Decision for dispute CAC-UDRP-106876

Case number	CAC-UDRP-106876
Time of filing	2024-09-24 09:35:19
Domain names	marazzi.store

Case administrator

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

Complainant

Organization	MARAZZI GROUP S.r.l.

Complainant representative

Organization	Barzanò & Zanardo Milano S.p.A.

Respondent

Organization	Domain Name Privacy Inc.

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 owner, among others, of the following registered trademarks:

- International registration no. 378091 for the word MARAZZI, applied for on 6 may 1971 and registered for goods of classes 8, 19, 20, 21 and 27;
- EU trademark registration N° 015567639 for the word MARAZZI, applied for on 21 June 2016 and registered for goods of class 19.

FACTUAL BACKGROUND

According to the Complainant, Marazzi is a leading brand in the ceramic tile industry. Marazzi was founded in 1935 and is now active in more than 140 countries.

On 30 June 2024 the Respondent registered the disputed domain names <marazzi.store>.

PARTIES CONTENTIONS

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

1. The disputed domain name is confusingly similar to the Complainant's trademark

The Panel finds that the disputed domain name is identical to the Complainant’s trademark MARAZZI.

According to the Complainant, the addition of the term “.store” in the disputed domain name <marazzi.store> is not sufficient to escape the finding that this disputed domain name is identical to the Complainant's trademark.

These findings are not being disputed by the Respondent and the Panel concludes that the disputed domain name is confusingly similar to the Complainant's trademark.

2. 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.

The Complainant submits that the Respondent has no rights or legitimate interests in the disputed domain name within the meaning of Paragraph 4(a)(ii) of the Policy.

The Complainant further states that the Respondent is not affiliated with, nor authorized or licensed by the Complainant to make any use of the Complainant’s trademark or apply for registration of the disputed domain name. In addition, the Complainant asserts that it does not carry out any activity for, nor has it any business with the Respondent.

The Complainant submits that the disputed domain name resolves to a webpage displaying information that may be deceptive. This circumstance is sufficient to establish prima facie that the Respondent’s use of the disputed domain name is not in connection with a bona fide offering of goods or services.

The Panel finds that the Complainant has shown that the Respondent is not commonly known by the disputed domain name and has not made legitimate use of the disputed domain name for a bona fide offering of goods or services. In lack of any Response from the Respondent, or any other information indicating the contrary, the Panel concludes that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

3. The Complainant has, to the satisfaction of the Panel, shown that the disputed domain name was registered and is being used in bad faith.

The Complainant contends that by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its web sites or other on-line locations, by creating a likelihood of confusion with the

Complainant's trademark as to the source, sponsorship, affiliation, or endorsement, within the meaning of Paragraph 4(b)(iv) of the Policy.

The fact that the Respondent has registered a domain name that is identical to the Complainant's MARAZZI trademark indicates that the Respondent knew of the Complainant's trademark at the time of registration of the disputed domain name. If the Respondent had carried out even a basic Google search in respect of the word "MARAZZI", this would have yielded obvious references to the Complainant. Therefore, it is more than likely that the disputed domain name would not have been registered if it were not for the Complainant's trademark.

Furthermore, the Complainant demonstrates that the disputed domain name resolves to a parking page with commercial links. The Complainant contends the Respondent has attempted to attract Internet users for commercial gain to his own website thanks to the Complainant's trademark, which constitutes evidence of bad faith.

In light of the above and given the lack of response by the Respondent, the Panel finds 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. **marazzi.store**: Transferred

PANELLISTS

Name	**Tom Heremans**

DATE OF PANEL DECISION 2024-10-31

Publish the Decision