Decision for dispute CAC-UDRP-106987

Case number	CAC-UDRP-106987
Time of filing	2024-10-22 15:30:47
Domain names	xn--rservation-g7taxi-btb.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	G7

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Organization	taxi service

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 trademarks for G7:

- French trademark registration for "G7" n°4259547, registered on March 24, 2016 ;
- EUTM trademark registration for "G7" n°016399263 registered on July 7,2017;
- and also of the domain name <g7.fr> registered since September 22, 1999;
- , and also of the domain name <g7.fr> registered since September 22, 1999.

FACTUAL BACKGROUND

The Complainant states that it is a Europe's leading cab provider, operating with 10.000 affiliated cabs in more than 230 cities in France and more than 20 countries, under the brand G7.

The Complainant further states that it is the owner of the G7 trademark since 2016.

The disputed domain name was registered on June 29, 2024 and it resolves to an online website purporting to be a Complainant’s competitor while using its graphic charter and pictures without authorization.

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 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).

The disputed domain name <réservation-g7taxi.com> is confusingly similar to the Complainant's G7 trademark, as it incorporates the latter in its entirety, with the addition of the terms "réservation" and "taxi", both clearly descriptive of the services applied by the Complainant's earlier registered trademarks.

Not only the addition of generic/geographical terms is not, per se, a distinguishing feature, but it may even to the contrary be apt to increase confusion since users could believe that the disputed domain name is used by Complainant or, at least, by a Complainant’s affiliated entity (see Facebook Inc. v. Naija Host, WIPO Case No. D2015-1057).

Accordingly, the Panel finds that Complainant has proven the first element of the Policy.

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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).

According to the WIPO case No. D2003-0455, Croatia Airlines d. d. v. Modern Empire Internet Ltd., a complainant is required to make out a prima facie case that the respondent lacks rights or legitimate interests. Once such prima facie case is made, the respondent carries the burden of demonstrating rights or legitimate interests in the domain name. If the respondent fails to do so, the complainant is deemed to have satisfied paragraph 4(a) (ii) of the Policy.

In this case at hand, the Respondent is not affiliated with the Complainant nor authorized by it in any way to use the G7 trademark. The Complainant does not carry out any activity for, nor has any business with the Respondent.

Also considering that the Respondent did not reply to the Complainant's contentions, the Panel finds that Complainant has proven the second element of the Policy.

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The Panel finds that the Complainant successfully submitted prima facie evidence that the Respondent has made no use of, or demonstrable preparations to use, neither of the disputed domain name in connection with a bona fide offering of goods or services, nor is making a legitimate non-commercial or fair use of the disputed domain name.

Indeed, given the distinctiveness of the Complainant's trademark , it is reasonable to infer that the Respondent has registered the domain name with full knowledge of the Complainant's G7 registrations. Please see for instance WIPO Case No. D2004-0673, Ferrari S.p.A v. American Entertainment Group Inc.

Complainant has specifically argued that bad faith exists pursuant to, inter alia, paragraph 4(b)(iv) of the UDRP because the website associated with the disputed domain name resolves to an unauthorized commercial website offering the same taxi services provided through the G7 trademark, using the Complainant's graphic charter and pictures. The Panel does agree, since it is not possible to conceive of any plausible actual or contemplated active use of the disputed domain name by the Respondent that would not be illegitimate, such as by being a passing off attempt.

Accordingly, the Panel finds that Complainant has proven the third element of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **xn--rservation-g7taxi-btb.com**: Transferred

PANELLISTS

Name	**Tommaso La Scala**

DATE OF PANEL DECISION 2024-11-27

Publish the Decision