Decision for dispute CAC-UDRP-107469

Case number	CAC-UDRP-107469
Time of filing	2025-04-11 08:14:46
Domain names	garmontcanada.org

Case administrator

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

Complainant

Organization	Garmont International s.r.l.

Complainant representative

Organization	GriffeShield S.r.l.

Respondent

Name	Owen Bradley

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 is the owner of several Trademarks for GARMONT, inter alia, the European Trademark Registration 665125 GARMONT in classes 18, 25, 28 applied for on October 30, 1997 and registered on February 2, 1999, being in effect.

FACTUAL BACKGROUND

The Complainant is an Italian company active in the mountain and outdoor footwear sector, founded in 1964. Its products can be ordered worldwide and bought in many countries. Among the trademarks of the Complainant, there is also a figurative trademark, EU 001590355 in classes 18, 25, 28 registered since June 14, 2001.

The website under the disputed domain name shows Complainant´s trademark GARMONT, the figurative trademark mentioned above and a similar web design as Complainant´s website with photos and the slogan GET OUTSIDE as well as product offers of Garmont shoes which are counterfeit products as Complainant states. The website does not indicate another owner or any relation to the Complainant.

The disputed domain name was registered on June 25, 2023.

PARTIES CONTENTIONS

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

The Complainant, inter alia, contends, that the domain name contains in its entirety the Complainant´s mark GARMONT, whereas the additional element „Canada“ is a pure geographical indication. The Respondent has no legitimate interest in the domain name in question, since he was never authorised to use the trademark of the Complainant. The domain name in question has been both acquired and is being used in bad faith as the Complainant was present for many years at the time of the registration of the disputed domain name and counterfeited shoes are sold on the website under the disputed domain name.

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 issued a procedural order on May 12, 2025 requesting clarification regarding the Complainant´s identification. The Complainant replied on May 13, 2025 that only a clerical mistake was made while filing the complaint form and requested a change in Complainant´s identification.

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

In order to succeed in its claim, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied:

(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.

A. Identical or Confusingly Similar

The Complainant has established the fact that it has valid trademark rights for „GARMONT“ for several countries.

The disputed domain name is confusingly similar to the distinctive GARMONT marks of the Complainant since the addition of the geographical indication „CANADA“ at the end of the second level domain name does not prevent a finding of a sufficient confusing similarity.

The Panel therefore considers the disputed domain name to be confusingly similar to the trademark „GARMONT“, in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Respondent has no rights in the disputed domain name since the Respondent was not authorised by the Complainant to use its trademarks. Furthermore, the Respondent has no legitimate interest in the domain name since there is no indication that the Respondent is commonly known by the name “GARMONT” nor that the Respondent is using the domain name in connection with a bona fide offering of related goods or services since the website under the disputed domain name creates the impression that the Complainant is selling products there which is not the case.

The Panel therefore finds that the Respondent does not have rights or legitimate interests in the disputed domain name.

C. Registered and Used in Bad Faith

The mark of the complainant being widely used before the disputed domain name was registered and the reference to the figurative trademark of the Complainant and its products on the website under the disputed domain name shows that Respondent was well aware of the Complainant and its trademarks. Furthermore, the website pretends to be the one of the Complainant. The Complainant has not authorized the Respondent to make use of a designation which is identical to its marks. This Panel does not see any conceivable legitimate use that could be made by the Respondent of this particular domain name without the Complainant’s authorization.

The circumstances of this case indicate that the Respondent registered and uses the disputed domain name primarily with the intention of attempting to attract, for commercial gain, Internet users to its potential website or other online locations, by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of such website or location, or of a product or service on such website or location. The Panel therefore considers the disputed domain name to have been registered and used in bad faith in accordance with paragraph 4(a)(iii) of the Policy.

The Panel therefore considers the disputed domain name to have been registered and used in bad faith in accordance with 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. **garmontcanada.org**: Transferred

PANELLISTS

Name	**Dietrich Beier**

DATE OF PANEL DECISION 2025-05-16

Publish the Decision