Decision for dispute CAC-UDRP-108092

Case number	CAC-UDRP-108092
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Domain names	skipasslaplagne.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	OFFICE DE TOURISME DE LA GRANDE PLAGNE

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Organization	Idah Idah

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 has provided evidence of its ownership of registered trademark right in the trademark LA PLAGN in France in classes 3, 8, 9, 14, 16, 1821, 22, 24, 25, 26, 28, 35, 38, 41, 43, 45.

LA PLAGNE No. 5068617, registered on October 25, 2024;

LA PLAGNE No. 5068609, registered on November 1, 2024;

La Plage No. 5068611, registered on November 1, 2024;

The registration dates of the trademark predate the registration date of the disputed domain name <skipasslaplagne.com>, registered on February 8, 2025.

FACTUAL BACKGROUND

A. Complainant's Factual Allegations

The Complainant is an association whose mission is to welcome, provide information, and promote tourism in the La Plagne Ski

Area. In this capacity, it may, in particular, be responsible for operating tourist facilities and organizing cultural events.

B. Respondent's Factual Allegations

The Respondent has defaulted in this UDRP administrative proceeding and has consequently made no factual allegations. The Respondent is Idah, based at the address of Dusun Babakan Anjatan Utara, Anjatan, Indramayu, Jawa Barat, 45256, Indonesia.

The disputed domain name was registered on February 8, 2025 by the Respondent, as confirmed by the Registrar. At the time of filing of the Complaint, the disputed domain name resolved to a parking page with nine commercial links.

PARTIES CONTENTIONS

A. COMPLAINANT

The Complainant's contentions can be summarized as follows:

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

The Complainant states that the disputed domain name is confusingly similar to its trademark LA PLAGNE. The addition of the term “SKIPASS” is not sufficient to escape the finding that the disputed domain name is confusingly similar to the Complainant’s trademark. It does not change the overall impression of the designation as being connected to the Complainant’s trademark. It does not prevent the likelihood of confusion between the disputed domain name and the Complainant and its trademarks.

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

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the domain names on the grounds:

- It is not related in any way to the Complainant. The Complainant does not carry out any activity for, nor has any business with the Respondent. Neither license nor authorization has been granted to the Respondent to make any use of the Complainant’s trademark LA PLAGNE or apply for registration of the disputed domain name;
- The disputed domain name resolved to a parking page with commercial links, which is not a bona fide offering of goods or services or legitimate non-commercial or fair use;
- The Respondent failed to demonstrate its rights or legitimate interests in the domain name;
- The Respondent is not known by the disputed domain name.

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

The Complainant contends that the Respondent registered and is using the disputed domain name in bad faith on the grounds:

- Given the distinctiveness of the Complainant's trademark, it is reasonable to infer that the Respondent has registered the domain name with full knowledge of the Complainant's trademark;
- The disputed domain name resolved to a parking page with commercial links. The Respondent has attempted to attract Internet users for commercial gain to his own website;
- The disputed domain name has been set up with MX records, which suggests that it may be actively used for email purposes;
- The Respondent has already been involved in numerous UDRP proceedings, as the registrant of domain names comprising third-party trademarks.

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

B. 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

Paragraph 4(a) of the Policy provides that in order to be entitled to a transfer of the disputed domain name, the Complainant shall prove the following three elements:

(i) The disputed domain name is identical or confusingly similar to a trademark 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.

Based on the above regulations under the Policy, what the Panel needs to do is to find out whether each and all of the above-mentioned elements are established. If all three elements are established, the Panel will make a decision in favour of the Complainant. If the three elements are not established, the claims by the Complainant shall be rejected.

The Respondent did not submit a Response containing any argument against what the Complainant claimed, and to show his intention to retain the disputed domain name as required by the Policy and the Rules. If the Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the complaint. In view of the situation, the Panel cannot but make the decision based primarily upon the contentions and the accompanying exhibits by the Complainant, except otherwise there is an exhibit proving to the contrary.

I. Identity or Confusing Similarity

Pursuant to Paragraph 4(a)(i) of the Policy, the Complainant must prove that the disputed domain name is identical with or confusingly similar to a trademark or service mark in which it has rights.

A. The Complainant has rights in a trademark or service mark

The Complainant has provided evidence of its ownership of registered trademark right in the trademark LA PLAGN in France in classes 3, 8, 9, 14, 16, 1821, 22, 24, 25, 26, 28, 35, 38, 41, 43, 45.

LA PLAGNE No. 5068617, registered on October 25, 2024;

LA PLAGNE No. 5068609, registered on November 1, 2024;

La Plage No. 5068611, registered on November 1, 2024;

The trademark is still valid and its registration date predates the registration date of the disputed domain name, i.e. February 8, 2025. The Respondent did not challenge such evidence or respond to the contentions the Complainant has submitted. The Complainant therefore has rights in the trademark LA PLAGNE.

B. The disputed domain name should be identical or confusingly similar to the trademark or service mark

The disputed domain name contains the Complainant's trademark LA PLAGNE in its entirety with the addition of the term “skipass”. Numerous UDRP Panel decisions have established that the addition of words or letters to a mark used in a domain name does not alter the fact that the domain name is confusingly similar to the mark. WIPO Jurisprudential Overview 3.0, paragraph 1.8 mentions: “Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element”.

Paragraph 1.7 mentions: “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 for purposes of UDRP standing”.

Furthermore, the Complainant is an association whose mission is to promote tourism in the La Plagne Ski Area. “skipass” refers to the Complainant’s mission.

As to the generic Top Level Domains ".com", it is viewed as a standard registration requirement and as such can be disregarded for the purpose of assessing identity or confusing similarity. See WIPO Jurisprudential Overview 3.0, paragraph 1.11.1.

Therefore, the Panel finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights according to paragraph 4(a)(i) of the Policy. Accordingly, the Complainant has proven that the first element required by paragraph 4(a) of the Policy is established.

II. Rights or Legitimate Interests of the Respondent

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the domain name on the grounds:

- The Respondent is not related in any way to the Complainant;
- Neither license nor authorization has been granted by the Complainant to the Respondent to make any use of the Complainant's trademark LA PLAGNE or apply for registration of the disputed domain name;
- The Respondent is not known by the disputed domain name.

Once the 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 disputed domain name. If the Respondent fails to come forward with such relevant evidence, the Complainant is deemed to have satisfied the second element. See WIPO Jurisprudential Overview 3.0, paragraph 2.1.

Paragraph 4(c) of the Policy lists a number of circumstances which can be taken to demonstrate a respondent's rights or legitimate interests in a domain name. However, the Respondent has failed to meet that burden. The Respondent did not submit any evidence to demonstrate any of the above circumstances.

Therefore, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name. Accordingly, the Complainant has proven that the second element required by paragraph 4(a) of the Policy is established.

III. Bad Faith

The Complainant must prove under paragraph 4(a)(iii) of the Policy that the disputed domain name has been registered in bad faith and is being used in bad faith. Paragraph 4(b) of the Policy lists four alternative circumstances that shall be evidence of the registration and use of a domain name in bad faith by a respondent. These examples are merely illustrative and are not meant to be exhaustive. Other circumstances may therefore lead to a finding of bad faith pursuant to paragraph 4(a)(iii) of the Policy.

A. The disputed domain name has been registered in bad faith

The Panel finds that the Respondent had knowledge of the Complainant's trademark at the time of registration of the disputed domain name, considering the following circumstances:

- WIPO Jurisprudential Overview 3.0, paragraph 3.2.2 mentions that noting the near instantaneous and global reach of the Internet and search engines, and particularly in circumstances where the complainant's mark is widely known (including in its sector) or highly specific and a respondent cannot credibly claim to have been unaware of the mark (particularly in the case of domainers), panels have been prepared to infer that the respondent knew, or have found that the respondent should have known, that its registration would be identical or confusingly similar to a complainant's mark. The Panel believes that before registration of the disputed domain name, the Respondent had made searches for the word LA PLAGNE and knew it was the trademark of the Complainant. The Complainant's evidence shows that all the results of a search of the terms "SKIPASS LA PLAGNE" refer to the Complainant's Ski Area and related website;
- The Complainant contends that its trademark is distinctive, which refers to La Plagne Ski Area.
- The disputed domain name resolved to a parking page with nine commercial links, which may create confusion for Internet users. Under Paragraph 4(b) (iv) of the Policy, this is the circumstance of the disputed domain name registered in bad faith.

In view of the above circumstances, the Panel holds that the Respondent had knowledge of the Complainant's trademark at the time of registration of the disputed domain name. As the domain name would cause confusion to internet users, it should have avoided the registration, which is considered good faith, rather it registered the disputed domain name. The Respondent deliberately sought to cause such confusion. Accordingly, the Panel finds that the disputed domain name has been registered in bad faith.

B. The disputed domain name is being used in bad faith

- The disputed domain name <skipasslaplagne.com> resolved to a parking page with nine commercial links, "Automotive", "Entertainment", "Finance", "Games", "Health", "Lifestyle", "Property", "Shopping" and "Travel". The Complainant contends that the Respondent has attempted to attract Internet users for commercial gain to his own website. As the parking page does not mention that the nine commercial links are not for commercial gain, the Panel believes that the nine commercial links are for commercial gain. Considering this factor, the Panel finds that the disputed domain name is being used in bad faith, which meets the circumstance mentioned in Paragraph 4(b) (iv): by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site 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 your website or location or of a product or service on your website or location. To support this point of view, the Panel cites WIPO Case No. D2018-0497, StudioCanal v. Registration Private, Domains By Proxy, LLC / Sudjam Admin, Sudjam LLC.: "The Respondent appears to be attracting for commercial gain, perhaps by payment for click-through traffic or by other direct or indirect means, Internet users to the website to which the disputed domain name resolves. This is done deliberately by using the clear links to movie and DVD sale websites

at the "Related Links: Bluray Disc, Collection, Complete DVD, DVD Edition, DVD Ray" on the relevant website. Also, given that the trademark STUDIOCANAL COLLECTION is registered in the United States and other countries since 2009, such conduct creates a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website. Internet users will likely mistakenly believe the website to which the disputed domain name resolves is sponsored, endorsed or affiliated with the Complainant. Such confusion would very likely arise in the context of the supply of movies and DVDs in the United States where the Complainant conducts such business under its trademark STUDIOCANAL COLLECTION and where it has been registered since 2009. In those circumstances, there is cogent evidence of the likelihood of bad faith registration and use of the disputed domain name".

- The Complainant contends that the disputed domain name resolved to a parking page. WIPO Jurisprudential Overview 3.0 paragraph 3.3 mentions that from the inception of the UDRP, panelists 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. While panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put. Please see WIPO Case No. D2017-0246, <docmartens.xyz>, "Dr. Martens" International Trading GmbH and "Dr. Maertens" Marketing GmbH v. Godaddy.com, Inc. Please see WIPO Case No. D2000-0003, <telstra.org>, Telstra Corporation Limited v. Nuclear Marshmallows. In this case, the Panel is convinced that the above four circumstances are the circumstances of this case, which strongly suggest that the Respondent's parking page is in bad faith.

Regarding the Complainant's contention on bad faith, the Respondent should rebut it, but it did not make any response, which strengthened the Panel's findings on its bad faith.

In view of all the above, the Panel finds that the disputed domain name has been registered and is being used in bad faith according to paragraph 4(a)(iii) of the Policy. Therefore, the Complainant has proven that the third element required by paragraph 4(a) of the Policy is established.

Decision

For all the foregoing reasons, in accordance with paragraph 4(a) of the Policy and Rule 15 of the Rules, the Panel orders that the disputed domain name <skipasslaplagne.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. **skipasslaplagne.com**: Transferred

PANELLISTS

Name	**Yunze Lian**

DATE OF PANEL DECISION 2025-12-02

Publish the Decision