Decision for dispute CAC-UDRP-106919

Case number	CAC-UDRP-106919
Time of filing	2024-10-04 09:55:15
Domain names	leparisien-80ans.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	LE PARISIEN LIBERE, SAS

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Organization	Njalla Okta LLC

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 owns several trademark registrations containing the word “LE PARISIEN”, including the French trademark registration n. 98732442 “LE PARISIEN” (word), registered on May 14, 1998, for numerous goods and services in classes 9, 14, 16, 18, 24, 25, 26, 28, 35, 36, 38, 39, 41, and 42. This trademark registration has been duly renewed, its current expiry date is May 14, 2028.

The disputed domain name was registered on September 30, 2024, i.e., the Complainant’s trademark registration cited above predates the registration of the disputed domain name.

FACTUAL BACKGROUND

The Complainant publishes the French daily newspaper “LE PARISIEN”, which covers international, national and local news from Paris and its suburbs. The paper was originally founded in 1944 by Émilien Amaury as "Le Parisien libéré" and first appeared on August 22, 1944.

The disputed domain name redirects to a website displaying the Complainant's trademark "LE PARISIEN" and allegedly offering a subscription to the Complainant's newspaper. The Complainant alleges that this website is used to unlawfully collect personal data from the Complainant's (potential) customers.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the domain name, and that the Respondent is not related to the Complainant in any way. The Respondent does not carry out any activity for, nor has any business with, the Complainant.

Neither license nor authorization has been granted to the Respondent to make any use of the Complainant's "LE PARISIEN" trademark, or to apply for registration of the disputed domain name.

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

The disputed domain name is confusingly similar to the Complainant's trademark "LE PARISIEN". The addition of the descriptive term "80 ANS", which means "80 YEARS" in French, is not sufficient to escape the finding that the domain name is confusingly similar to the trademark "LE PARISIEN". It does not alter the overall impression of the designation as being connected to the Complainant's trademark, particularly since the Complainant's newspaper was first published in 1944, i.e., 80 years ago.

The Panel also finds that the Complainant successfully submitted prima facie evidence that the Respondent has made no use of, or demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services, nor is the Respondent making a legitimate non-commercial or fair use of the disputed domain name, nor is the Respondent commonly known under the disputed domain name. Collecting personal data for an alleged subscription to the Complainant's newspaper without the Complainant's permission to arrange for such subscriptions may be considered an "offering of goods or services", but it is not a bona fide offering. This prima facie evidence was not contested by the Respondent.

The Panel further finds that the Complainant has successfully submitted prima facie evidence that the Respondent has registered and used the disputed domain name in bad faith, namely by intentionally attempting to attract, for commercial gain, internet users to its website by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website (paragraph 4(b)(iv) of the Policy). The collection of personal information from unsuspecting website users who are led to believe that they are subscribing to the Complainant's newspaper, when in fact they are merely providing their information to the unauthorized Respondent, is a form of commercial gain because it enables the Respondent to potentially misuse the information collected. Again, this prima facie evidence was not contested by the Respondent.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **leparisien-80ans.com**: Transferred

PANELLISTS

Name	**Dr. Thomas Schafft**

DATE OF PANEL DECISION 2024-11-12

Publish the Decision