Decision for dispute CAC-UDRP-108359

Case number	CAC-UDRP-108359
Time of filing	2026-01-26 10:26:30
Domain names	altarea-living.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	ALTAREA

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	Iris Hernandez

OTHER LEGAL PROCEEDINGS

The Panel is unaware of any other pending or decided legal proceedings relating to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of several trademarks “ALTAREA”, namely:

- French trademark ALTAREA no 4692039 registered on October 15, 2020;
- International trademark ALTAREA no 907441 registered on July 12, 2006;
- European trademark ALTAREA no 001148246 registered since November 8, 2000.

FACTUAL BACKGROUND

Founded in 1994, the Complainant is a property developer in France. The Group has developed a unique real estate skills and development platform covering all classes of real estate assets (residential, retail, offices, logistics, hotels, serviced residences, etc.).

The Complainant also owns several domain names including the trademark “ALTAREA”, such as the domain name <altarea.com> registered and used for its official website since March 31, 1999.

The disputed domain name was registered on January 12, 2026. It redirects to a parking page. Besides, MX servers are configured.

PARTIES CONTENTIONS

COMPLAINANT

1. THE DISPUTED DOMAIN NAME IS IDENTICAL OR CONFUSINGLY SIMILAR

The Complainant contends that the disputed domain name is confusingly similar to its trademark “ALTAREA” and its domain names associated.

The Complainant asserts that the addition of the term “LIVING” 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.

Moreover, the Complainant contends that the addition of the gTLD “.COM” does not change the overall impression of the designation as being connected to the trademark “ALTAREA”. It does not prevent the likelihood of confusion between the disputed domain name and the Complainant, its trademark and its domain names associated.

Thus, the disputed domain name is confusingly similar to the Complainant’s trademark “ALTAREA”.

2. RESPONDENT HAS NO RIGHTS OR LEGITIMATE INTEREST IN RESPECT OF THE DISPUTED DOMAIN NAME

The Complainant asserts that the Respondent is not identified in the Whois database as the disputed domain name. Past panels have held that a Respondent was not commonly known by a disputed domain name if the Whois information was not similar to the disputed domain name. Thus, the Respondent is not known as the owner of the disputed domain name.

The Respondent is not identified as the disputed domain name. The Respondent is not known by the Complainant. The Complainant contends that the Respondent is not affiliated with nor authorized by the Complainant in any way. The Complainant contends that Respondent has no rights or legitimate interests in respect of the disputed domain name. 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 “ALTAREA” or apply for registration of the disputed domain name by the Complainant.

Finally, the disputed domain name resolves to a parking page. The Complainant contends that the Respondent did not use the disputed domain name, and it confirms that the Respondent has no demonstrable plan to use the disputed domain name.

Accordingly, Respondent has no rights or legitimate interests in the disputed domain name.

3. THE DISPUTED DOMAIN NAME WAS REGISTERED AND IS BEING USED IN BAD FAITH

The Complainant states that the disputed domain name <altarea-living.com> is identical to its trademark “ALTAREA”.

Furthermore, all the results for a search for the terms ALTAREA LIVING refer to the Complainant.

Given the distinctiveness of the Complainant's trademark and reputation, it is reasonable to infer that the Respondent has registered the domain name with full knowledge of the Complainant's trademark.

Finally, the disputed domain name resolves to a parking page. The Complainant contends that the Respondent has not demonstrated any activity in respect of the disputed domain name, and it is not possible to conceive of any plausible actual or contemplated active use of the domain name by the Respondent that would not be illegitimate, such as by being a passing off, an infringement of consumer protection legislation, or an infringement of the Complainant’s rights under trademark law.
Finally, the domain name has been set up with MX records which suggests that it may be actively used for email purposes.

Finally, the Respondent has already been involved in a UDRP proceedings against the Complainant. Please see CAC Case No. 108172, ALTAREA v. Iris Hernandez <altarealiving.com>.

On these bases, the Complainant concludes that the Respondent has registered and is using the disputed domain name in bad faith.

RESPONDENT

No administratively compliant Response was filed.

However, the Respondent did reply by email to the following messages in Spanish:
--
ESTO ES UN ROBO , NO ENTRARE A UNA PAGINA QUE NO ME DA UN BUEN SERVICIO,

CONFIANZA, QUE EN VERDAD ESTE VELANDO PARA LA TRANSPARECIA DE UN PROCESO , ES
UN ROBO
--
Estimada ooo
Yo registre el dominio porque estaba disponible a compra, demuestrame que le pertenece a alguien más y en mi idioma, porque ya me quitaste un dominio sin presentarme ninguna prueba de que el dueño sea legitimamente otra persona sino voy a buscar el medio legal para pelear por el
--
Otra vez!!!! Este dominio está disponible quién eres???
Quiero alguien que hable español y que me demuestre que hay problemas con mi dominio, ya me robaron un nombre hace menos de un mes
Y nadie me da una respuesta NO VOY A ENTRAR A ESA PÁGINA y está vez no te voy a dejar robarme
Lamento mucho que no me den una respuesta concreta y veridica sobre este proceso, sin transparencia, me robaron dos dominios que no tienen nada que ver con la compañia o con la persona que los esta disputando, peor aun se quedaron con el dinero de dicha compra,
NUNCA ME HAN DEMOSTRADO CON DOCUMENTOS QUE SON DUEÑOS DEL NOMBRE ni mucho menos, no voy a entrar a una plataforma TAN POCO ACCESIBLE, NO ES CLARA Y NO HAY NADA TRANSPARENTE
ES UN ABUSO LO QUE USTEDES HACEN , SE LLAMA FRAUDE

RIGHTS

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

NO RIGHTS OR LEGITIMATE INTERESTS

To the satisfaction of the Panel, the Complainant has 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

To the satisfaction of the Panel, the Complainant has 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 takes note of the brief communications submitted by the Respondent during the course of these proceedings, as summarized above. However, such communications do not meet the formal requirements of a Response under the Policy and the Rules, as they contain no substantive arguments, supporting evidence, or assertions addressing the merits of the Complaint.

The record reflects that the Center duly replied to the Respondent's communications in both English and Spanish, providing clear guidance on the proper procedure for submitting a Response in compliance with the Policy and the Rules. In this regard, the Panel observes that the language of the Registration Agreement, as confirmed by the Registrar, is English. At the same time, the Center's bilingual correspondence ensured that the Respondent was adequately informed of the procedural requirements and deadlines in a language accessible to it.

The Panel further notes that, following these exchanges, the Respondent did not submit any formal Response, nor did it request an extension of time within which to do so. The Panel considers that, had such a request been made, it would in all likelihood have been granted pursuant to paragraph 5(b) of the Rules, in line with established UDRP practice favoring the fair opportunity of both parties to present their case.

On the basis of the case file, the Panel is satisfied that the Center has discharged its responsibility to employ reasonably available means calculated to achieve actual notice of the Complaint to the Respondent, as required under the Rules. The Respondent's demonstrated communications with the Center further confirm that it received such notice and was aware of the proceedings.

Accordingly, the Panel finds that all procedural requirements under the Policy and the Rules have been duly fulfilled. In the absence of any exceptional circumstances that would warrant delay or otherwise impede the proceedings, the Panel determines that it is properly constituted and may proceed to render its Decision.

PRINCIPAL REASONS FOR THE DECISION

1. Identical or Confusingly Similar

The Panel finds that the Complainant has established rights in the trademark “ALTAREA” for purposes of the Policy.

The disputed domain name incorporates the Complainant’s “ALTAREA” trademark in its entirety. It is well established that where a domain name wholly incorporates a complainant’s mark, this is generally sufficient to support a finding of confusing similarity under the first element of the Policy.

The addition of the term “living” does not prevent a finding of confusing similarity. On the contrary, the Panel considers that such a term is merely descriptive and does not dispel the overall impression that the disputed domain name is connected to the Complainant. It may even enhance the appearance of confusing similarity, as it is a term associated with the business of the Complainant, however, that be subject of analysis below. Nevertheless, the Panel notes that the Complainant’s trademark remains clearly recognizable within the disputed domain name.

In light of the above, the Panel concludes that the disputed domain name is confusingly similar to the Complainant’s “ALTAREA” trademark.

Accordingly, the Panel finds that the first element of paragraph 4(a)(i) of the Policy has been satisfied.

2. Rights or Legitimate Interests

Turning to the second element, the Panel notes that it is well established that a complainant is required to make out a prima facie case that the respondent lacks rights or legitimate interests. Once such a prima facie showing is made, the burden of production shifts to the respondent to demonstrate otherwise, as per the persuasive newly-released WIPO 3.1 Overview paragraph 2.1.

In the present case, the Complainant asserts that it has not authorized, licensed, or otherwise permitted the Respondent to use its “ALTAREA” trademark, whether in a domain name or otherwise. There is no evidence on the record indicating that the Respondent is commonly known by the disputed domain name, nor that it holds any trademark or other rights corresponding to “altarea” or “altarea-living”.

Furthermore, the Respondent has not submitted any substantive arguments or provided evidence to address the arguments and evidence of the Complainant, despite several communications with the Center, therefore failed to rebut the Complainant’s prima facie case or to demonstrate any of the circumstances set out in paragraph 4(c) of the Policy, or any other basis upon which rights or legitimate interests could be established.

In these circumstances, and in the absence of any explanation from the Respondent, the Panel concludes that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

Accordingly, the Panel finds that the Complainant has satisfied the requirements of paragraph 4(a)(ii) of the Policy.

3. Registered and Used in Bad Faith

As a preliminary matter, the Panel recalls that the composition of the disputed domain name, which incorporates the Complainant’s “ALTAREA” trademark in its entirety together with the term “living”, may even enhance the appearance of confusing similarity, insofar as such term appears to be associated with the Complainant’s field of activity. However, the implications of such an association are more appropriately assessed under the present element.

On the record, the Panel finds that the Complainant’s “ALTAREA” trademark is distinctive and has a degree of recognition. The evidence submitted, in conjunction with the above-mentioned indication, absent any explanation to the contrary, further indicates that Internet searches for the combined terms “ALTAREA LIVING” lead to results referring to the Complainant. In these circumstances, the Panel considers it more likely than not that the Respondent was aware of the Complainant and its trademark at the time of registration of the disputed domain name. Such awareness supports a finding of registration in bad faith.

Moreover, the Panel observes that the disputed domain name has been configured with MX records. This circumstance suggests that the domain name may be used for email purposes, which raises a risk of potential abuse, including for impersonation or phishing activities. Such a configuration, in the absence of any credible explanation by the Respondent, further reinforces the inference of bad faith.

The Panel further takes note that the Respondent has previously been involved in a UDRP proceeding brought by the same Complainant, namely CAC Case No. 108172, concerning a similar domain name. At this point it may not be enough to call it a pattern, but based on the above circumstances, this additional information on the conduct of the Respondent lends additional support to a finding that the Respondent has engaged, in at least two cases of registration of domain names targeting the Complainant’s trademark.

In light of the above, and considering in particular the Respondent’s apparent knowledge of the Complainant’s trademark, the lack of any plausible good-faith use, the passive holding of the disputed domain name, the configuration of MX records, and the Respondent’s prior conduct, the Panel concludes that the disputed domain name was registered and is being used in bad faith.

Accordingly, the Panel finds that the Complainant has satisfied the requirements of paragraph 4(a)(iii) of the Policy.

4. Decision

For the reasons mentioned above and according to the provisions in Paragraph 4(i) of the Policy and Paragraph 15 of the Rules, the Panel orders the transfer of the disputed domain name to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **altarea-living.com**: Transferred

PANELLISTS

Name	**Rodolfo Rivas Rea**

DATE OF PANEL DECISION 2026-02-19

Publish the Decision