Decision for dispute CAC-UDRP-106938

Case number	CAC-UDRP-106938
Time of filing	2024-11-20 08:05:59
Domain names	speedyautoglasstoronto.com, autoglassrepairtorontogta.com

Case administrator

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

Complainant

Organization	Belron International Limited

Complainant representative

Organization	HSS IPM GmbH

Respondent

Name	Md. Rashidul Islam

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 names.

IDENTIFICATION OF RIGHTS

The Complainant submitted evidence that it is the registered owner of numerous trademarks around the world, particularly the following registrations:

- The Canadian trademark no. TMA122222 "SPEEDY AUTO GLASS" registered on May 19, 1961;
- The Canadian trademark no. TMA309481 "SPEEDY AUTO GLASS & Design" registered on December 20, 1985;
- The Canadian trademark no. TMA448212 "SPEEDY GLASS" registered on September 29, 1995;
- The Canadian trademark no. TMA777589 "SPEEDY GLASS & Design" registered on September 20, 2010;
- The UK trademark no. UK00003291338 "AUTOGLASS" registered on June 8, 2018;
- The UK trademark no. UK00001303055 "AUTOGLASS" registered on October 8, 1993.

FACTUAL BACKGROUND

The Complainant is part of the Belron Group, a global leader in vehicle glass repair and replacement services. The Belron Group operates in approximately 40 countries across six continents and employs around 30,000 people. The Complainant owns several

well-known brands, including SPEEDY, SPEEDY AUTO GLASS, SPEEDY GLASS, and AUTOGLASS.

The disputed domain names, <speedyautoglasstoronto.com> and <autoglassrepairtorontogta.com>, were registered on March 25, 2023, and March 3, 2023, respectively. The Registrar confirmed that the Respondent is the current registrant of the disputed domain names.

PARTIES CONTENTIONS

No administratively compliant Response has been filed.

Complainant's Contentions:

- The disputed domain names are confusingly similar to the Complainant's known trademarks.
- The Respondent has no rights or legitimate interests in respect of the disputed domain names.
- The disputed domain names were registered and are being used in bad faith.

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 names are 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 names (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 names have been registered and are 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

This proceeding is pursuant to Paragraph 4 of the Uniform Domain Name Dispute Resolution Policy (the "Policy" or "UDRP"), the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), and the CAC Supplemental Rules. Paragraph 15 of the Rules provides that the Panel shall decide the 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 that it deems applicable.

As the Respondent did not file an administratively compliant Response, pursuant to paragraph 14(b) of the Rules, the Panel may draw such inferences therefrom as it considers appropriate. Thus, the Panel accepts the contentions of the Complainant as admitted by the Respondent.

I. Identical or Confusingly Similar Domain Names

The Complainant demonstrated that it owns the asserted trademark registrations for the trademarks "SPEEDY AUTO GLASS" and "AUTOGLASS," which were registered long before the registration of the disputed domain names by the Respondent. The disputed domain names incorporate the Complainant's trademarks with the addition of geographic and industry terms such as "toronto" and "repair," which do not prevent a finding of confusing similarity. Further, the addition of the unclear term „gta“ to the disputed domain name <autoglassrepairtorontogta.com> does not lead to a different assessment. Also, the addition of the gTLD suffix “.com” is not sufficient to escape the finding that the disputed domain names are confusingly similar to the Complainant's trademarks. Therefore, the Panel finds that the Complainant has established that the disputed domain names are confusingly similar to its trademarks.

II. Lack of Rights or Legitimate Interests

The Respondent has not filed a response and has not provided any information that would oppose the Complainant's allegations. The Complainant has no relationship with the Respondent and has not authorized the Respondent to use its trademarks. The Respondent is not commonly known by the disputed domain names and is not making a legitimate non-commercial or fair use of them. Therefore, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain names.

III. Registration and Use of the Disputed Domain Names in Bad Faith

The Complainant's trademarks significantly predate the registration of the disputed domain names. The Respondent's use of the disputed domain names to create websites that resemble the Complainant's legitimate websites indicates an intention to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's trademarks. The Respondent's failure to respond to the cease-and-desist letter further supports a finding of bad faith. Therefore, the Panel finds that the disputed domain names were registered and are 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. **speedyautoglasstoronto.com**: Transferred
2. **autoglassrepairtorontogta.com**: Transferred

PANELLISTS

Name	**Dominik Eickemeier**

DATE OF PANEL DECISION 2025-01-06

Publish the Decision