 8 ADVISORY and EIGHT ADVISORY trademarks.

Therefore, it is clear to the Panel that the Respondent was well aware of the Complainant’s trademarks and has registered the disputed domain name with the intention to refer to the Complainant and its trademarks.

Furthermore, it seems that the Respondent has registered the disputed domain name in bad faith for the sole purpose of exploiting the well-known reputation of the Complainant's trademark and to offer services in direct competition with the Complainant’s. Therefore, the Panel finds that the Respondent tries to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant’s trademarks.

In the Panel’s opinion, this shows that the disputed domain name was registered and is being used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **the8advisory.com**: Transferred

PANELLISTS

Name	**Nathalie Dreyfus**

DATE OF PANEL DECISION 2024-09-20

Publish the Decision