Decision for dispute CAC-UDRP-107557

Case number	CAC-UDRP-107557
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Domain names	mycanal-clients.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	GROUPE CANAL +

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	johon

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 owns a portfolio of trademarks including MYCANAL. By way of example:
International trademark for MYCANAL with registration number 1339315 and registered October 28, 2016.
Institut National de la Propriété Industrielle of France, for MYCANAL with registration number 3990405 and registered on March 15, 2013.
Institut National de la Propriété Industrielle of France, for MYCANAL with registration number 4304854, registered on October 5, 2016.

FACTUAL BACKGROUND

The Complainant is a French corporation, leader in the audiovisual media as well a top player in the production of pay-TV and theme channels. With 26.9 million subscribers worldwide and an annual revenue of 6.4 billion euros in 2024.
The Complainant also owns a package of domain names including its trademark MYCANAL. As such <mycanal.com> registered on June 6, 2013.
The disputed domain name was registered on May 2, 2025 and redirected to an authentication page reproducing Complainant´s logo. Currently, the disputed domain name is inactive.

PARTIES CONTENTIONS

THE COMPLAINANT

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.

In particular, the Complainant contends that the disputed domain name is confusingly similar to MYCANAL. By adding a word to the mark, in this case “clients” plus a hyphen, the confusing similarity is met.

The Complainant also contends that the Respondent has not been authorized or licensed to use its marks or to apply for the disputed domain name using them. Further, there is no evidence that the Respondent is commonly known by the disputed domain name since the Respondent is not identified in the Whois database as the owner of the disputed domain name.

Furthermore, the Respondent´s use of the disputed domain name confirms the lack of rights or legitimate interests. That said, the disputed domain name was used in an attempt to collect personal data from the Complainant´s customers. Such practices are to be considered illegitimate for UDRP purposes.

By using the disputed domain name the Respondent has intentionally attempted to attract for commercial purposes, internet users to its website, by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation or endorsement of its website.

THE 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. Identical or Confusingly Similar
The Complainant has shown rights in respect of MYCANAL trademark for the purposes of the Policy. It is apparent that the mark MYCANAL is reproduced in the disputed domain name <mycanal-clients.com>. The addition of a generic term, in this case “clients” or, an hyphen does not prevent confusing similarity.
The applicable Top Level Domain (‘TLD’) in a domain name is viewed as a standard registration requirement and as such is disregarded under the first element test.
The Panel finds the first element of the Policy has been established.

2. Rights or Legitimate Interest

Paragraph 4(c) of the Policy sets out non-exclusive examples in which the Respondent may establish rights or legitimate interests in the disputed domain name. However, while the burden of proof in UDRP proceedings rests on the complainant, panels have recognized that proving a respondent lack or rights or legitimate interests in a domain name may result in the often-impossible task of "proving a negative". Accordingly, panels have established, since the inception of the UDRP, that it is sufficient to raise a prima facie case against the respondent and then the evidential burden of production shifts to the respondent. See CAC-UDRP-106452

Previous panels decisions have held that the use of a domain name for illegal activity can never confer rights or legitimate interests on a respondent. WIPO Overview 3.0, section 2.13.1. The Panel notes how the website to which the disputed domain resolved reproduced Complainant´s logo seemingly in an attempt to impersonate the Complainant and to confuse internet users to enter their passwords. Such practice is deemed to be an attempt to impersonate and collect personal data illegally. That is to say, phishing.

The Panel also finds that none of the circumstances referred to in paragraph 4(c) apply for the Respondent.

Besides, the silence of the Respondent, once the Complaint was sent to him, has avoided the Panel from assessing whether any circumstances may oppose to the Complainant´s prima facie showing.

The Panel finds the second element of the Policy has been established.

3. Register and Used in Bad Faith

Noting that bad faith under the UDRP is broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a complainant's mark, the Panel now looks at the third requirement of the test.

By registering the disputed domain name that reproduces the Complainant's trademark, the Respondent targeted the Complainant. Besides, the Respondent reproduced the Complainant´s logo on the corresponding website to which the disputed domain name resolved. Accordingly, the Panel determines that the Respondent knew or should have known about the Complainant and its trademarks when registering the disputed domain name.

Considering the use of the disputed domain name at the time of the filing of the Complaint the Respondent used the disputed domain name for illegal activity here, claimed phishing. Such practice constitutes bad faith. See WIPO Overview 3.0, section 3.4. Therefore, the registration and use of the disputed domain name was in bad faith.

Furthermore, panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. Having reviewed the available record, the Panel notes the distinctiveness and the reputation of the Complainant's trademark as well as the composition of the disputed domain name to contend that, in the circumstances of this case, the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

The Panel finds that the Complainant has established the third element of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **mycanal-clients.com**: Transferred

PANELLISTS

Name	**Manuel Moreno-Torres**

DATE OF PANEL DECISION 2025-06-06

Publish the Decision