Anonymized decision for dispute CAC-UDRP-107172

Case number	CAC-UDRP-107172
Time of filing	2024-12-16 09:44:48
Domain names	liverpoolfcc.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	The Liverpool Football Club and Athletic Grounds Limited

Complainant representative

Organization	Stobbs IP

Respondent

Name	[redacted]

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 trademark registrations comprising of “LIVERPOOL FOOTBALL CLUB”, “LFC” as well as “LIVERPOOL FC”. The earliest of these date back to 2009 and significantly pre-date the registration of the disputed domain name by the Respondent (registered in 2024).

Previous panels have acknowledged the well-established repute of the Complainant’s rights in the LIVERPOOL FC name, as early as 2002.

FACTUAL BACKGROUND

The Complainant is a professional football club based in Liverpool, United Kingdom. The football club was founded in 1892 and is now one of the most widely supported football clubs in the world. The club had established itself as a major force in English and European football in the 1970s and 1980s. During these years, it secured eleven League titles and four European Cups. The club won two further European Cups in 2005 and 2019, the latter leading the club to a nineteenth League title in 2020, the club's first during the Premier League era.

To date, the club has won nineteen League titles, seven FA Cups, a record eight League Cups and fifteen FA Community Shields. In international club competitions, the club has secured six European Cups, more than any other English football club, three UEFA

Cups, four UEFA Super Cups and one FIFA Club World Cup.

The Complainant jointly owns the company LiverpoolFC.TV Ltd alongside Granada Media plc, which are the largest company in the United Kingdom within the commercial television sector, and who have been licensed by the Complainant to utilise the Complainant's trade marks and brand online since the early 2000s.

The domain name <liverpoolfc.tv> had been used for the purposes of a website at www.liverpoolfc.tv since as early as 2000, serving as the official website for the Complainant at the time, and which provides news, statistics and other information on the club, as well as selling match tickets and club merchandise.

In 2002, the Complainant began to utilise the domain name <liverpoolfc.com> as its primary website for the club, initially as a redirect to www.liverpoolfc.tv, and then as a website at www.liverpoolfc.com in its own right. Based on website traffic analysis made for October 2024, www.liverpoolfc.com generates over 6 million visitors from various locations worldwide, and almost half of all visits originate from United Kingdom based internet users.

Aside from <liverpoolfc.tv> and <liverpoolfc.com>, the Complainant owns various other domain names comprising of the LIVERPOOL FC term, such as <liverpoolfc.co.uk>.

The Complainant's significant internet presence under the LIVERPOOL FC name is further demonstrated by a variety of social media accounts acquired and registered under handle "@liverpoolfc". These accounts have generated a substantial fan following, with over 24 million followers on X, nearly 46 million on Instagram, and over 49 million on Facebook.

The Complainant's business and brand have partnered and collaborated with a variety of household names over the years, which include: Standard Chartered, Nike, Axa, Expedia, Carlsberg, EA Sports and Cadbury.

The Complainant's brand has a variety of revenue streams, including broadcasting, match days and commercial and match days. Commercial revenue includes revenue generated from the sale of sports clothing and other branded merchandise. These goods are predominantly being offered and sold via the Complainant's main website at www.liverpoolfc.com and via other authorised merchants and online outlets.

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.

The Complainant among other contends the following in support of the complaint.

The disputed domain name wholly incorporates the trademark of the Complainant in its entirety, with the inclusion of merely an additional letter "c", suffixed to the trademark. The Complainant submits that this does not in any way detract from the finding of confusing similarity between the disputed domain name and the Complainant's trademark.

The disputed domain name has been evidenced to resolve to a website displaying pay-per-click ("PPC") advertisements, inviting users to interact with advertisements for a variety of related services. Such adverts include references to "football soccer" and "football team", which are inherently associated with the Complainant and their business. Such use substantiates the fact that the Respondent has not made any bona fide offering of goods and services under Policy, Paragraph 4(c)(i) nor a legitimate non-commercial or fair use under Policy, Paragraph (c)(iii).

Further, the registration details utilised by the Respondent impersonate one of the Complainant's coaches. The Complainant submits that the use of false credentials by the Respondent was done intentionally to conceal their identity and to facilitate wider impersonation. The disputed domain name was further identified as sending communications to members of the public under the guise of the Complainant's head of player recruitment.

The LIVERPOOL FC brand at the date of the registration of the disputed domain name undoubtedly had widespread global recognition, supported by various worldwide news commentaries, fan sites, social media activity, endorsements, collaborations and partnerships. Indeed, a simple check on any of the most commonly used Internet search engines around the time of the disputed domain name's registration would have revealed the Complainant's LIVERPOOL FC brand and business. The Complainant, therefore, submits that the Respondent had actual knowledge of the Complainant's LIVERPOOL FC brand before and at the time of the registration, and that the disputed domain name was registered with prior knowledge of the Complainant's LIVERPOOL FC brand and trademark and to create an association with the Complainant. In view of the worldwide recognition of the Complainant's LIVERPOOL FC brand, including the colossal scope of the Complainant's business in the United Kingdom, there is no plausible reason that the Respondent could have had for registering the disputed domain name.

The Complainant has obtained evidence of the disputed domain name being used to deceive unsuspecting internet users into sending money to an individual claiming to be the Complainant's head of player recruitment, at the email address handle @liverpoolfcc.com. As evidenced by screenshots of email correspondence, reported by an individual to the Complainant, show the email sender purports to be a representative of the Complainant's widely respected youth academy business, inviting the user for a trial at several well-known football teams in the United Kingdom. The Complainant submits, that the Respondent has engaged in

malicious communications with the recipient, with a view to committing fraud at the expense of the Complainant's established reputation. Such evidence is indicative of an absence of any good faith use of the disputed domain name and, as such, constitutes bad faith use.

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).

This is a case of adding a single letter - in this case "c", to the trademark of the Complainant, LIVERPOOL FC, and in respect of the well-established practice that the specific top-level of a domain name such as ".com" does not affect the disputed domain name for the purpose of determining whether it is identical or confusingly similar, it is found that the disputed domain name is confusingly similar to Complainant´s trademark LIVERPOOL FC.

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).

Given the circumstances of the case, it is inconceivable to the Panel in the current circumstances that the Respondent registered the disputed domain name without prior knowledge of the Complainant and the Complainant's marks and domain names.

The Panel therefore finds that the disputed domain name was registered in bad faith.

By using the disputed domain name for click adds and fraudulent purposes, the Panel finds that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other on-line location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or location or of a product or service on the Respondent's website or location, and that the Respondent is therefore using the disputed domain name in bad faith.

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 three essential issues under the paragraph 4(a) of the Policy are whether:

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

ii. the Respondent has no rights or legitimate interests with respect to the disputed domain name; and

iii. the disputed domain name has been registered and is being used in bad faith.

2. The Panel reviewed carefully all documents provided by the Complainant. The Respondent did not provide the Panel with any documents or statements. The Panel also visited all available websites and public information concerning the disputed domain name, namely the WHOIS databases.

3. The UDRP Rules clearly say in its Article 3 that any person or entity may initiate an administrative proceeding by submitting a complaint in accordance with the Policy and these Rules.

4. The Panel therefore came to the following conclusions:

a) The Complainant states and proves that the disputed domain name is confusingly similar to its trademark and its domain names. Indeed, the trademarks are partially incorporated in the disputed domain name.

The disputed domain name is therefore deemed confusingly similar.

b) The Respondent is not generally known by the disputed domain name and has not acquired any trademark or service mark rights in the name or mark, nor is there any authorization for the Respondent by the Complainant to use or register the disputed domain name. The Panel therefore finds that the Respondent does not have rights or legitimate interest with respect to the disputed domain name.

c) It is clear that the Complainant's trademarks and website(s) were used by the Complainant a long time before the disputed domain name was registered.

The Panel finds it inconceivable that the Respondent was unaware of the Complainant's trademark and domain names at the time of registering the disputed domain name and therefore finds that the disputed domain name was registered in bad faith.

The disputed domain name is used for fraudulent purposes and to mislead Internet users, the Panel finds that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other on-line location, by creating a likelihood of confusion with the Complainant’s trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent’s website.

The Panel therefore finds that the disputed domain name has been registered and is being used in bad faith.

For the reasons stated above, it is the decision of this Panel that the Complainant has satisfied all three elements of paragraph 4(a) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

PANELLISTS

Name	**Lars Karnoe**

DATE OF PANEL DECISION 2025-01-28

Publish the Decision