Decision for dispute CAC-UDRP-106951

Case number	CAC-UDRP-106951
Time of filing	2024-10-23 09:50:07
Domain names	a2hostinger.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Hostinger UAB

Complainant representative

Organization	HSS IPM GmbH

Respondent

Name	mahdi ibrahim

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 numerous trademarks for HOSTINGER including:

- USA trademark registration number 5855966, registration date 10 September 2019, registered in class 42;
- European Union trademark registration number 018198410, registration date 11 June 2020, registered in classes 9 and 42;
- Republic of Indonesia trademark registration number IDM001139165, receipt date 9 March 2023, registered in class 41; and
- Republic of Indonesia trademark registration number IDM001139740, receipt date 27 March 2023, registered in class 45.

FACTUAL BACKGROUND

The Complainant is part of the Hostinger Group of companies that was founded in 2004. The Hostinger Group has its head office in Lithuania and is comprised of companies around the world. It provides web hosting, website optimisation and virtual private servers.

The Complainant offers webhosting, website builder solutions, domain names services and email hosting services. It owns the registered trademark HOSTINGER in numerous countries, including Indonesia where the Respondent has his address. The Complainant also owns numerous top-level and country-code domain names that include the HOSTINGER trademark. It uses the domain name <hostinger.com> for its official website.

The Respondent registered the disputed domain name on 3 June 2024 using a privacy service. The Registrar verification address for the Respondent in Jakarta, Indonesia does not exist.

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.

The Complainant states that the disputed domain name incorporates its HOSTINGER trademark and is confusingly similar to that mark. It asserts that the Respondent has no rights or legitimate interest in the disputed domain name. It states that the disputed domain name is not being used in connection with a bona fide offering of goods or services, nor is the Respondent commonly known by the disputed domain name, nor is the Respondent using it for any legitimate non-commercial or fair use without intent for commercial gain. The Respondent has no relationship with the Complainant and is not authorised to use the Complainant's trademark in the disputed domain name. The Complainant also asserts that that the disputed domain name was registered and is being use in bad faith.

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

Paragraph 4 (a) of the Policy requires the complainant to prove each of the following three elements:

(i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;

(ii) the Respondent has no rights or legitimate interests in the disputed domain name; and

(iii) the disputed domain name has been registered and used in bad faith.

A. IDENTICAL OR CONFUSINGLY SIMILAR

The disputed domain name incorporates the Complainant's trademark in full and adds to it the prefix "a2". The Complainant's trademark is clearly identifiable in the disputed domain name and in a side-by-side comparison, the disputed domain name is confusingly similar to the Complainant's mark.

The top-level suffix, ".com" is a standard registration requirement and can be disregarded when assessing whether the disputed domain name is confusingly similar to the Complainant's trademark.

The Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark and that the requirements of paragraph 4(a)(i) of the Policy have been met.

B. NO RIGHTS OR LEGITIMATE INTEREST

The Complainant has submitted evidence to show that the disputed domain name resolves to a website prominently featuring the Complainant's HOSTINGER trademark and promoting similar or identical services to those of the Complainant. The Complainant states it has never authorised the Respondent to use its trademarks and there is nothing to indicate that the Respondent is commonly known by the disputed domain name. Evidence submitted with the Compliant shows that the website associated with the disputed domain name includes a "Contact Us" page asking visitors to submit their names and email addresses. This does not constitute a bona fide offering of goods or services, nor a legitimate noncommercial fair use.

The Complainant has made out a prima facie case that the Respondent lacks rights or legitimate interest in the disputed domain name. The burden of proof now shifts to the Respondent to show it has relevant rights (see WIPO Case No. D2003-0455, Croatia Airlines d.d. v. Modern Empire Internet Ltd).

The Respondent has not filed a Response, nor disputed any of the Complainant's assertions, nor submitted any evidence to show relevant rights or a legitimate interest in the disputed domain name. The Complainant's rights in the HOSTINGER trademark predates the registration of the disputed domain name. The Respondent has used a privacy service to hide his identity and the address for the Respondent in the Registrar verification does not exist.

Considering the above and the evidence submitted with the Complaint, the Panel finds that the Respondent has no rights or legitimate interest in the disputed domain name and that the requirements of paragraph 4(a)(ii) of the Policy have been met.

C. REGISTERED AND USED IN BAD FAITH

The Complainant's trademark predates the registration of the disputed domain name. The disputed domain name resolves to a website that features the Complainant's trademark, copies aspects of the Complainant's official website and offers similar services to those of the Complainant and includes a "Contact us" page. The Respondent has offered no explanation for doing so. A Google search of the name HOSTINGER would have revealed the Complainant and its services. It is reasonable to infer that that the Respondent knew of the Complainant and its trademark when it registered that disputed domain name. The Respondent has attempted to hide his identity by using a privacy service to register the disputed domain name, and his address in Jakarta, Indonesia does not exist.

Considering these factors and the evidence submitted the Panel finds that the Respondent registered the disputed domain name in bad faith and is using it to intentionally attempt to attract, for commercial gain, internet users to the linked website, by creating a likelihood of confusion with the Complainant's trademark. The Panel concludes that the Complainant has proved the requirements of 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. **a2hostinger.com** : Transferred

PANELLISTS

Name	**Veronica Bailey**

DATE OF PANEL DECISION 2024-12-08

Publish the Decision