Decision for dispute CAC-UDRP-107427

Case number	CAC-UDRP-107427
Time of filing	2025-03-21 09:41:58
Domain names	pitch-group.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	W-PI PROMOTION

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Organization	Bassaman Yves

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

In these proceedings, the Complainant relies on the following trademarks:

- “PITCH” (word), French Trademark Registration No. 4768727, filed on May 20, 2021, in the name of W-PI PROMOTION (the Complainant); and,

- “P Pitch immo” (fig.), French Trademark Registration No. 4775998, filed on June 11, 2021, in the name of W-PI PROMOTION (the Complainant).

FACTUAL BACKGROUND

According to information provided by the Complainant and not refuted by the Respondent, the Complainant is a French company, part of the urban transformation group Altarea, well-known in the real estate market and active in the construction and renovation fields for 25 years. Ever since, the Complainant has become a quite large enterprise, reaching a turnover of more than 400 million Euros in 2021.

The Complainant owns a small-sized portfolio of trademarks including the wording "PITCH", among which a French trademark registration dating back to 2021. It also owns (through its mother company Altarea) related domain names, like <pitchimmo.fr>

since April 29, 2021.

The Disputed domain name <PITCH-GROUP.COM> was registered on September 27, 2024 by the Respondent, as confirmed by the Registrar.

PARTIES CONTENTIONS

COMPLAINANT

The Complainant contends that the Disputed domain name is confusingly similar to its PITCH trademark, as it fully incorporates this identical trademark. This last element is sufficient to support the finding that the Disputed domain name is confusingly similar to the Complainant's trademark, despite the addition of the generic term “-GROUP”. As to the gTLD “.com”, the Complainant suggests that it should be disregarded, as per the usual practice.

The Complainant maintains that the Respondent lacks rights or legitimate interests in the Disputed domain name because the Complainant is not affiliated with nor has it ever authorised the Respondent to register its trademark as a Disputed domain name, the Complainant has never licensed its trademark to the Respondent and the Respondent is not known as the Disputed domain name.

According to the Complainant, given the distinctiveness and reputation of its PITCH trademark, the Respondent registered the Disputed domain name with full knowledge of the Complainant's trademark in an intentionally designed way to attract users for commercial gain, and this is evidence of the fact that the Disputed domain name was registered in bad faith.

With respect to use in bad faith, the Complainant points out that the Respondent has used the domain name for phishing purposes, which is considered as a clear indication of bad faith. It is, indeed, impossible to conceive any actual or contemplated use that would not be illegitimate.

For all these reasons, the Complainant concludes that the Respondent registered and used the Disputed domain name in bad faith.

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).

The Disputed domain name consists of the Complainant's whole registered trademark (“PITCH”). Indeed, the mere addition of the generic word “-GROUP” is not sufficient to escape the finding that the Disputed domain name is confusingly similar to the trademark of the Complainant.

As far as the gTLD ".com" is concerned, it is generally recognized that top level domains do not have any bearing in the assessment of identity or confusing similarity, according to paragraph 4(a)(i) of the Policy.

Hence, the Panel is satisfied that the first requirement under the Policy is met.

NO RIGHTS OR LEGITIMATE INTERESTS

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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).

Since proving a negative fact is almost impossible, panels in UDRP proceedings have generally agreed that it is sufficient for the Complainant to establish a prima facie case that the Respondent lacks rights or legitimate interests in the Disputed domain name to shift the burden of proof to the Respondent.

In the case at issue, the Complainant argued that it had never authorised the Respondent to register the PITCH trademark in a Disputed domain name, and that it had never licensed its trademark to the Respondent.

Furthermore, the Disputed domain name resolves to a redirection towards the Complainant's website, in order to help the Respondent in its illegal phishing efforts, and therefore the Respondent cannot demonstrate any use of the Disputed domain name in connection with a bona fide offering of goods and services or a legitimate non-commercial or fair use of the Disputed domain name.

Finally, there is no other evidence in the case file that could demonstrate that the Respondent has been commonly known by the Disputed domain name.

In view of the foregoing, the Panel is satisfied that the Complainant has established a prima facie case that the Respondent lacks rights and legitimate interests in the Disputed domain name. In order to rebut the Complainant's arguments, the Respondent had the possibility to make his own defense. However, the Respondent has chosen not to file a Response.

Therefore the Panel is satisfied that also the second requirement under the Policy is met.

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).

As far as registration in bad faith is concerned, given the reputation of the Complainant's trademark and the fact that the Disputed domain name fully incorporates this trademark (even with the addition of a generic term), it is quite evident that, at the time of the registration of the Disputed domain name, the Respondent was well aware of the Complainant's trademark. The registration as a domain name of a third party's well-known trademark with full knowledge of the fact that the rights over this trademark belong to a third party amounts to registration in bad faith.

With respect to use in bad faith, the Disputed domain name serves to redirect users to the Complainant's website, a fact that allows the Respondent to somehow legitimize the Disputed domain name. Further, Complainant has provided evidence showing that Respondent sends emails using the relevant MX servers by impersonating Complainant, within an apparently designed phishing scheme. Such fraudulent use of a domain name shows bad faith, especially when the complainant's trademark has such a strong reputation that it is widely known, and when it is impossible to conceive any plausible actual or contemplated active use of the domain name by the Respondent that would not be illegitimate. This fact is to be combined with the full incorporation of the Complainant's reputable trademark in the Disputed domain name. These are the circumstances that apply in the case at issue, to a fair extent. The trademark PITCH enjoys wide and extensive reputation in the real estate industry. Therefore it is impossible to conceive any plausible active use of the Disputed domain name that would be legitimate.

Therefore the Panel finds it clear that the Disputed domain name was used in bad faith.

For all circumstances mentioned above, the Panel is satisfied that the third requirement under the Policy is also satisfied.

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 Disputed domain name wholly incorporates the Complainant's trademark. The Disputed domain name is therefore confusingly similar to the Complainant's trademark, despite the addition of a generic term.

The Respondent was not authorised to include the Complainant's trademark in the Disputed domain name, and the Complainant never licensed its trademark to the Respondent. The Respondent is not using the Disputed domain name in connection with a bona fide offering of goods or services, or a legitimate non-commercial or fair use.

The Respondent registered the Disputed domain name with full knowledge of the Complainant's well-known trademark. His fraudulent use of the Disputed domain name for phishing purposes is in bad faith, as there is no conceivable use of the Disputed domain name that could amount to a legitimate use.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **pitch-group.com**: Transferred

PANELLISTS

Name	**Sozos-Christos Theodoulou**

DATE OF PANEL DECISION 2025-04-17

Publish the Decision