Decision for dispute CAC-UDRP-107162

Case number	CAC-UDRP-107162
Time of filing	2024-12-12 09:36:52
Domain names	liverpoolfcticket.com

Case administrator

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

Complainant

Organization	The Liverpool Football Club and Athletic Grounds Limited

Complainant representative

Organization	Stobbs IP

Respondent

Name	Konstantinos Evangelides

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

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The Complainant has adduced evidence of its UK-registered company name, The Liverpool Football Club and Athletic Grounds Limited, and of three trademarks for the brand LIVERPOOL FC:

- UK trademark No. 00907024565, registered on 22 May 2009 in Nice Classification classes 6, 18, 21, 24 and 25;
- EU trademark No. 007024565, registered on 22 May 2009 in Nice Classification classes 6, 18, 21, 24 and 25; and
- EU trademark No. 018708332, registered on 7 December 2022 in Nice Classification classes 11, 14, 20, 26, 34, 38, 39 and 42.

The classes listed for these trademarks extend protection across a diverse range of products and services from badges and emblems to apparel and footwear to telecommunications services and internet services including websites, their applications and digital tokens.

The Complaint also supplied a list of several other trademarks it claims to own but without supporting evidence.

The Complainant adduced screenshot evidence to show its use of (1) the domain name <liverpoolfc.com>, including a page on the website to which it resolves related to ticket sales, <liverpoolfc.com/tickets/tickets-availability>, and of (2) <liverpoolfc.co.uk>. This evidence also included third-party lookup results indicating the Complainant's registration of the <liverpoolfc.co.uk> domain name as well as third-party analysis of <liverpoolfc.com> from which it can be inferred that the Complainant must be either the registrant

or otherwise in control of the domain name's use. The Panel on the basis of the evidence submitted and the inference to be made ACCEPTS that the Complainant has demonstrated pertinent domain name interests in both <liverpoolfc.co.uk> and <liverpoolfc.com> for the purposes of this proceeding.

The Respondent registered the disputed domain name <liverpoolfcticket.com> on 4 April 2024 according to the Registrar Verification obtained by the CAC Case Administrator.

FACTUAL BACKGROUND

The Complainant is a major UK professional football club with a large stadium on its grounds which it also commercializes for events such as music concerts. Online, evidence that the Complainant submitted includes detailed traffic analysis which shows a relatively high association of content online with that present on the Complainant's own websites and social media channels. The analysis also showed that, while by no means the most popular term, the search term "Liverpool tickets" is a significantly recurrent one within the Complainant's range of online channels and that the least used channel is e-mail. More than half of the club's online followers are spread across the globe rather than being within the UK. The club's turnover in 2021/2022 and 2022/2023 was above €600 million whereas revenues from football matches were outstripped by ones flowing from broadcasting and commercial transactions, including sales of the club's wide range of merchandise and from its substantial set of co-branding and other relationships.

As to ticketing, the club provides means to purchase tickets directly over its website and through limited supporters' and third-party outlets which it controls closely.

In terms of the disputed domain name's use, the Complainant shows that it resolves to an ISP parking page.

The Panel's routine scrutiny of the Case File revealed what appear to be credible contact details for the Respondent; no indication is given as to whether the CAC Case Administrator's communications to the Respondent regarding this proceeding were received or not.

PARTIES CONTENTIONS

COMPLAINANT:

1. Rights

The disputed domain name wholly incorporates the Complainant’s trademark LIVERPOOL FC, making it confusingly similar to the Complainant’s protected brand name. Inclusion in the disputed domain name’s stem of the term <ticket> also connotes the Complainant’s own promotion and making available of tickets to football matches and hospitality events via its official websites. Neither addition of the <ticket> part of the disputed domain name’s stem nor the technical TLD extension <.com> -- which is the same extension as in the Complainant’s main <.com> domain name -- can thus suffice to reduce such confusing similarity. Rather, these elements of the disputed domain name reinforce the false impression of there being a connection between it and the Complainant.

2. The Respondent's lack of rights or legitimate interest

The Respondent has no rights or legitimate interest in the disputed domain name. Nothing about the disputed domain name or its use suggests that the Respondent is making a bona fide offering of goods or services via it or has engaged in any legitimate non-commercial or fair use of it. To the best of the Complainant's knowledge, the Respondent has never been known as “LIVERPOOL FC”. By contrast, the Complainant has shown its own rights and longstanding legitimate use in the UK and to the world.

3. The Respondent's bad faith

The distinctive nature of the LIVERPOOL FC trade mark makes it very unlikely for it to have been simply “made up” by the Respondent. The Complainant refers to section 3.1.4 of the WIPO Overview 3.0, which records the view that the very act of registering a domain name that is identical or confusingly similar to a famous or widely-known trade mark by an unaffiliated entity can by itself create a presumption of bad faith. Here, 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 commentary, fan sites, social media activity, endorsements, collaborations and partnerships. The Complainant therefore submits that the Respondent had prior knowledge of the Complainant’s LIVERPOOL FC brand before and at the time of the registration, which was done in bad faith in order to create an unfounded impression of association with the Complainant. Moreover, the Respondent’s registration of the disputed domain name which incorporates the Complainant’s trade mark was a targeted registration, with the Complainant and a specific aspect of its business clearly in mind. More likely than not, the disputed domain name was registered by the Respondent to prevent the Complainant from reflecting its mark in a corresponding domain name. There is finally no evidence of any actual or contemplated good faith use of the disputed domain name by the Respondent, while having passive use of it, as seen by its parking page, is no barrier to a finding of bad faith use, as previous ADR Panels have found.

RESPONDENT:

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown that the disputed domain name is identical or confusingly similar to trademarks 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 that 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 the UDRP were met and that there is no other reason why it would be inappropriate to provide a decision.

The Panel notes that its résumé of the Parties' contentions includes for the Complainant only its arguments pertinent to reaching a decision in this proceeding; it omits in particular several references made in the Complaint to past ADR Panels' Decisions.

The Panel notes the Complainant's invitation to the Panel to regard its submissions concerning the Respondent's lack of rights or of a legitimate interest as being adequate to shift the burden of proof to the Respondent. The Panel, in exercise of its general powers under Paragraph 10 of the Rules, instead of adopting an a priori mechanistic approach of this kind, confines itself to assessing the relevance, materiality and weight of the evidence as a whole, taking as its basis the complaint and any exceptional circumstances beyond it disclosed pursuant to the Panel's scrutiny of the Case File.

PRINCIPAL REASONS FOR THE DECISION

The Panel FINDS that:

1. The Complainant has substantiated its rights in the LIVERPOOL FC brand name; that this brand is entirely incorporated within the stem of the disputed domain name <liverpoolfcticket.com>, accompanied only by the generic term <ticket> and by the same TLD technical extension <.com> as in the Complainant's main domain name; and that therefore also the criterion of confusing similarity under the first part of the UDRP cumulative three-part test is fulfilled by the Complainant;

2. The Complainant has furthermore plausibly shown that the Respondent lacks rights or a legitimate interest in the disputed domain name other than by mere registration of it, while nothing from the Panel's own scrutiny of the Case File gives rise to any indication that the Respondent may have such rights or legitimate interest. The second part of the UDRP test is thus also fulfilled;

3. The Respondent's registration of the disputed domain name illegitimately targeted not only the Complainant's protected brand but one its business operations specifically, namely, ticketing sales. While no concrete evidence of bad faith use was offered by the Complainant, the Panel notes that the circumstances point unambiguously to a likelihood of illegitimate use, not only at the cost of the Complainant's rights and commercial interests but also to the potential harm of consumers seeking to purchase e-tickets to Liverpool FC matches or events. It being unlikely that preparations for or conduct of such an illegitimate scheme would, by their nature, be publicized, the Panel here draws the reasonable inference from the circumstances that it is likely they have been initiated. It thus FINDS that the third and final part of the UDRP test, that of bad faith and registration, is also met.

In respect of the last finding, the Panel notes the Complainant's hypothesis of the Respondent intending to block the Complainant's potential registration of the disputed domain name but considers that some form of phishing operation involving e-mail as being the more pertinent and probable hypothesis in the circumstance of a domain name constructed as the disputed domain name is.

The Panel ORDERS transfer of the disputed domain name to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **liverpoolfcticket.com**: Transferred

PANELLISTS

Name	**Kevin Madders**

DATE OF PANEL DECISION 2025-02-01

Publish the Decision