Decision for dispute CAC-UDRP-106916

Case number	CAC-UDRP-106916
Time of filing	2024-10-08 15:43:31
Domain names	worldia-agency.com

Case administrator

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

Complainant

Organization	WORLDIA GROUP

Complainant representative

Organization	MATTHIEU BERGUIG AVOCAT

Respondent

Organization	LION

OTHER LEGAL PROCEEDINGS

The Panel is unaware of any pending or decided legal proceedings relating to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of several "WORLDIA" trademarks, including:

- European Union trademark #017931108 was registered on 17 July 2018;
- International Trademark #1483381 was registered on 24 June 2019.

FACTUAL BACKGROUND

The Complainant operates as a travel agency under the business name "WORLDIA".

A URS determination dated 25 September 2024 at FORUM determined that the domain name <worldia.agency> should be SUSPENDED for the duration of the registration.

The Complainant is the owner of several domain names, such as <worldia.com> and <worldia.fr>, which are being used as URLs for Worldia's website (respectively international and French websites).

The disputed domain name was registered on August 29, 2024.

PARTIES CONTENTIONS

COMPLAINANT

The domain consists of the world "WORLDIA" protected under trademark, associated with the generic word "AGENCY", which is a description of Worldia Group's activities (travel agency).

The Respondent does not have any rights or legitimate interest in the domain name.

The Respondent has been using the disputed domain (as he did with the domain <worldia.agency> before that) for phishing purposes. The website associated to the disputed domain name mimics the Complainant's own website (www.worldia.com or www.worldia.fr) to fool users and asks them to pay certain sums for travels.

The owner of the disputed domain name has been using it associated with a website that is a blatant copy of the Complainant's own website (same logo, same texts, same pictures).

RESPONDENT

No administratively compliant Response has been filed.

RIGHTS

To the satisfaction of the Panel, the Complainant has shown that the disputed domain name is identical or confusingly similar to the trademark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

To the satisfaction of the Panel, the Complainant has 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

To the satisfaction of the Panel, the Complainant has 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 the Policy were met, and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

1. **Identical or Confusingly Similar**

First, the Panel is satisfied that the Complainant has shown it owns rights in the "WORLDIA" trademarks, with registration and evidence provided dating the trademark to 2018.

Turning to analyze if there is a confusing similarity between the disputed domain name and the trademark. The disputed domain name consists of two main elements. The Panel will tackle the first element of the disputed domain name before moving on to the second one.

On the first element, the Panel notes, based on the record at hand, that the disputed domain name reproduces the trademark in its entirety, namely "WORLDIA", with the addition of a hyphen between the two parts.

The second element of the disputed domain name is separated by a hyphen and then the term “agency”.

Adding this word heightens the appearance of confusing similarity with the trademark "WORLDIA" since it appears to refer the business activity of the Complainant.

A more complete analysis of this will be conducted in the elements below, but suffice to say that in what relates to the first element, the slight difference, that is, the addition of the term “agency”, is immaterial and, therefore, insufficient to dispel the confusing similarity between the trademark and the disputed domain name. Similarly, as mentioned earlier, the second element of the disputed domain name, namely the term “agency”, may even enhance the confusing similarity, as discussed below.

Consequently, the Panel determines that the Complaint has satisfied the Policy's first element set under paragraph 4(a)(i).

2. Rights or Legitimate Interests

Based on the evidence on record and acknowledging that the Respondent failed to produce any allegations or evidence necessary to demonstrate its rights or legitimate interests in the disputed domain name, the Panel must turn to the uncontested facts.

Although the Complaint is sparse, the uncontested facts indicate that a) the disputed domain name does not commonly know the Respondent; b) the Respondent is not related to the Complainant; c) the Respondent is not authorized to carry out any business activity for the Complainant; and d) the disputed domain name resolves to a website reproducing the trademarks and elements of the Complainant’s official website.

Based on the above, the record at hand, and on the balance of probability, and considering that the Respondent has failed to respond to the Complainant's contentions, the Respondent has consequently not rebutted the prima facie case, as described in paragraph 2.1 of WIPO 3.0 Overview.

On the balance of probabilities, the above fact pattern, in conjunction with the use of the terms "agency" in the disputed domain name, indicates, if nothing else, a likely intention to confuse Internet users with a likely implied association with the Complainant by appearing to be a formal channel of the Complainant.

The evidence on record leads the Panel to conclude that the Respondent did not have rights or legitimate interests in the disputed domain name.

Consequently, the Panel determines that the Respondent has no rights or legitimate interests in the disputed domain name. Subsequently, the Complainant has fulfilled the second requirement set under paragraph 4(a)(ii) of the Policy.

3. Registered and Used in Bad Faith

As per the record and evidence, the Panel finds that the Respondent was likely aware of the Complainant and had the Complainant's trademark in mind when registering the disputed domain name. This is further reinforced by the fact that the "WORLDIA" trademark predates the registration of the disputed domain name. The use of the term “agency” in the disputed domain name likely indicates that the Respondent knew or should have known about the Complainant's rights when registering the disputed domain name.

This appears to be an active effort by the Respondent to appear as a formal channel of the Complainant, without any visible explanation in the disputed domain name regarding its association with the Complainant. Without further explanation from the Respondent, this appears to misrepresent a link between the disputed domain name and the Complainant. In this case, as the record supports, the Respondent appears to have targeted the Complainant on the balance of probabilities.

The Complainant states that the identity of the Respondent is the same as the Registrant involved in the URS determination dated September 25, 2024, for <worldia.agency>; however, no evidence to that effect is provided.

Notwithstanding this, all the preceding analysis leaves the Panel no other option than to conclude that the most likely intention of the Respondent was to intentionally attempt to attract, for commercial gain, Internet users to its website/disputed domain name by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website and/or disputed domain name, as per illustrated under paragraph 3.1 of WIPO 3.0 Overview.

In light of the case's circumstances, based on the available records, the Panel finds that the Complainant has proven that the disputed domain name was registered and is used in bad faith according to paragraph 4(a)(iii) of the Policy.

4. Decision

For the preceding reasons and in concurrence with the provisions specified under Paragraph 4(i) of the Policy and Paragraph 15 of the Rules, the Panel orders the transfer of the disputed domain name to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **worldia-agency.com**: Transferred

PANELLISTS

Name	**Rodolfo Rivas Rea**

DATE OF PANEL DECISION 2024-11-01

Publish the Decision