Decision for dispute CAC-UDRP-108011

Case number	CAC-UDRP-108011
Time of filing	2025-10-01 09:00:12
Domain names	algeco.store

Case administrator

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

Complainant

Organization	ALGECO

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	Justin R

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

In these proceedings, the Complainant relies on the following trademarks:

- International Registration No. 386452 ALGECO (stylized), filed on January 27, 1972, in the name of ALGECO (the Complainant), duly renewed; and
- International Registration No. 1099894 **ALGECO** (word), filed on October 21, 2011, in the name of ALGECO (the Complainant), duly renewed.

FACTUAL BACKGROUND

The Complainant is a French international company, originally founded in 1955, well-known and active in the field of “modular space and secure storage solutions for businesses and public sector agencies”. Ever since, the Complainant has become a large enterprise with activities in as many as 23 countries in Europe and Asia-Pacific, and hundreds of employees.

The Complainant owns a fair-sized portfolio of trademarks including the wording "ALGECO", among which a French national registration dating back to 1971 (which is now an International Registration). It also owns a multitude of related domain names, like <algeco.com> since August 11, 1997.

The disputed domain name <ALGECO.STORE> was registered on September 24, 2025 by the Respondent, as confirmed by the Registrar and resolves to a for sale page.

PARTIES CONTENTIONS

COMPLAINANT:

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it. It contends that the disputed domain name is confusingly similar to ALGECO trademark, as it is wholly incorporated therein which is proof sufficient to support the finding that the disputed domain name is identical / confusingly similar to the Complainant's trademark. As to the gTLD ".store", the Complainant argues that it should be disregarded, as per the usual practice regarding top level domains.

The Complainant maintains that the Respondent lacks rights or legitimate interests in the disputed domain name because the 1) the Respondent is not affiliated with the Complainant nor has the Complainant ever authorised the Respondent to register its trademark as a domain name, 2) the Complainant has never licensed its trademark to the Respondent, and 3) the disputed domain name has not since its registration resolved to an active website but is advertised on the registrar's website for sale.

According to the Complainant, given the distinctiveness and reputation of the ALGECO trademark, the Respondent registered the disputed domain name with full knowledge of the Complainant's trademark in an intentionally designed way with the aim to create a likelihood of confusion with the Complainant's trademarks and domain names, and this is evidence of the fact that the disputed domain name was registered in bad faith.

With respect to registration and use, the Complainant points out that registering and holding a domain name for sale that cannot conceivably be used without infringing the Complainant's trademark rights is considered as a clear indication of bad faith. Further, the Complainant contends that the mere holding of the disputed domain name corresponding to its distinctive and well known mark would lead consumers to assume that it is sponsored by the Complainant, which it is not to the detriment of the Complainant's reputation and consumer's privacy.

For all these reasons, the Complainant concludes that the Respondent registered and used the disputed domain name in bad faith.

RESPONDENT

The Respondent has not appeared formally or informally to controvert the evidence submitted by the Complainant.

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

Paragraph 15(a) of the Rules for the UDRP ('the Policy') instructs this Panel to "decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable."

Pursuant 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 domain name should be cancelled or transferred:

(i) the domain name registered by respondent is identical or confusingly similar to a trademark or service mark in which complainant has rights; and
(ii) respondent has no rights or legitimate interests in respect of the domain name; and
(iii) the domain name has been registered and is being used in bad faith.

In view of the Respondent's failure to submit a response, the Panel shall decide this administrative proceeding on the basis of the Complainant's undisputed representations and adduced proof pursuant to paragraphs 5(f), 14(a) and 15(a) of the Rules and draw such inferences it considers appropriate pursuant to paragraph 14(b) of the Rules. The Panel is entitled to accept all reasonable allegations and inferences set forth in the Complaint and annexes as true unless the evidence is clearly contradictory. See Talk City, Inc. v. Robertson, WIPO Claim No. D2000-0009 (In the absence of a response the Panel "is left to render its decision on the basis of the uncontroverted contentions made, and the evidence supplied, by complainant.").

1. Identical or confusingly similar, paragraph 4(a)(i) of the Policy.

To succeed under the first element, a complainant must pass a two-part test, to establish first that it has rights, and thereafter that the disputed domain name is either identical or confusingly similar to the mark. The first element of a UDRP complaint "serves essentially as a standing requirement." See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("WIPO Overview 3.0"), section 1.7.

Here, the Complainant has established that it has rights in the word mark ALGECO. by providing the Panel with the evidence that it has registered trademarks. The consensus view which the Panel adopts is that a national or an international trademark registration is sufficient to establish rights in that mark. As such, the Panel finds that the Complainant has established that it has a right in the word mark ALGECO.

The second part of the test calls for comparing the Complainant's mark with the disputed domain name. It entails "a straightforward visual or aural comparison of the trademark with the alphanumeric string in the domain name. In cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark." WIPO Overview 3.0 at section 1.8. The dominant feature in this dispute is the Complainant's mark ALGECO.

That the relevant trademark is recognizable within the disputed domain name is sufficient to establish confusing similarity. In this case, the TLD .shop, does not have any impact on the overall impression of the dominant portion of the disputed domain name and is therefore not a relevant issue. See A&S Holdings (AUS) Pty Ltd v. Sam Nelson, Sam Nelson, WIPO Case No. D2025-0720 (A "generic Top-Level Domain ('gTLD') is viewed as a standard registration requirement and is generally disregarded under the first element of the confusing similarity test, as set forth in section 1.11.1 of WIPO Overview 3.0.').

The Panel therefore finds that the disputed domain name is identical and confusingly similar to a trademark in which the Complainant has rights. Accordingly, the Complainant has satisfied Paragraph 4(a)(i) of the Policy.

2. Rights and legitimate interests, paragraph 4(a)(ii) of the Policy.

To establish the second of the three elements, the Complainant must first demonstrate that the Respondent lacks rights and legitimate interests in the disputed domain name. See Advanced International Marketing Corporation v. AA-1 Corp, FA 780200 (Forum November 2, 2011) (finding that a complainant must offer some evidence to make its prima facie case and satisfy Policy paragraph 4(a)(ii). However, recognizing that the proof for establishing this element is under the Respondent's control, the Complainant's may satisfy this burden by offering a prima facie case based on such evidence as there is thus shifting the burden of persuasion to the Respondent to produce evidence sufficient to overcome the presumption that it lacks rights or legitimate interests in the disputed domain name.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It states that it did not authorize the Respondent to register the disputed domain name, that Respondent is not using the domain name for any bona fide use, nor can it claim to be commonly known by the name "ALGECO." as it has been identified in the Whois directory as Justin R. See Emerson Electric Co. v. golden humble /golden globals, FA 1787128 (Forum June 11, 2018) ("lack of evidence in the record to indicate a respondent is authorized to use [the] complainant's mark may support a finding that [the] respondent does not have rights or legitimate interests in the disputed domain name per Policy ¶ 4(c)(ii)").

The Complainant has also demonstrated that the Respondent is not using the disputed domain name for any non-commercial or fair use. See Croatia Airlines d. d. v. Modern Empire Internet Ltd., WIPO Case No. D2003-0455 (Once such prima facie case is made, the Respondent carries the burden of 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).

Complainant has satisfied the Panel that it has set forth a prima facie case and the burden thereupon shifts to the Respondent. The Policy sets forth the following nonexclusive list of factors any one of which, if proved, would satisfy Respondent's burden, but the absence of any evidence supports a complainant's contention that the respondent lacks rights or legitimate interests in the disputed

domain name:

(i) "[B]efore 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."
(ii) "[Y]ou (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights."
(iii) "[Y]ou are making a legitimate non-commercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue."

The failure of a party to submit evidence on facts in its possession and under its control may permit the Panel to draw an adverse inference regarding those facts. See Mary-Lynn Mondich and American Vintage Wine Biscuits, Inc. v. Shane Brown, doing business as Big Daddy's Antiques, WIPO Case No. D2000-0004.

Finally, the domain name is offered for sale for 1450 USD. The Complainant contends this general offer to sell the disputed domain name is evidence of the Respondent's lack of rights or legitimate interest. See Forum Case No. 1562569, Enterprise Holdings, Inc. v. Webmaster & Support ("A general solicitation to sell a disputed domain name provides further evidence of a respondent's lack of rights and legitimate interests in a disputed domain name. […] Therefore, the Panel finds that Respondent's willingness to sell the <wwenterprise.us> domain name is credible evidence that Respondent lacked rights and legitimate interests in the disputed domain name pursuant to Policy ¶ 4(a)(ii).").

As the Respondent has not controverted the evidence that it lacks right or legitimate interests in the disputed domain name, and there is no other evidence from which to draw an inference otherwise, the Panel finds that the Complainant has satisfied the requirement of Paragraph 4(a)(ii) of the Policy.

3. Registration and Use in Bad faith:

It is the Complainant's burden under Paragraph 4(a)(iii) of the Policy to prove that the Respondent both registered and is using the disputed domain name in bad faith. It is not sufficient for a complainant to rest its case on the finding under Paragraph 4(a)(ii) of the Policy, although the fact that the Respondent lacks rights or legitimate interests in the disputed domain name will be a factor in assessing its motivation for registering a domain name which in this case is virtually identical to the Complainant's mark.

The Policy provides a non-exclusive list of circumstances that evidence registration and use of a domain name in bad faith. The preamble to Paragraph 4(b) states: "For the purposes of Paragraph 4(a)(iii) [the finding of any of the circumstances] shall be evidence of the registration [...] of a domain name in bad faith":

(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 the 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 its website or other online 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 respondent's website or location.

The Complainant's proof in this case focuses the Panel's attention on the first and fourth factors. As there is no proof that would support the other factors, the Panel will not address them.

The Complainant contends that the Respondent has targeted the Complainant's mark for the purpose of taking advantage of its goodwill and reputation to attract Internet users to its website accessible at <algeco.store>. The disputed domain name resolves to a registrar page that offers <algeco.store> for sale. There could be no conceivable use of the domain name without impersonating the Complainant which in turn "creat[es] a likelihood of confusion [...] as to the source, sponsorship, affiliation, or endorsement of [its] website". See Telstra Corporation Limited v. Nuclear Marshmallows, WIPO Claim No. D2000-0003 ("the concept of a domain name 'being used in bad faith' is not limited to positive action; inaction is within the concept.").

As the evidence in this case supports the conclusion that the Respondent is impersonating the Complainant, this falls in the category of illegal activity and can confer neither rights nor legitimate interests (as already explained) or good faith registration and use. See WIPO Case No. D2004-1019, <wwwprada.com> ("In paragraph 9(d) of the Complaint, the Complainant contends, as the ground for asserting the Respondent's bad faith in the use of the Domain Name, that the Respondent capitalizes on the worldwide fame of PRADA to attract users which are then redirected to a number of commercial Websites, most of them not associated with Prada, and some of them competing with Prada or even selling counterfeit Prada products".) The same can no less be said of the registration and use of the term ALGECO in <algeco.store>.

In the absence of a response by a respondent to justify its registration and use of a domain name corresponding to a famous or well-known mark, a panel is compelled to examine the limited record for any exonerative evidence of good faith. Here, the Panel finds none. The Respondent has appropriated a well-known, indeed in its niche, a famous mark to serve an infringing purpose. See Royal Bank of Canada - Banque Royale Du Canada v. Registration Private, Domains By Proxy, LLC / Randy Cass, WIPO Claim No, D2019-2803 the Panel noted: "It is clear that where the facts of the case establish that the respondent's intent in registering or

acquiring a domain name was to unfairly capitalize on the complainant's [...] trademark, panels have been prepared to find the respondent acted in bad faith."

In this case, it is plain that the Respondent is intentionally attempting to attract, for commercial gain, Internet users to the Respondent's websites by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's websites. Initially, Internet users would be likely to be drawn to the Respondent's website because of the confusing similarity between the disputed domain name and the Complainant's ALGECO trademark. See Associazione Radio Maria v. Mary Martinez / Domains by Proxy, Inc., WIPO Case No. D2010-2181 ("It is sufficient for the purposes of paragraph 4(b)(iv) of the Policy that there is an intent on the part of the Complainant to rely upon a confusion between the Domain Name and another's mark to draw Internet users to the relevant page....").

The Respondent's intentional registration of a domain name incorporating the Complainant's well-known mark, being fully aware of the Complainant's rights in the mark, without any right or legitimate interest in doing so is registration in bad faith. See, e.g., The Gap, Inc., Gap (Apparel), LLC, and Gap (ITM) Inc. v. Privacy service provided by Withheld for Privacy ehf / Trinh Hoang, WIPO Case No. DME2022-0018 ("The evidence and allegations submitted by the Complainant support a finding that the Respondent was engaged in an attempt to pass himself off as the Complainant by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of his website for his own commercial benefit..").

Finally, what is material here is that the Respondent has registered and is using the disputed domain name adversely to the Complainant's statutory rights. The Complainant claims that the Respondent fails to make an active use of the disputed domain name. Past panels have held that failure to actively use a domain name is evidence of bad faith registration and use. Please see Forum Case No. FA 1784212, Airbnb, Inc. v. khaled salem ("Complainant argues that Respondent diverts traffic to a parked website used to offer the disputed domain name for sale, in bad faith under Policy ¶ 4(a)(iii).") The Panel agrees and finds that Respondent's failure to actively use the disputed domain name demonstrates bad faith per Policy 4(a)(iii).

Furthermore, as the domain name could not conceivably be used without infringing on those rights, its registration was also in bad faith. See Telstra Corporation Limited v. Nuclear Marshmallows, WIPO Claim No. D2000-0003. The Panel in Singapore Airlines Ltd. v. European Travel Network, WIPO Claim No. D2000-0641 held that "[t]he registration of domain names obviously relating to the Complainant is a major pointer to the Respondent's bad faith and desire to 'cash in' on the Complainant's reputation."). See also Justice for Children v. R neetso / Robert W. O'Steen, WIPO Case No. D2004-0175 (holding that "harm results from the confusion caused by the initial attraction to the site by means of borrowing complainant's mark. And that is exactly the harm the Policy was adopted to address.").

For these reasons, the Panel finds that the Respondent is using 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. **algeco.store**: Transferred

PANELLISTS

Name	**Gerald Levine Ph.D, Esq.**

DATE OF PANEL DECISION 2025-10-29

Publish the Decision