Decision for dispute CAC-UDRP-106802

Case number	CAC-UDRP-106802
Time of filing	2024-08-20 09:24:05
Domain names	liverpoolfcacademy.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	The Liverpool Football Club and Athletic Grounds Limited

Complainant representative

Organization	Stobbs IP

Respondent

Name	Liam Barrigan

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

Complainant owns several registered trademarks for LIVERPOOL FC, including European Union trademark registration 007024565, registration date 22 May 2009.

FACTUAL BACKGROUND

According to the information provided by the registrar the disputed domain name <liverpoolfcacademy.com> was registered on 12 July 2024.

The disputed domain name resolves to a pay-per-click page.

PARTIES CONTENTIONS

Complainant:
Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred

to it.

According to the evidence submitted Complainant is a professional football club based in Liverpool, United Kingdom. The football club was founded in 1888 and is now a widely supported football club. In 2002, Complainant began to utilize the domain name <liverpoolfc.com> as its primary website for the club. Complainant also runs a youth academy, which has been operating since 1998 as Liverpool FC Academy, providing training and tournament opportunities for players in the Under 6 team up to the Under 21 team.

According to Complainant the disputed domain name is confusingly similar to Complainant's trademark. The disputed domain name incorporates Complainant's mark in its entirety, with the addition of "academy". Complainant submits that the word "academy" is merely descriptive in relation to professional football academy services and therefore is not sufficient to mitigate the confusing similarity of the disputed domain name with the mark.

According to Complainant, Respondent has no rights or legitimate interest in the disputed domain name. The disputed domain name resolves to a live website displaying pay-per-click ("PPC") advertisements. The website invites users to interact with advertisements for a variety of services. Such adverts are titled "Football Academy Nearby", "Live Classes" and "Football Kits". Such use substantiates the fact that Respondent has not made any bona fide offering of goods and services. Complainant submits that Respondent has never been known as "LIVERPOOL FC ACADEMY" at any point in time.

According to Complainant the disputed domain name is registered and is being used in bad faith. Complainant submits that Respondent had actual knowledge of Complainant's brand and mark at the time of the registration of the disputed domain name, and that the disputed domain name was registered with intent to target Complainant's brand and mark, such use being evidence of bad faith.
Complainant submits that the content at the disputed domain name and Website makes it clear that it was registered with the sole purpose of creating an association with Complainant and to commercially benefit through the use of PPC links. Complainant submits this is disruptive to Complainant's business.
Complainant concludes that the disputed domain name was not only registered but also used by Respondent in bad faith.

Respondent:
No administratively compliant Response has been filed.

RIGHTS

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 Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

Complainant has, to the satisfaction of the Panel, shown 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

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

In the opinion of the Panel the disputed domain name is confusingly similar to Complainant's trademark (Policy, Par. 4 (a)(i)). Many UDRP decisions have found that a domain name is identical or confusingly similar to a complainant's trademark where such domain name incorporates the complainant's trademark or the principal part thereof in its entirety or where a domain name consists of a common, obvious or intentional misspelling of a trademark. Complainant has established that it is the owner of trademark registrations for LIVERPOOL FC. The disputed domain name incorporates the entirety of the well-known LIVERPOOL FC trademark as its distinctive element. The addition of the descriptive word "academy" in the disputed domain name is insufficient to avoid a

finding of confusing similarity as the LIVERPOOL FC trademark remains the dominant component of the disputed domain name.

The top-level domain “com” in the disputed domain name may be disregarded.
The Panel notes that Complainant’s registration of its trademark predates the creation date of the disputed domain name.

In the opinion of the Panel Complainant has made a prima facie case that Respondent lacks rights or legitimate interest in the disputed domain name. Complainant has not licensed or otherwise permitted Respondent to use its trademark or to register the disputed domain name incorporating its mark. Respondent is not making a legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark of Complainant. Respondent is not commonly known by the disputed domain name nor has it acquired trademark rights. Complainant has no relationship with Respondent. The pay-per-click use of the disputed domain name does not represent a bona offering of goods or services. Respondent did not submit any response. Under these circumstances, the Panel finds that Respondent has no rights or legitimate interests in the disputed domain name.

The Panel finds that the disputed domain name has been registered and is being used in bad faith.
Complainant has rights in the LIVERPOOL FC trademark. Respondent knew or should have known that the disputed domain name included Complainant’s well-known mark.
The Panel notes that the disputed domain name incorporates Complainant’s trademark in its entirety and resolves to a pay-per-click website which indicates, in the circumstances of this case, that Respondent registered and used the disputed domain name with the intention to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the trademark of Complainant as to the source, sponsorship, affiliation, or endorsement of its website or location or of a service on its website or location, which constitutes registration and use in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **liverpoolfcacademy.com**: Transferred

PANELLISTS

Name	**Dinant T.L. Oosterbaan**

DATE OF PANEL DECISION 2024-09-24

Publish the Decision