Decision for dispute CAC-UDRP-107282

Case number	CAC-UDRP-107282
Time of filing	2025-02-03 13:00:11
Domain names	sumeria-contact.com

Case administrator

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

Complainant

Organization	LYDIA SOLUTIONS

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	Virginie Selvetti

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 has provided evidence of ownership of rights in the trademark SUMERIA for the purpose of standing to file a UDRP complaint.

The Complainant is the owner of the following trademark registrations for SUMERIA:

- European Union trademark registration No. 018977546 for SUMERIA (word mark), filed on January 23, 2024, and registered on May 28, 2024, in classes 9 and 36;

- European Union trademark registration No. 019022606 for SUMERIA (figurative mark), filed on May 3, 2024, and registered on September 19, 2024, in classes 9, 35, 36 and 42.

FACTUAL BACKGROUND

The Complainant is a French fintech payment services provider founded in 2011 and specialized in mobile payments. Since 2024, the Complainant has been offering an interest-bearing current account service under the trademark SUMERIA.

The Complainant is the owner of the domain name <sumeria.eu>, registered on February 18, 2023, and used by the Complainant to

promote its services under the trademark SUMERIA.

The disputed domain name <sumeria-contact.com> was registered on September 11, 2024, and does not resolve to an active website. The disputed domain name has MX records configured.

PARTIES CONTENTIONS

COMPLAINANT

The Complainant contends that the disputed domain name <sumeria-contact.com> is confusingly similar to the trademark SUMERIA in which the Complainant has rights as it reproduces the trademark in its entirety with the mere addition of the generic term “contact” and the generic Top-Level Domain (“gTLD”) “.com”, which does not prevent the likelihood of confusion between the disputed domain name and the Complainant, its trademark and its domain name.

The Complainant also asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name since: i) the Respondent is not commonly known by the disputed domain name; ii) the Respondent is in no way affiliated with the Complainant and does not carry out any activity for, nor has any business with the Complainant; iii) the Respondent has not been licensed or authorized by the Complainant to use the SUMERIA mark or to register the disputed domain name; and iv) the disputed domain name is inactive.

The Complainant claims that the Respondent registered and used the disputed domain name in bad faith because: i) the term SUMERIA is not a generic term and has no meaning in the English language or in other languages; ii) though the SUMERIA offer is recent, the term is known in relation with the Complainant, as shown by a Google search for “sumeria”, which returns results about the Complainant; iii) given the distinctiveness and reputation of the trademark SUMERIA, the Respondent registered the disputed domain name in full knowledge of the Complainant; iv) the disputed domain name is inactive and has been ever since its registration; and v) since the disputed domain name has been set up with MX records, it may be actively used for e-mail purposes, a circumstance indicative of bad faith registration and use because any e-mail emanating from the disputed domain name could not be used for any good faith purpose.

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

1. The Complainant has provided evidence of ownership of valid trademark registrations for SUMERIA.

The Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark SUMERIA as it reproduces the trademark in its entirety with the mere addition of a hyphen and the generic term "contact", which is not sufficient to prevent a finding of confusing similarity.

As to the gTLD ".com", as established in a number of prior UDRP cases, it is viewed as a standard registration requirement and as such can be disregarded for the purpose of assessing identity or confusing similarity under paragraph 4(a)(i) of the Policy.

2. With reference to the Respondent's rights or legitimate interests in the disputed domain name, the Panel finds that the Complainant has made a prima facie case and that the Respondent, by not submitting a Response, has failed to provide any element from which a Respondent's right or legitimate interest in the disputed domain name could be inferred.

The Panel notes that, based on the records, the Respondent does not have any relationship with the Complainant and has not been authorized by the Complainant to use its trademark SUMERIA and/or to register and use the disputed domain name. Moreover, there is no evidence that the Respondent might be commonly known by the disputed domain name or a name corresponding to the disputed domain name.

Furthermore, the disputed domain name does not resolve to an active website and there is no evidence of use of the disputed domain name in connection with a bona fide offering of goods or services or legitimate non-commercial or fair use.

Therefore, the Panel finds that the Complainant has demonstrated that the Respondent has no rights or legitimate interests in respect of the disputed domain name according to paragraph 4(a)(i) of the Policy.

3. As to bad faith at the time of the registration, the Panel notes that, in view of the Complainant's prior registration and use of the trademark SUMERIA in connection with the Complainant's banking and financial services, promoted online via the website "www.sumeria.eu", the Respondent could have been aware of the Complainant's trademark when it registered the disputed domain name in September 2024.

The Panel notes that the term "Sumeria" could be referred to the region of city-states in ancient Mesopotamia, but there is no evidence of use of the disputed domain name by the Respondent in connection with this possible meaning and not to trade off the Complainant's trademark. Moreover, considering i) the composition of the disputed domain name, combining SUMERIA with the generic term "contact"; ii) the circumstance that the Respondent is based in France, where the Complainant operates and provides its banking and financial services under the trademark SUMERIA; and iii) the Respondent's failure to submit a Response to provide any explanations as to the reasons why it registered the disputed domain name, the Panel finds that, on balance of probabilities, the Respondent registered the disputed domain name having the Complainant's trademark in mind.

The disputed domain name does not resolve to any active website and appears to be passively held. As established in a number of prior UDRP cases, the concept of "bad faith use" in paragraph 4(b) of the Policy includes not only positive action but also passive holding. In the present case, in light of i) the composition of the disputed domain name, which consists of the Complainant's mark followed by the generic term "contact", and the similarity with the Complainant's domain name <sumeria.eu>; ii) the Respondent's failure to submit a Response to provide any evidence of actual or contemplated good-faith use of the disputed domain name; and iii) the circumstance that the disputed domain name has MX records configured, meaning that it could be used for e-mail communication, potentially also for phishing purposes considering the SUMERIA mark encompassed in the disputed domain name is used for banking and financial services, the Panel finds that the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Therefore, the Panel finds that the Complainant has also demonstrated that Respondent registered and is using the disputed domain name in bad faith according to 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. **sumeria-contact.com**: Transferred

PANELLISTS

Name	**Luca Barbero**

DATE OF PANEL DECISION 2025-03-13

Publish the Decision