Decision for dispute CAC-UDRP-107652

Case number	CAC-UDRP-107652
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Domain names	promanstaffingco.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	PROMAN EXPANSION

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Organization	Abstrakt Marketing Group

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 trademarks consisting of the term PROMAN in numerous countries. Specifically, the Complainant is the owner of the PROMAN trademark under:

- EU Registration Number 018537424 registered on January 28, 2022;
- EU Registration Number 018501035 registered on October 13, 2021;
- INT. Registration Number 1635272 registered on August 24, 2021;
- FR Registration Number 1617815 registered since September 24, 1990.

FACTUAL BACKGROUND

The disputed domain name <promanstaffingco.com> was created on April 4, 2025. The disputed domain name redirects to the official website of the Complainant's US entity <promanstaffing.com>. Additionally, MX records are configured for the domain name

According to the information on the case file, the Registrar confirmed that the Respondent is the current registrant of the disputed domain name and that the language of the registration agreement is English.

On June 11, 2025, Complainant filed the instant Complaint.

The facts asserted by the Complainant are not contested by the Respondent because no Response was filed.

PARTIES CONTENTIONS

COMPLAINANT:

The Complainant asserts that it is a leading independent player in the field of temporary employment and human resources. The Complainant claims to be the 4th largest European staffing company, operating in 18 countries and with a reported turnover of 4.4 billion euros in 2024.

The Complainant states that the disputed domain name is confusingly similar to its trademark PROMAN, as it incorporates the mark in its entirety, disregarding the generic top-level domain .com. The complainant submits that the addition of the generic terms “staffing” and “co” does not avoid a finding of confusing similarity. On the contrary, these terms exacerbate confusion, particularly because they reinforce the employment-related services for which the Complainant is known especially its U.S. operations under the PROMAN STAFFING brand.

The Complainant asserts that the Respondent lacks rights or legitimate interests in the disputed domain name because: the Respondent is not commonly known by the disputed domain name; the Respondent has no affiliation, authorization, license or similar relationship with the Complainant. The Complainant contends that the Respondent is not making a bona fide offering of goods or services by means of the disputed domain name, or a legitimate non-commercial or fair use of it.

Regarding bad faith registration and use, the Complainant claims that the disputed domain name <promanstaffingco.com> was registered long after the Complainant had established substantial goodwill and global recognition in the PROMAN mark.

Given the strong digital presence and reputation of the PROMAN brand, including its U.S. entity “PROMAN STAFFING”, the Complainant asserts it is reasonable to conclude that the Respondent registered the disputed domain name with full awareness of the Complainant’s rights. A simple Google search for “PROMAN STAFFING” leads directly to the Complainant’s U.S. website and operations.

The Complainant contends that the fact that the disputed domain redirects to the Complainant’s own website strongly suggests prior knowledge, and that the Respondent is intentionally leveraging the Complainant’s reputation to attract Internet users by creating confusion. The Complainant argues that this constitutes registration and use in bad faith under paragraph 4(b)(iv) of the Policy.

The Complainant further argues that the configuration of active MX records indicates that the disputed domain name could be used for email communication, raising the risk of impersonation or phishing attacks.

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

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

THREE ELEMENTS THAT THE COMPLAINANT MUST ESTABLISH UNDER THE POLICY

According to Paragraph 4(a) of the Policy, the Complainant is required to prove each of the following three elements to obtain an order that a disputed domain name should be transferred or cancelled:

(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 in respect of the disputed domain name; and

(iii) the disputed domain name has been registered and are being used in bad faith.

The Panel has examined the evidence available to it and has come to the following conclusions concerning the satisfaction of the three elements of paragraph 4(a) of the Policy in these proceedings:

(A) THE COMPLAINANT'S RIGHTS AND CONFUSING SIMILARITY OF THE DISPUTED DOMAIN NAME TO THE COMPLAINANT'S RIGHTS

The first element of the Policy requires the Complainant to have rights to a trademark or service mark which is identical or confusingly similar to the disputed domain name.

Sufficient evidence has been submitted by the Complainant of its registered trademark rights in the term PROMAN in numerous countries. Such trademark rights were created and registered prior to April 4, 2025, the creation date of the <promanstaffingco.com> disputed domain name. It is well established that a nationally or regionally registered trademark confers on its owner sufficient rights to satisfy the requirement of having trademark rights for the purposes of standing to file a UDRP case.

Further, UDRP panels have held that where the asserted trademark is recognizable within a disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) does not prevent a finding of confusing similarity under paragraph 4(a)(i) of the Policy. See, e.g., LEGO Juris A/S v. DBA David Inc/ DomainsByProxy.com, Case No. D2011-1290 (WIPO, September 20, 2011) ("the mere addition of the words ‚Ninjago' and ‚Kai' is not sufficient to exclude the likelihood of confusion between the disputed domain name and the Complainant's trademark."). In the present case, the disputed domain name consists of the PROMAN trademark reproduced in its entirety with the addition of the generic but related terms ''staffing'' and ''co''.

In assessing confusing similarity, the Panel finds the disputed domain name is confusingly similar to the PROMAN trademark in which the Complainant has rights because they incorporate the entirety of the PROMAN trademark and differ from such mark merely by respectively adding the aforementioned generic but related terms. These additions do not prevent a finding of confusing similarity considering the prominence of the distinctive PROMAN mark within the disputed domain name.

Accordingly, the Panel finds that the Complainant possesses rights in its PROMAN trademarks such that it has standing under the Policy.

The top-level domain ("TLD") may usually be ignored for the purpose of determination of identity or confusing similarity between a domain name and the Complainant's trademark as it is technical requirement of registration (see Paragraph 1.11.1 WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0")). Hence the TLD ".com" may be disregarded for the purpose of determining this first element, and only the "PROMAN" portion included in the disputed domain name shall be considered.

Therefore, the Panel concludes that the Complainant has satisfied the requirement under paragraph 4(a)(i) of the Policy and the disputed domain name is confusingly similar to the Complainant's PROMAN marks.

Accordingly, the Complainant has satisfied the first element of the Policy.

(B) RESPONDENT'S LACK OF RIGHTS OR LEGITIMATE INTERESTS IN THE DISPUTED DOMAIN NAME

The second element of the Policy requires that the Complainant establish that the Respondent has no rights or legitimate interests in the disputed domain name. The generally adopted approach by UDRP panels, when considering the second element, is that if a complainant makes out a prima facie case, the burden of proof shifts to the respondent to rebut it; see, s2.1 WIPO Overview 3.0 ("...panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible task of 'proving a negative', requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name."). If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy.

However, the burden of proof still remains with the Complainant to make out its prima facie case on a balance of probabilities. Moreover, the wording of paragraph 4(a)(ii) of the Policy requires a complainant to establish that the respondent has no rights or legitimate interests in the domain name in issue. Simply establishing that the Complainant also has rights in the disputed domain name in issue is insufficient.

Paragraph 4(a)(ii) of the Policy contemplates an examination of the available facts to determine whether a respondent has rights or a legitimate interest in the domain name. Paragraph 4(c) sets out a list of circumstances through which a respondent may demonstrate that it does have such rights or interests.

The first circumstance, under Paragraph 4(c)(i), is where "before any notice to you of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services". Here, according to screenshot evidence submitted by the Complainant, the disputed domain name redirects to the official website of the Complainant's US entity <promanstaffing.com>. Accordingly, the Panel finds no evidence of a bona fide offering or goods or services or demonstrable preparations to use per Policy 4(c)(i) and Respondent does not have rights or legitimate interests with respect of the disputed domain name thereunder.

The second circumstance, under Paragraph 4(c)(ii), concerns cases where the respondent is commonly known by the domain name. Here, according to the registrar verification, the Respondent organization name is "Abstrakt Marketing Group" and has no similarity or connection to the disputed domain name. There is no evidence that the Respondent is commonly known by the disputed domain name. As such, this second circumstance of legitimate rights or interests under the Policy is not applicable to the Respondent.

Regarding the third circumstance, under Paragraph 4(c)(iii) of the Policy, there is no evidence that the Respondent is making a legitimate non-commercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the Complainant's PROMAN trademark. According to the evidence submitted, the disputed domain name redirects to the official website of the Complainant's US entity <promanstaffing.com>. Additionally, none of the accepted categories of fair use - such as news reporting, commentary, political speech, education etc. – are found to apply and the Panel concludes there is no legitimate non-commercial or fair use on the part of the Respondent.

Lastly, the Complaint states that the Respondent is not licensed, nor has any relationship with or authority to represent the Complainant in any way.

Accordingly, the Complainant has sufficiently made out its prima-facie case on the second element of the Policy. Thus, the burden of proof is shifted to the Respondent to rebut the Complainant's case. Here, because the Respondent has not participated in these proceedings, there is no such rebuttal to consider, and the Complainant prevails.

The Panel therefore concludes that neither the Respondent nor the evidence establishes that the Respondent has any right or legitimate interest in the disputed domain name. The Complainant has therefore also satisfied the requirement under paragraph 4(a)(ii) of the Policy.

(C) BAD FAITH REGISTRATION AND USE OF THE DISPUTED DOMAIN NAME

The third element requires the Complainant to show that the disputed domain name has been registered and used in bad faith under paragraph 4(a)(iii) of the Policy. Further, Paragraph 4(b) of the Policy sets out four circumstances, in particular but without limitation, any one of which may be evidence of the registration and use of a domain name in bad faith. The four specified circumstances are:

(i) circumstances indicating that the respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name; or

(ii) the respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or

(iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to the respondent's website or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the site or location.

The Panel finds that the Complainant has shown that the Respondent registered and used the disputed domain name in bad faith under paragraph 4(a)(iii) of the Policy for the reasons as set out below.

The Complainant's PROMAN trademark is distinctive and enjoys a considerable reputation in its industry. Such reputation is indicated by the substantial size and reach of the Complainant's business, which is the 4 European player in temporary work and has a presence in 18 countries, where the turnover amounted to 4,4 billion euros.

This Panel finds that because of the well-established status of the Complainant, it is more probable than not that the Respondent either knew, or should have known, that the disputed domain name would be confusingly similar to the Complainant's trademarks and thus they registered the disputed domain name with the Complainant in mind. This is even more compelling when one considers the nature of the disputed domain name. Not only is the disputed domain name nearly identical to the mark in which the

Complainant has rights, that is, PROMAN, but also it differs in generic and related elements which are clearly intended to make the disputed domain name closely resemble the Complainant's trademark, such as ''staffing'' and ''co''. Therefore, it is apparent that the Respondent had the Complainant and its PROMAN trademark in mind at the time the disputed domain name was registered.

Further, redirecting a domain name to a complainant's official website may be evidence of bad faith (see WIPO Overview 3.0, section 3.1.4). In these circumstances, the Panel concludes that the Respondent was targeting the Complainant and is seeking to take unfair advantage of or otherwise abuse the Complainant's trademark.

Additionally, the record indicates that MX records are configured for the disputed domain name. Past panels have found that the activation of mail exchanger records (MX records) suggests that the Respondent is using or is preparing to use the disputed domain name to send and receive email communications with the purpose of misleading the recipients as to their source and is an additional circumstance of the Respondent's bad faith. In this instant case, it is difficult to conceive of a good faith purpose for which emails originating from the disputed domain name could be used. Such emails would be likely to be mistaken by a casual observer for official communications originating from the Complainant.

In these circumstances, the Panel finds the disputed domain has been registered and is being used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **promanstaffingco.com**: Transferred

PANELLISTS

Name	**Claire Kowarsky**

DATE OF PANEL DECISION 2025-07-09

Publish the Decision