Decision for dispute CAC-UDRP-107538

Case number	CAC-UDRP-107538
Time of filing	2025-05-05 09:42:57
Domain names	voiatys.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	VOLATYS

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	ROBERT EUGENE CRULL

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 French trademark VOLATYS (Reg. No. 5007865), registered since March 15, 2024.

FACTUAL BACKGROUND

The Complainant, VOLATYS, is a French company specialized in the offering of poultry cut, graded and processed. The Complainant is present in all distribution sectors: catering, food processing, supermarkets and export. It has expanded internationally and is now present in over 20 countries. VOLATYS is well recognized among food industry professionals - especially within the wholesale market segments in France and across Europe. Its market presence (20+ countries, 180+ products), strong visibility at industry events, high quality standards, and investment activity all confirm a solid reputation background.

The Complainant also owns the domain name <volatys.com>, registered on July 15, 2005.

The disputed domain name <voiatis.com> was registered on April 23, 2025 and resolves to an index page, also, MX servers are configured. The Respondent is Robert Eugene Crull from the United States.

PARTIES CONTENTIONS

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

The Panel agrees with the Complainant that the disputed domain name <voiatys.com> is confusingly similar to the Complainant's trademark VOLATYS. Considering the reputation of the Complainant and its trademark, it becomes evident that the obvious misspelling of the Complainant’s trademark VOLATYS (i.e. the insertion of the letter “I” instead of the letter „L“) is characteristic of a typosquatting practice intended to create confusing similarity between the Complainant’s trademark and the disputed domain name (section 1.9 of WIPO Overview 3.0 states: “A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element.”).

The Panel acknowledges that the Complainant presented prima facie evidence that the Respondent is not sponsored by or affiliated with Complainant in any way. Furthermore, Complainant has not licensed, authorized, or permitted Respondent to use Complainant’s trademark in any manner, including in domain names. The Respondent's name does not resemble the disputed domain name in any manner. Respondent’s use of the disputed domain name does not constitute a bona fide offering of goods or services or a legitimate non-commercial or fair use (Policy Para. 4(c)).

As no administratively compliant response has been provided to the Panel and the prima facie evidence was not challenged by the Respondent, the Panel concludes that the Respondent, when he registered the disputed domain name, meant nothing else except the Complainant's trademark VOLATYS (see WIPO Overview 3.0, para. 3.1.1). Previous UDRP panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. Accordingly, the Panel finds that the disputed domain name was registered in bad faith.

The disputed domain name resolves to an index page. From the inception of the UDRP, previous panellists have found that the non-use of a domain name (including a blank or “coming soon” page) would not prevent a finding of bad faith under the doctrine of passive holding. Having regard to the reputation of the Complainant’s trademark, the failure of the Respondent to submit a response and the implausibility of any good faith use, the Panel concludes that the disputed domain name is being used in bad faith (section 3.3 of WIPO Overview 3.0).

Moreover, MX servers are configured which suggests that the disputed domain name may be actively used for email purposes (see WIPO Overview 3.0, para. 3.4). This is indicative of bad faith use because any email emanating from the disputed domain name

could not be used for any good faith purpose (CAC Case No. 102827, JCDECAUX SA v. Handi Hariyono).

On these bases, the Panel concludes that the Respondent has both registered and used the disputed domain name in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **voiatys.com**: Transferred

PANELLISTS

Name	**Darius Sauliūnas**

DATE OF PANEL DECISION 2025-06-09

Publish the Decision