Decision for dispute CAC-UDRP-107666

Case number	CAC-UDRP-107666
Time of filing	2025-06-17 11:55:06
Domain names	centrales-pomona.com

Case administrator

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

Complainant

Organization	POMONA

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	Claudine Noel

OTHER LEGAL PROCEEDINGS

The Panel is unaware of any pending or decided legal proceedings concerning the domain name <centrales-pomona.com> (referred to as 'the disputed domain name').

IDENTIFICATION OF RIGHTS

The Complainant, Groupe Pomona, relies upon the following registered trade marks, among others:

• International trade mark registration no. 315457, registered on 23 June 1966, for the mark POMONA, in classes 29 and 31 of the Nice Classification of the Nice Classification; and

• French trade mark registration no. 1525401, registered on 20 April 1989, for the mark POMONA, in classes 29, 30, 31 and 39 of the Nice Classification of the Nice Classification.

(referred to as 'the Complainant's trade mark' or 'the trade mark POMONA').

In addition, the Complainant holds multiple domain names incorporating the term 'pomona', most notably <groupe-pomona.fr> and <groupepomona.com>, both registered in 2012.

The disputed domain name was registered on 27 February 2025 and currently resolves to a suspended registrar page (referred to as 'the Respondent's website').

FACTUAL BACKGROUND

A. Complainant's Factual Assertions

Founded in 1912, the Complainant is a leader in the distribution of products for catering professionals and local businesses in France. With a workforce of 12,300, the Complainant operates several networks serving diverse industries.

B. Respondent's Factual Assertions

The Respondent has failed to serve a Response in this UDRP administrative proceeding; consequently, the Complainant's factual assertions remain uncontested.

PARTIES CONTENTIONS

A. Complainant's Submissions

The Complainant's contentions can be summarised as follows:

A.1 The disputed domain name is confusingly similar to a trade mark in which the Complainant has rights

The Complainant asserts that the disputed domain name <centrales-pomona.com> is confusingly similar to its registered trade mark POMONA. The addition of 'centrales' does not mitigate the potential confusion, nor does the inclusion of the <.com> suffix; both elements fail to alter the overall impression of connection to the Complainant's trade mark. The Top-Level Domain ('TLD') <.com> is a standard registration requirement and, therefore, disregarded in this analysis.

A.2 The Respondent has no rights or legitimate interests in respect of the disputed domain name

The Respondent has not substantiated any rights of legitimate interests concerning the disputed domain name. The absence of similarity between the Whois information and the disputed domain name indicates a lack of rights, consistent with past UDRP decisions. Furthermore, the Complainant has no business dealings with the Respondent and has not granted any authorisation to use the trade mark POMONA. The fact that the disputed domain name resolves to a suspended registrar page signifies no active use or intentions to utilise the disputed domain name legitimately.

A.3 The Respondent registered and is using the disputed domain name in bad faith

The registration of the disputed domain name occurred long after the Complainant had established its reputation. A search for 'centrales pomona' directly references the Complainant, reinforcing the inference that the Respondent acted with full knowledge of the Complainant's rights. The Respondent's dubious postal address and French phone number further imply a potential connection to France, rendering it implausible that the Respondent was unaware of the Complainant's established goodwill.

Moreover, the term 'centrales', referring to central kitchens in French, is pertinent to the Complainant's business, suggesting a deliberate attempt to mislead. The absence of any active use of the disputed domain name reinforces the presumption of bad faith, consistent with past UDRP decisions where the incorporation of a well-known trade mark alongside an inactive website indicated bad faith registration and use.

B. Respondent's Submissions

The Respondent has failed to serve a Response in this UDRP administrative proceeding; hence, the Complainant's submissions are uncontested.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown that the disputed domain name is identical or confusingly similar to a trade mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the UDRP 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 UDRP 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 UDRP Policy).

PROCEDURAL FACTORS

The Panel confirms that all procedural requirements under the UDRP have been duly met, with no grounds preventing a decision from being issued.

PRINCIPAL REASONS FOR THE DECISION

A. Applicable Legal Framework

Pursuant to Rule 15 of the UDRP Rules, the Panel shall adjudicate a complaint based on the statements and documents submitted, in accordance with the UDRP Policy, the UDRP Rules, and any rules and principles of law deemed applicable.

Paragraph 4(a) of the UDRP Policy delineates the grounds the Complainant must establish to succeed:

i. The disputed domain name is identical or confusingly similar to a trade mark or service mark in which the Complainant has rights;

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 is being used in bad faith.

These three elements shall be collectively referred to as 'the requirements of the UDRP Policy'. The standard of evidence in UDRP administrative proceedings is the balance of probabilities. The Panel will assess each requirement in sequence.

B. Identical or Confusingly Similar

The Panel is satisfied that the Complainant possesses UDRP-relevant rights to the registered trade mark POMONA since 1966.

The Panel observes that the Complainant's trade mark POMONA is wholly incorporated within the disputed domain name <centrales-pomona.com>. The inclusion of the term 'centrales' fails to diminish the likelihood of confusion, as 'pomona' remains the most distinctive portion of the disputed domain name. Moreover, the TLD (in this case, <.com>) is generally immaterial to the assessment under this UDRP Policy ground.

The Panel therefore finds that the Complainant has met the first requirement of the UDRP Policy.

C. Rights or Legitimate Interests

The evidence indicates that the Respondent is not commonly known by the disputed domain name. Moreover, the Panel notes the Respondent's absence of any affiliation with, or authorisation from, the Complainant regarding the trade mark POMONA. No legitimate non-commercial or fair use has been demonstrated either.

In light of the above, the Panel finds that the Complainant has fulfilled the second requirement of the UDRP Policy.

D. Registered and Used in Bad Faith

The Panel has no hesitation in finding that the Respondent registered and has used the disputed domain name with full knowledge of, and intention to target, the Complainant. The factual matrix of the case supports a presumption of bad faith registration and use: (i) the reputation of the Complainant and the Complainant's trade mark, particularly in France, where the Respondent appears to either be based or have connections; (ii) the evident similarity between the disputed domain name and the Complainant's trade mark, as well as the Respondent's attempt to create such unwarranted link; (iii) the Respondent's default in this ADR proceeding and failure to refute the Complainant's prima facie case; (iv) the Respondent's attempt to gain reputational advantage by redirecting Internet users for a likely improper purpose; and (v) the absence of any conceivable good faith use of the disputed domain name.

Accordingly, the Complainant has fulfilled the third and final requirement of the UDRP Policy.

E. Decision

For the above reasons, in accordance with paragraph 4(a) of the UDRP Policy and Rule 15 of the UDRP Rules, the Panel orders that the disputed domain name <centrales-pomona.com> be transferred to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **centrales-pomona.com**: Transferred

PANELLISTS

Name	**Gustavo Moser**

DATE OF PANEL DECISION 2025-07-14

Publish the Decision