# Decision for dispute CAC-UDRP-107135

| | |
|---|---|
| Case number | CAC-UDRP-107135 |
| Time of filing | 2024-12-12 14:05:38 |
| Domain names | g7taxi-service.com |

## Case administrator

| | |
|---|---|
| Organization | Iveta Špiclová (Czech Arbitration Court) (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 uses the G7 mark to distinguish its taxi cab booking and logistics services and is the registered owner of the following trademarks:

French trademark G7, registration number 4259547, registered on March 24, 2016, for goods in class 12;

European Union trademark G7 n°016399263 registered on July 7, 2017, for services in classes 37, 38 and 39.

FACTUAL BACKGROUND

The Complainant operates a taxi booking platform in France and elsewhere in Europe, with 10 000 affiliated cabs. It also provides vehicle rental and logistics services, operating in more than 230 cities in France and more than 20 countries.

Furthermore, the Complainant owns multiple domain names incorporating the G7 mark including <g7.fr> which it has registered and used since September 22, 1999.

The disputed domain name <g7taxi-service.com> was registered on August 5, 2023 and resolves to a website purporting to be a competitor of the Complainant offering competing taxi booking services.

There is no information available about the Respondent except for that provided in the Complaint, the Registrar's WhoIs and the information provided by the Registrar in response to the request by the Centre for details of the registration of the disputed domain name for the purposes of this proceeding.

PARTIES CONTENTIONS

**The Complainant**
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 claims rights in the G7 mark established by its trademark and service mark registrations and extensive use of the mark as described above.

The Complainant firstly alleges that the disputed domain name <g7taxi-service.com> is confusingly similar to its trademark, arguing that the addition of terms "taxi" and "service" to the G7 mark is not sufficient to avoid the likelihood of confusion. It is well-established that "a domain name that wholly incorporates a Complainant's registered trademark may be sufficient to establish confusing similarity for purposes of the UDRP". Dr. Ing. h.c. F. Porsche AG v. Vasiliy Terkin WIPO Case D2003-0888.

Moreover, it is contended that panels established under the Policy have commonly held that the generic Top-Level Domain ("gTLD") extension <.com> is not relevant in the appreciation of confusing similarity, citing F. Hoffmann-La Roche AG v. Macalve e-dominios. S.A. WIPO Case No. D2006-0451 ("It is also well established that the specific top level of a domain name such as ".com", ".org" or ".net" does not affect the domain name for the purpose of determining whether it is identical or confusingly similar.").

The Complainant next alleges that the Respondent has no rights or legitimate interests in the disputed domain name, arguing that as held in the Croatia Airlines d.d. v. Modern Empire Internet Ltd., WIPO Case No. D2003-0455, a complainant is required to make out a prima facie case that a respondent lacks rights or legitimate interests in the domain name at issue. Once such prima facie case is made, the respondent carries the burden of demonstrating rights or legitimate interests in the domain name at issue. If the respondent fails to do so, the Complainant is deemed to have satisfied Policy paragraph 4(a)(ii).

The Complainant contends that

- the Respondent is not known as the disputed domain name, and past panels established under the Policy have held that a respondent is not commonly known by a domain name at issue if, as in this Complaint, the WHOIS information is not similar to the domain name at issue. See Skechers U.S.A., Inc. and Skechers U.S.A., Inc. II v. Chad Moston / Elite Media Group Forum Claim FA 1781783, ("Here, the WHOIS information of record identifies Respondent as "Chad Moston / Elite Media Group." The Panel therefore finds under Policy ¶ 4(c)(ii) that Respondent is not commonly known by the disputed domain name under Policy ¶ 4(c)(ii).");
- the Respondent is not related in any way to the Complainant;
- the Complainant does not carry out any activity for, nor has it, any business with the Respondent;
- neither license nor authorization has been granted to the Respondent to make any use of the Complainant's trademark, or apply for registration of the disputed domain name;
- moreover, as shown in screen capture of the website to which the disputed domain name resolves which is exhibited in an annex to the Complaint, the disputed domain name <g7taxi-service.com> points to a website purporting to be a competitor of Complainant;
- the Respondent does not use the disputed domain name for any bona fide offering of goods or services, and that it does not make a legitimate non-commercial or fair use thereof;
- such impersonation of the Complainant, by using its trademark in a disputed domain name and seeking to defraud or confuse users, indicates a lack of rights or legitimate interests by a Respondent, see President and Fellows of Harvard College v. Michael S. George / Harvard Business Council, FA 2003542 (Forum Aug. 25, 2022) ("The impersonation of a complainant in conjunction with a phishing scheme may indicate a lack of rights or legitimate interest in a disputed domain name");
- additionally, use of a disputed domain name's resolving webpage in order to offer competing goods or services may not qualify as a bona fide offering of goods or services nor as a legitimate non-commercial or fair use under Policy paragraphs 4(c)(i) & (iii).

The Complainant next alleges that the disputed domain name was registered and is being used in bad faith.

The Complainant reasserts that the disputed domain name <g7taxi-service.com> is confusingly similar to the Complainant's well-known G7 trademark which has been registered since 2016. Indeed, this trademark is reproduced in its entirety by the disputed domain name.

Moreover, the disputed domain name points to a website purporting to be a competitor of the Complainant.

Furthermore, all the results of an Internet search for the terms " g7 taxi service " which are exhibited in an annex to the Complaint, are related to the Complainant and its products and services.

The Complainant argues that the Respondent therefore registered the disputed domain name with actual knowledge of Complainant's trademarks; and submits that pursuant to Policy paragraph 4(a)(iii), actual knowledge can form a foundation for demonstrating bad faith registration and may be established by examining a respondent's use of a disputed domain name. See

iFinex Inc. v. xu shuaiwei, Forum Claim FA 1760249 (Forum Jan. 1, 2018) (“Respondent’s prior knowledge is evident from the notoriety of Complainant’s BITFINEX trademark as well as from Respondent’s use of its trademark laden domain name to direct internet traffic to a website which is a direct competitor of Complainant”).

Besides, as shown above the disputed domain name <g7taxi-service.com> points to a website purporting to be a competitor of the Complainant while using graphics and images belonging to the Complainant.

In conclusion the Complainant argues that the Respondent registered and used the disputed domain name to attract Internet users and offer possibly fraudulent services while impersonating the Complainant or, at a minimum, disrupt the Complainant’s business by offering services in direct competition with the Complainant.

Panels established under the Policy have found bad faith in similar circumstances when a respondent uses a confusingly similar domain name to attract Internet users and monetarily capitalize on that confusion. See Expedia, Inc. v. Euwen Spence Jr, Forum Claim FA 2006812 (Forum Aug. 26, 2022) (“Complainant provides screenshots of Respondent’s resolving webpage showing advertisements for the same services that Complainant offers.”).

**The Respondent**
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 provided uncontested evidence that it has rights in the G7 mark, established by its ownership of its registered trademarks and service marks described above and extensive use of the mark in its global financial services business.

The disputed domain name <g7taxi-service.com> consists of the Complainant’s mark in its entirety, in combination with the terms “taxi”, “service”, a hyphen, and the gTLD extension <.com>.

It is well accepted by panels established under the Policy that it is sufficient for a complainant to establish that the mark relied upon is contained in its entirety in the domain name at issue to succeed in the first element of the test in Policy paragraph 4(a)(i).

The Complainant’s G7 mark is present in its entirety and clearly recognisable as the initial dominant and only distinctive element within the disputed domain name. The elements “taxi”, “service”, and the hyphen add no distinguishing character to the disputed domain name.

The gTLD extension <.com> would be considered by Internet users as a necessary technical requirement for an Internet domain name and therefore does not prevent a finding of confusing similarity between the disputed domain name and the Complainant’s G7 mark.

This Panel finds therefore that the disputed domain name is confusingly similar to the G7 mark in which the Complainant has rights, and the Complainant has therefore succeeded in the first element of the test in Policy paragraph 4(a)(i).

The Complainant has made out a prima facie case that the Respondent has no rights legitimate interests in the disputed domain name as set out in Complainant's detailed submissions above.

It is well established that once a complainant makes out a prima facie case that a respondent has no rights or legitimate interests in the domain name at issue, the burden of production shifts to the respondent to prove its rights or legitimate interests.

The Respondent has failed to discharge that burden and therefore this Panel must find that the Respondent has no rights or legitimate interests in the disputed domain name.

The Complainant has therefore succeeded in the second element of the test in Policy paragraph 4(a)(ii).

The Complainant's registered trademark G7 is clearly recognizable as the only distinctive element within the disputed domain name.

The Complainant has proven that it has registered trademark rights in the G7 mark dating back to at least March 24, 2016 whereas the disputed domain name was not registered until August 5, 2023.

The Complainant uses the G7 mark to distinguish its taxi booking and logistics.

The disputed domain name is a combination of the Complainant's G7 mark and the terms "taxi" and "service" which describe the services provided by the Complainant.

It is therefore most improbable that the registrant of the disputed domain name was unaware of the Complainant's mark when the disputed domain name was chosen and registered.

Furthermore, the Complainant has adduced uncontested evidence in the form of a screen capture of the website to which the disputed domain name resolves that the Respondent is using the disputed domain name as the address of a website which purports to impersonate the Complainant while offering taxi booking services directly in competition with the Complainant in France.

On the balance of probabilities, therefore, this Panel finds that the disputed domain name was chosen and registered in bad faith with the Complainant's mark in mind with the intention of taking predatory advantage of the Complainant's business and its rights and goodwill in the G7 mark.

Furthermore, such use of the Complainant's mark within the disputed domain name, and within the website address of the Respondent to impersonate and offer services that compete directly with those offered by the Complainant while offering taxi booking services directly in competition with the Complainant constitutes use in bad faith for the purpose of Policy.

On the balance of probabilities this Panel finds that the respondent is using the disputed domain name intending to attract and confuse Internet users and cause them to divert their Internet traffic intended for the Complainant and misdirect Internet users by creating confusion as to the source, sponsorship, affiliation, or endorsement of The Respondent's web site, which also constitutes bad faith for the purposes of the Policy.

As this Panel has found that the disputed domain name was registered and is being used in bad faith, The Complainant has succeeded in the third element of the test in Policy paragraph4(a)(iii).

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **g7taxi-service.com**: Transferred

## PANELLISTS

| | |
|---|---|
| Name | **James Bridgeman** |

DATE OF PANEL DECISION 2025-01-10

Publish the Decision