Decision for dispute CAC-UDRP-107779

Case number	CAC-UDRP-107779
Time of filing	2025-07-30 10:00:30
Domain names	frlacctalis.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Groupe Lactalis

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	Bit Cloundo

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 registered owner the following trademark registrations:

- The European trademark LACTALIS no. 1529833 registered on November 7, 2002;
- The International trademark LACTALIS no. 900154 registered on July 27, 2006;
- The International trademark LACTALIS no. 1135514 registered on September 20, 2012;
- The European trademark LACTALIS no. 017959526 registered on May 22, 2019.

FACTUAL BACKGROUND

The Complainant is a French multi-national company, founded in 1933, engaged in the food industry, particularly the dairy sector. The Complainant states to be operating under the name “Lactalis” since 1999.

LACTALIS has over 85,500 employees, 266 production sites, and a presence in 51 different countries.

Apart from registered trademarks which were declared by previous panels as well known (see WIPO Case No. D2022-2429, Groupe Lactalis v. paul goodrich and WIPO Case No. Case No. D2020-1701, Groupe Lactalis v. Contact Privacy Inc. Customer 1246860447 / Pietro Chirco, Pietro), the Complainant is also the owner of a large domain names portfolio, including the same distinctive wording

LACTALIS, among which one can find in particular the domain name <lactalis.com> registered on January 9, 1999.

The disputed domain name <frlacctalis.com> was registered on June 9, 2025 and resolves to an error page. Besides, it has been used in a phishing scheme.

PARTIES CONTENTIONS

THE COMPLAINANT'S CONTENTIONS:

Identical or confusingly similar

The Complainant argues that the disputed domain name <frlacctalis.com> and the Complainant's registered trademarks are confusingly similar.

The Complainant argues that its trademark is fully contained within the disputed domain name and points out that the elements in which the signs vary, are insignificant and thus do not alter the overall confusion between the signs.

No rights or legitimate interests

The Complainant argues that there is no evidence at all that the Respondent is commonly known by the disputed domain name or a name corresponding to the disputed domain name, nor that the Respondent is making a bona fide offering of goods or services or preparing to use the disputed domain name in connection with a bona fide offering of goods and services.

Furthermore, the Complainant points out that the Respondent used the disputed domain name to pass itself off as an employee of LACTALIS INGREDIENTS, a subsidiary of the Complainant, in order to receive payment in place of the Complainant. The fraud was proven since Lactalis Ingredients' Client, ICV Global, has been misled by the payment request coming from the spoofed email address <stephanie.bigot@frlacctalis.com>, configured from the disputed domain name reservation frlacctalis.com. ICV Global has subsequently made the requested payment to the Respondent amounting to 54747.20 USD.

According to the Complainant, the disputed domain name has thus been used in bad faith and using the domain name in this manner is neither a bona fide offering of goods or services under Policy 4 (c)(i), nor a non-commercial or fair use pursuant to Policy 4(c)(iii).

Registered and used in bad faith

As far as bad faith registration and use is concerned, the Complainant states that the distinctiveness of the Complainant's trademark and reputation means that the Respondent has registered the disputed domain name with full knowledge of the Complainant's trademark LACTALIS, and therefore could not ignore the Complainant.

Furthermore, the Respondent points out the use of the disputed domain name in a phishing scheme as described above.

RESPONDENT'S CONTENTIONS:

The Respondent did not respond to the Complaint.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is confusingly similar to a trademark 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

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

Paragraph 15 of the Rules states that the Panel shall decide a Complaint on the basis of the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law deemed applicable.

In the case of default by a Party, Rule 14 states that if a Party, in the absence of exceptional circumstances, does not comply with a provision of, or requirement under the Rules, the Panel shall draw such inferences therefrom as appropriate.

In the present case, the Respondent has not submitted any Response and consequently has not contested any of the contentions made by the Complainant.

The Panel proceeds therefore to decide only on the basis of the Complainant's factual statements and the documentary evidence provided in support of them.

1. The Complainant is the owner of a considerable number of trademarks whose common distinctive element is a particle "LACTALIS". The trademark "NOVARTIS" has been registered by the Complainant in various EU and non-EU countries, including the Respondent's country of origin, the United States.

The disputed domain name <frlacctalis.com> comprises the distinctive element "LACTALIS" which is accompanied by a preposition "FR" descriptive of the Complainant's country of origin and the Top-Level domain ".com". Apart from that, the disputed domain name comprises an additional letter "C" in the word "LACCTALIS".

In this regard, the Panel finds the additional elements of the disputed domain name to have a lower degree of distinctiveness, and considers the disputed domain name to be overall confusingly similar to.

The Panel accordingly concludes that paragraph 4(a)(i) of the Policy is satisfied.

2. The Respondent is not in any way related to the Complainant's business and is not the agent of the Complainant. The Respondent is not currently known and has never been known as "LACTALIS", or any combination of this trademark.

The domain name <frlacctalis.com> is not associated with any webpage. Therefore, the Respondent does not appear to have a legitimate interest in the disputed domain name.

Consequently, and in the absence of a Response, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name, so that the requirements of paragraph 4(a)(ii) of the Policy are met.

3. As to the bad faith at the time of the registration, the Panel finds that, in light of the distinctiveness of the Complainant's trademark with which the disputed domain name is confusingly similar, and due to the worldwide presence of the Complainant's business known under the name "LACTALIS", the Respondent was more likely be aware of the Complainant's trademark at the time of the registration of the disputed domain name.

The above-mentioned is even clearer when considering that the Respondent employed the disputed domain name to impersonate an employee of LACTALIS INGREDIENTS, a subsidiary of the Complainant, with the purpose of diverting payments intended for the Complainant, as evidenced by the Complainant.

Bearing in mind these circumstances, the Respondent can be deemed to have registered the disputed domain name to create an association, and a subsequent likelihood of confusion, with the Complainant's trademark in Internet users' minds for whatsoever unfair purpose.

Under such circumstances, the Panel finds that the disputed domain name was registered in bad faith.

Accordingly, the Panel finds that the Complainant has satisfied 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. **frlacctalis.com**: Transferred

PANELLISTS

Name	**Hana Číslerová**

DATE OF PANEL DECISION 2025-09-09

Publish the Decision