Decision for dispute CAC-UDRP-107394

Case number	CAC-UDRP-107394
Time of filing	2025-03-13 11:16:50
Domain names	fr-lactalis.cam

Case administrator

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

Complainant

Organization	Groupe Lactalis

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	Steven Zenbar

OTHER LEGAL PROCEEDINGS

The Panel is unaware of any other pending or concluded legal proceedings pertaining to the domain name <fr-lactalis.cam> ('the disputed domain name').

IDENTIFICATION OF RIGHTS

Groupe Lactalis ('the Complainant') asserts its rights to the following registered trade marks:

- EU trade mark registration no. 001529833, filed on 7 November 2002, for the word mark LACTALIS, in classes 1, 5, 10, 13, 16, 31, 33, 34, 40, and 42 of the Nice Classification;
- International trade mark registration no. 900154, registered on 27 July 2006, for the figurative mark LACTALIS, in classes 20, 30, and 35 of the Nice Classification;
- International trade mark registration no. 1135514, registered on 20 September 2012, for the figurative mark LACTALIS, in classes 5, 29, 30, 32, and 35 of the Nice Classification; and
- EU trade mark registration no. 017959526, registered on 22 May 2019, for the figurative mark LACTALIS, in classes 1, 5, 7, 9, 16, 21, 24, 25, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40, 41, 42, 43, 44, and 45 of the Nice Classification.

These marks shall be collectively referred to as 'the Complainant's trade mark' or 'the trade mark LACTALIS'. Furthermore, the Complainant holds multiple domain names featuring the term 'lactalis', including <lactalis.com>, registered in 1999.

The disputed domain name <fr-lactalis.cam> was registered on 2 March 2025 and currently resolves to a website displaying an error message (referred to as 'the Respondent's website').

FACTUAL BACKGROUND

A. Complainant's Factual Allegations

The Complainant, founded in 1933 as a French multinational company within the dairy sector, has been operating under the name 'Lactalis' since 1999. As the world's largest dairy products group, the Complainant boasts over 85,500 employees and 266 production sites across 51 countries.

B. Respondent's Factual Allegations

The Respondent has failed to submit a Response in this UDRP administrative proceeding, leaving the Complainant's allegations unchallenged.

PARTIES CONTENTIONS

A. Complainant's Submissions

The Complainant's submissions may be summarised as follows:

A.1 The disputed domain name is confusingly similar to a trade mark in which the Complainant has rights

The Complainant asserts that the disputed domain name is confusingly similar to the trade mark LACTALIS as it encompasses the trade mark in full. The addition of the geographical term 'fr' does not materially alter the initial impression of the designation, nor does it mitigate the likelihood of confusion with the Complainant's trade mark. Additionally, the inclusion of the Top-Level Domain ('the TLD') <.cam> similarly fails to disassociate the disputed domain name from the Complainant.

A.2 The Respondent has no rights or legitimate interests in respect of the disputed domain name

The Respondent, being unnamed in the Whois database, cannot be said to be commonly known by the disputed domain name. The Complainant affirms that there is no affiliation or authorisation between the parties, emphasising that the Respondent holds no rights regarding the disputed domain name and has never received permission to utilise the trade mark LACTALIS. Furthermore, the fact that the disputed domain name resolves to an error page suggests no intention or plan for its use, further substantiating the absence of rights or legitimate interests on the part of the Respondent.

A.3 The Respondent registered and is using the disputed domain name in bad faith

The Complainant highlights that the trade mark LACTALIS has substantial recognition and protection in multiple jurisdictions at the time of the disputed domain name's registration. Past UDRP panels have recognised LACTALIS as a well-known trade mark, leading the Complainant to assert that the Respondent registered the disputed domain name with full awareness of the Complainant's rights, thereby indicating bad faith. The inactive nature of the website associated with the disputed domain name, alongside its registration details, raises doubts about any legitimate use by the Respondent, suggesting potential passing off or infringement of trade mark rights. The presence of MX records hints that the disputed domain name may be intended for e-mail use, reinforcing concerns regarding bad faith registration and use. In conclusion, the Complainant maintains that the Respondent has registered and utilised the disputed domain name in bad faith.

A.4 Relief sought

The Complainant requests the transfer of the disputed domain name to itself.

B. Respondent's Submissions

The Respondent has defaulted in this UDRP administrative proceeding, failing to advance any substantive defence.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown that the disputed domain name is identical or confusingly similar to a trade mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the UDRP 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 UDRP 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 UDRP Policy).

PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under the UDRP have been met, with no grounds to delay the decision.

PRINCIPAL REASONS FOR THE DECISION

A. Applicable Legal Framework

Pursuant to Rule 15 of the UDRP Rules, the Panel shall determine the case based on the statements and documents submitted, alongside the UDRP Policy, UDRP Rules, and any pertinent rules and principles of law.

Under paragraph 4(a) of the UDRP Policy, the burden rests upon the Complainant to establish three essential elements for a successful claim:

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

ii. The Respondent has no rights or legitimate interests in respect of the disputed domain name; and

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

These three elements shall be collectively referred to as 'the requirements of the UDRP Policy'. The standard of evidence in UDRP administrative proceedings is the balance of probabilities. The Panel will assess each requirement in turn.

B. Identical or Confusingly Similar

The Panel finds that the Complainant possesses UDRP-relevant rights in the registered trade mark LACTALIS as of 2002.

The disputed domain name <fr-lactalis.cam> wholly incorporates the Complainant's trade mark LACTALIS, with the addition of the letters or geographical term 'fr'. This minor modification fails to diminish the likelihood of confusion, as the presence of the term 'lactalis' within the disputed domain name string creates a strong association with the Complainant's goods. Accordingly, the Panel concludes that the disputed domain name is confusingly similar to the Complainant's trade mark, thereby satisfying the first requirement of the UDRP Policy.

C. Rights or Legitimate Interests

The evidence presented clearly indicates that the Respondent is not commonly known by the disputed domain name. Furthermore, the absence of any affiliation or authorisation from the Complainant substantiates the assertion that the Respondent possesses no rights or legitimate interests in relation to the disputed domain name. The Respondent's conduct appears intentional, aimed at disrupting the Complainant's legitimate business operations, thereby fulfilling the second requirement of the UDRP Policy.

D. Registered and Used in Bad Faith

The Panel concludes that the Respondent's registration and use of the disputed domain name demonstrate bad faith. The Respondent's evident awareness of the Complainant's rights, combined with a domain name string that creates a risk of unwarranted affiliation with the Complainant, strongly suggests an intent to mislead Internet users.

Furthermore, the presence of MX records associated with the disputed domain name raises further concerns. While these records indicate that the disputed domain name may be configured for e-mail use, the absence of any actual use or demonstrated intention to engage in legitimate activities underscores an intention to exploit the Complainant's trade mark. The Respondent's conduct aligns with the provisions specified in paragraph 4(b)(iv) of the UDRP Policy. In light of this assessment, the Panel finds that the Complainant has satisfied the third and final requirement of the UDRP Policy.

E. Decision

For the above reasons, in accordance with paragraph 4(a) of the UDRP Policy and Rule 15 of the UDRP Rules, the Panel orders that the disputed domain name <fr-lactalis.cam> be transferred to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **fr-lactalis.com**: Transferred

PANELLISTS

Name	**Gustavo Moser**

DATE OF PANEL DECISION 2025-04-05

Publish the Decision