Decision for dispute CAC-UDRP-108525

Case number	CAC-UDRP-108525
Time of filing	2026-03-27 08:37:17
Domain names	femobusa.com

Case administrator

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

Complainant

Organization	FERMOB

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	Michael Dawson

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 evidenced to be the owner of, inter alia, but not limited to, the following trademark registrations:

- word/device trademark FERMOB, European Union Intellectual Property Office (EUIPO), filing No.: 006952758, registration date: January 29, 2009, status: active;

- word/device trademark FERMOB, International Registration (World Intellectual Property Organization), registration No.: 1567918, registration date: March 1, 2004, status: active.

Also, the Complainant has substantiated to own various domain names relating to its FERMOB trademark, including since 1996 the domain name <fermob.com> as well as since 2006 the domain name <fermobusa.com> which both resolve to the Complainant's official website at "www.fermob.com", used to promote the Complainant's products and related services in the outdoor furniture industry worldwide.

FACTUAL BACKGROUND

The disputed domain name was registered on March 9, 2026; it does not resolve to any active content on the Internet. The Complainant, however, has provided evidence that on March 13, 2026, an e-mail containing fake contact information was sent under

the disputed domain name to a customer of the Complainant in an obvious phishing attempt.

PARTIES CONTENTIONS

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

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

First, the Panel finds that the disputed domain name, <femobusa.com>, is confusingly similar to the Complainant's FERMOB trademark, as it incorporates the latter, simply in a typo-squatted version by omitting the letter "r" and added by the geographical term "usa". Numerous UDRP panels have recognized that where a domain name incorporates a trademark in a way that it is still recognizable therein, then the domain name will normally be considered at least confusingly similar to that trademark. Moreover, it has been held in many UDRP decisions and has meanwhile become a consensus view among UDRP panels that the mere addition of e.g. descriptive or geographical terms, such as e.g. "usa", is not capable to dispel the confusing similarity arising from such incorporation of the Complainant's FERMOB trademark in the disputed domain name. Finally, it has also been held in many UDRP decisions and so again has become a UDRP panels' consensus view that a domain name which consists of a common, obvious or intentional misspelling of the complainant's trademark (i.e. a typo-squatting) is still considered to be confusingly similar to the relevant trademark for purposes of the first element under the Policy. Accordingly, the fact that the disputed domain name obviously includes an intentional misspelling/typo-squatting of the Complainant's FERMOB trademark by omitting the letter "r" is not at all inconsistent with the finding of confusing similarity, especially given the fact that the Complainant's FERMOB trademark is still at least recognizable within the disputed domain name.

Therefore, the Complainant has established the first element under the Policy as set forth by paragraph 4(a)(i).

Second, the Complainant contends, and the Respondent has not objected to these contentions, that the Respondent has neither made use of, or demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services, nor is the Respondent commonly known under the disputed domain name, nor is the Respondent making a legitimate non-commercial or fair use of the disputed domain name without intent for commercial gain. The Respondent has not been licensed or otherwise authorized to use the Complainant's FERMOB trademark, either as a domain name or in any other way. Also, there is no reason to believe that the Respondent's name somehow corresponds with the disputed domain name, and the Respondent does not appear to have any trademark rights associated with the terms "fermob" and/or "femob" on its own. Finally, the Complainant has demonstrated that, by the time of the filing of the Complaint, the disputed domain name did not, and apparently did not in the past, connect to any relevant content on the Internet, but was passively held instead. Many UDRP panels, however, have recognized that

the mere registration of a domain name may not of itself confer rights or legitimate interests in a disputed domain name. And, finally, UDRP panels have long held that the use of a domain name for illegal activity (here, the Complainant's impersonation and/or phishing) can never confer rights or legitimate interests thereto, either.

Accordingly, the Panel finds that the Complainant has also satisfied paragraph 4(a)(ii) and, thus, the second element of the Policy.

Third, the Panel holds that the disputed domain name was registered and is being used by the Respondent in bad faith. The circumstances of this case leave no doubt that the Respondent was fully aware of the Complainant's rights in its FERMOB trademark when registering the disputed domain name and that the latter is clearly directed thereto. Also, using the disputed domain name, which is at least confusingly similar to Complainant's FERMOB trademark, to contact business partners of the Complainant for some fraudulent phishing purposes, thereby impersonating the Complainant by pretending to be a staff member of the latter, is a clear indication that the Respondent intentionally attempted to attract, for commercial gain, Internet users to its own e-mail communication by creating a likelihood of confusion with the Complainant's FERMOB trademark as to the source, sponsorship, affiliation or endorsement of the Respondent's phishing email. Such circumstances are evidence of registration and use of the disputed domain name in bad faith within the larger meaning of paragraph 4(b)(iv) of the Policy. Moreover, UDRP panels have long held that the use of a domain name for illegal activity (here, the Complainant's impersonation and/or phishing) constitutes bad faith, too.

Therefore, the Complainant has also satisfied the third element under the Policy as set forth by paragraph 4(a)(iii).

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **femobusa.com**: Transferred

PANELLISTS

Name	**Stephanie Hartung**

DATE OF PANEL DECISION 2026-05-04

Publish the Decision