Decision for dispute CAC-UDRP-106957

Case number	CAC-UDRP-106957
Time of filing	2024-10-16 10:50:05
Domain names	frontlinefood.shop

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Boehringer Ingelheim Animal Health France

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	Ryan Keith Lepper

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 registered owner of the following trademarks:

- International trademark FRONTLINE n° 621912 registered since 9 June,1994; and
- International trademark FRONTLINE n° 1245236 registered since 30 January, 2015.

FACTUAL BACKGROUND

The Complainant, Boehringer Ingelheim Animal Health business is a global company oriented to the animal health industry and part of family-owned Boehringer Ingelheim, founded in 1885.

Its sub brand FRONTLINE is indicated for the treatment and prevention of fleas, ticks and chewing lice in dogs and cats. Also breaks the flea life cycle by preventing the development of immature stages. It aids in the control of sarcoptic mange in dogs.

Besides the registered trademarks, the Complainant also adduced evidence to show it is the registrant of the domain name < frontline.com> registered and used since 28 January, 1999.

No information is known about the Respondent who registered the disputed domain name <frontlinefood.shop> on 17 September,

2024 and resolves to an error page.

PARTIES CONTENTIONS

COMPLAINANT' CONTENTIONS:

Identical or confusingly similar

The Complainant argues that the disputed domain name < frontlinefood.shop> and the Complainant's registered trademarks FRONTLINE are confusingly similar.

Particularly, the Complainant contends that “The addition of generic term “FOOD” does not change the overall impression of the designation as being connected to the Complainant’s trademark FRONTLINE. It does not prevent the likelihood of confusion between the disputed domain name and the Complainant, its trademarks and domain names associated.”.

No rights or legitimate interests

The Complainant argues that there is no evidence at all that the Respondent is commonly known by the disputed domain name nor appear in the Whois database as the disputed domain name.

Moreover, the Complainant states that the Respondent has not been licensed or authorized in other way to use the Complainant’s trademarks nor is in any way related to the Complainant.

Finally, the Complainant contends that the disputed domain name points to an error page and that the Respondent did not use the disputed domain name nor has no demonstrable plan to use the disputed domain name.

Registered and used in bad faith

As far as bad faith registration is concerned, the Complainant states that its registered trademark is a well-known trademark and that past panels have confirmed the notoriety of the trademark, for instance CAC Case No. 103184, Merial v. Domain Administrator <frontlineplus.com>.

Given the distinctiveness of the Complainant's trademark and reputation, according to the Complainant, the Respondent certainly had full knowledge of the Complainant rights over the name FRONTLINE at the time of the disputed domain name’s registration.

Moreover, the Complainant contends that the fact that the disputed domain name has not been actively used is per se an evidence of bad faith registration and use.

RESPONDENT'S CONTENTIONS:

The Respondent did not respond to the Complaint.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is identical to trademarks 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 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

Paragraph 15 of the Rules states that the Panel shall decide a Complaint on the basis of the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law deemed applicable.

In the case of default by a Party, Rule 14 states that if a Party, in the absence of exceptional circumstances, does not comply with a provision of, or requirement under the Rules, the Panel shall draw such inferences therefrom as appropriate.

In the present case, the Respondent has not submitted any Response and consequently has not contested any of the contentions made by the Complainant.

The Panel proceeds therefore to decide only on the basis of the Complainant's factual statements and the documentary evidence provided in support of them.

With reference to the UDRP three-part cumulative test, the Panel finds that:

1. The disputed domain name and the Complainant's previously registered trademarks are identical and infers that paragraph 4(a)(i) of the Policy is satisfied, since the addition of the generic term "shop" and the variation in the TLD ".shop", which would usually be disregarded as it is a technical requirement of registration, do not later the overall very similar impression the disputed domain name and the registered trademarks produce.

2. According to the Complainant's contentions and evidence submitted within this proceeding, which were not disputed, the Respondent does not appear to be in any way related to the Complainant's business, does not act as the agent of the Complainant nor currently known and has never been known as "FRONTLINE", or any combination of such trademark.

Furthermore, the disputed domain name is not associated with any business activity and resolves to an error page. Therefore, it is reasonable to infer that the Respondent does not have any legitimate interest in the disputed domain name and rather appears to use it solely for blocking purposes or other illegitimate activities.

Consequently, and in the absence of a Response, the Panel finds that the Respondent have no rights or legitimate interests in the disputed domain name, so that the requirements of paragraph 4(a)(ii) of the Policy are met.

3. By choosing and registering the disputed domain name which represents confusingly similar version of the Complainant's well-known trademark, the Respondent is likely to be engaged in bad faith registration.

In other words, in the absence of sufficient evidence to the contrary and a rebuttal from the Respondent, the Panel infers that the Respondent's registration of a domain name highly similar to the Complainant's trademarks, combined with the lack of any use of the disputed domain name, indicates registration and use in bad faith, specifically for potential passing off, blocking, or other illegitimate purposes.

Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(iii) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **frontlinefood.shop**: Transferred

PANELLISTS

Name	**Hana Císlerová**

DATE OF PANEL DECISION 2024-11-21

Publish the Decision