

Decision for dispute CAC-UDRP-109029

Case number	CAC-UDRP-109029
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Time of filing	2026-09-24 10:42:13
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Domain names	jcde-caux.com
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Case administrator

Name	Olga Slanařová (Case admin)
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Complainant

Organization	JCDECAUX SE
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Complainant representative

Organization	NAMESHIELD S.A.S.
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Respondent

Name	Jay H Gardner
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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, JCDECAUX SE, relies on its rights in the word mark JCDECAUX, in particular by virtue of the international trademark registration No. 803987 JCDecaux, registered on November 27, 2001, for goods and services in classes 6, 9, 11, 19, 20, 35, 37, 38, 39, 41 and 42.

The Complainant further relies on the domain name <jcdecaux.com>, registered on June 23, 1997, through which it operates its official website.

The disputed domain name <jcde-caux.com> was registered on September 21, 2026.

FACTUAL BACKGROUND

The Complainant is a French company founded in 1964 by Jean-Claude Decaux, whose initials and surname form the JCDECAUX mark. It is active in outdoor advertising in three areas of business: street furniture, transport advertising and billboard advertising. According to the information published on its official website, the Complainant is present in 78 countries and in 3,895 cities with more than 10,000 inhabitants, operates 1,105,906 advertising panels, employs 11,894 people and generated revenue of EUR 3,967.1 million in 2025. The Complainant further states that it is listed on the Premier Marché of the Euronext Paris stock exchange and forms part of the Euronext 100 index.

The disputed domain name <jcde-caux.com> was registered on September 21, 2026, by the Respondent, Jay H Gardner, with an address in Chicago, Illinois, United States of America. On September 22, 2026, the day after its registration, the disputed domain name did not resolve to any active website.

The Respondent did not file a Response.

PARTIES CONTENTIONS

The Complainant contends that each of the three elements set out in paragraph 4(a) of the Policy is satisfied. Its contentions may be summarised as follows.

As to the first element, the Complainant submits that the disputed domain name is confusingly similar to its JCDECAUX trademark. It contends that the insertion of a hyphen between the letters “e” and “c” is an obvious misspelling of the trademark, characteristic of typosquatting, which does not prevent a finding of confusing similarity, and that the generic Top-Level Domain “.com” is to be disregarded.

As to the second element, the Complainant submits that it is required only to make out a prima facie case, whereupon the burden shifts to the Respondent, referring to WIPO Case No. D2003-0455, Croatia Airlines d.d. v. Modern Empire Internet Ltd. The Complainant contends that the Respondent is not identified in the Whois database by a name corresponding to the disputed domain name and is therefore not commonly known by it, referring to NAF Case No. FA 1781783; that the Respondent is not affiliated with the Complainant, has no business relationship with it, and has been granted neither a licence nor any other authorisation to use the JCDECAUX trademark or to register the disputed domain name; that the disputed domain name is a typosquatted version of the JCDECAUX trademark, which is itself evidence of a lack of rights or legitimate interests, referring to NAF Case No. 1597465; and that the disputed domain name has not been used since its registration and the Respondent has no demonstrable plan to use it, referring to WIPO Case No. D2000-1164, Boeing Co. v. Bressi.

As to the third element, the Complainant submits that its JCDECAUX trademark had been known for decades and was protected in several countries at the time of the registration of the disputed domain name, that it conducts business in numerous countries and is listed on the Euronext Paris stock exchange, and that previous panels have held the JCDECAUX trademark to be well known, citing WIPO Case No. DCC2017-0003, JCDecaux SA v. Wang Xuesong, Wangxuesong. It contends that, given the distinctiveness and reputation of its trademark, the Respondent registered the disputed domain name with full knowledge of it, and that the misspelling was intentionally designed to create confusion, referring to NAF Case No. FA 877979. Finally, the Complainant contends that, the disputed domain name being inactive, it is not possible to conceive of any plausible actual or contemplated active use of it by the Respondent that would not be illegitimate, such as passing off, an infringement of consumer protection legislation or an infringement of the Complainant’s trademark rights, referring to WIPO Case No. D2000-0003, Telstra Corporation Limited v. Nuclear Marshmallows, and WIPO Case No. D2000-0400, CBS Broadcasting, Inc. v. Dennis Toeppen.

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is 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 Complaint was filed with the Czech Arbitration Court (the “CAC”) in accordance with the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for the Uniform Domain Name Dispute Resolution Policy (the “Rules”) and the CAC Supplemental Rules (the “Supplemental Rules”).

Following the Registrar's verification, which disclosed the registrant of the disputed domain name, the Complainant filed an amended Complaint identifying the Respondent.

The CAC verified that the Complaint satisfied the formal requirements of the Policy, the Rules and the Supplemental Rules. The CAC formally notified the Respondent of the Complaint and the proceedings commenced. The due date for a Response was duly set.

The Respondent did not submit any Response. Accordingly, the CAC notified the Respondent of its default. The Panel was appointed in accordance with the Rules. The Panel has submitted its Statement of Acceptance and Declaration of Impartiality and Independence, as required by the CAC to ensure compliance with the Rules.

The language of the proceedings is English, being the language of the registration agreement as confirmed by the Registrar.

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

For the Complainant to succeed it must prove, within the meaning of paragraph 4(a) of the Policy, that:

- (i) The domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and
- (ii) The 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.

Although the Respondent has not replied to the Complaint, the Panel has reached the findings set out below on the basis of the evidence submitted by the Complainant, and not by reason of the Respondent's default alone. In the absence of a Response, the Panel accepts the Complainant's undisputed factual assertions, which are supported by the evidence on record, as true, and draws such inferences as it considers appropriate pursuant to paragraph 14(b) of the Rules.

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

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

The Complainant has established, by the evidence on record, that it holds rights in the word mark JCDECAUX by virtue of the international trademark registration No. 803987, registered on November 27, 2001. A nationally or regionally registered trademark *prima facie* satisfies the threshold requirement of having trademark rights for the purposes of the first element (WIPO Overview 3.1, section 1.2.1).

The first element functions primarily as a standing requirement and involves a side-by-side comparison of the disputed domain name and the textual components of the relevant trademark. The disputed domain name <jcde-caux.com> reproduces the JCDECAUX mark in its entirety, the sole difference being a hyphen inserted between the letters "e" and "c". That minimal alteration does not affect the overall impression of the disputed domain name, in which the JCDECAUX mark remains clearly recognisable (WIPO Overview 3.1, section 1.7). A domain name consisting of an obvious or intentional variation of a trademark, of which typosquatting is a typical example, is considered confusingly similar to that trademark for the purposes of the first element (WIPO Overview 3.1, section 1.9).

The generic Top-Level Domain ".com" is a standard registration requirement and is, as a rule, disregarded for the purposes of the assessment under the first element (WIPO Overview 3.1, section 1.11.1).

The Panel accordingly finds that the disputed domain name is confusingly similar to the Complainant's JCDECAUX trademark, and that the first element of paragraph 4(a) of the Policy is satisfied.

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

Pursuant to paragraph 4(a)(ii) of the Policy, the Complainant must establish that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

In accordance with consistent UDRP practice, the burden of proof under this element rests upon the Complainant. However, given that proving a negative fact lying within the exclusive knowledge of the Respondent would entail an excessive evidentiary burden, it suffices for the Complainant to make out a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name. Once such a *prima facie* case is established, the burden of production shifts to the Respondent to demonstrate that it does possess rights or legitimate interests within the meaning of paragraph 4(c) of the Policy. If the Respondent fails to come forward with relevant allegations or evidence, the Complainant is generally deemed to have satisfied the second element (WIPO Overview 3.1, section 2.1).

In the present case, the Complainant has submitted, and the Panel accepts, that:

1. The Respondent is identified as “Jay H Gardner”, a name which bears no resemblance to the disputed domain name, and there is nothing on record to suggest that the Respondent is commonly known by the disputed domain name or holds any trademark or other rights in the term “jcde-caux”.
2. The Respondent is not affiliated with the Complainant, and the Complainant has granted the Respondent neither a licence nor any other authorisation to use the JCDECAUX trademark or to register a domain name incorporating it.
3. The disputed domain name has not been used in connection with a bona fide offering of goods or services or for a legitimate noncommercial or fair use. The evidence on record shows that, on the day following its registration, the disputed domain name did not resolve to any active website, and there is no evidence of any demonstrable preparations to use it.

The composition of the disputed domain name reinforces that conclusion. The disputed domain name does not combine the JCDECAUX trademark with any term that might indicate a purpose unrelated to the Complainant; it reproduces the trademark in full and differs from it only by a hyphen, a difference which Internet users are unlikely to notice. Such a domain name carries a high risk of implied affiliation with the Complainant and cannot constitute fair use (WIPO Overview 3.1, section 2.5.1).

The Panel therefore finds that the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent, having failed to file a Response, has not rebutted that prima facie case and has not put forward any of the circumstances set out in paragraph 4(c) of the Policy, or any other basis on which rights or legitimate interests might be founded.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name, and that the second element of paragraph 4(a) of the Policy is satisfied.

III. The domain name has been registered and is being used in bad faith

Pursuant to paragraph 4(a)(iii) of the Policy, the Complainant must establish that the disputed domain name has been registered and is being used in bad faith. Paragraph 4(b) of the Policy sets out a non-exhaustive list of circumstances which, if found by the Panel to be present, shall be evidence of registration and use in bad faith. Because that list is not exhaustive, bad faith may also be established by other circumstances, including the passive holding of a domain name.

As to registration in bad faith, the Panel is satisfied, on the evidence submitted, that the JCDECAUX trademark had acquired a substantial reputation long before the registration of the disputed domain name in 2026. The Complainant has operated under the JCDECAUX name since 1964, its international trademark registration relied on in these proceedings dates from 2001, and it has operated its official website at <jcdecaux.com> since 1997. The Complainant’s business is international in scope, with a presence in 78 countries and revenue of EUR 3,967.1 million in 2025. The JCDECAUX mark has no descriptive meaning: it is formed from the initials and surname of the Complainant’s founder and is therefore inherently distinctive. A previous UDRP panel has likewise recognised the JCDECAUX trademark as well known (WIPO Case No. DCC2017-0003, JCDecaux SA v. Wang Xuesong, Wangxuesong, cited by the Complainant).

The composition of the disputed domain name confirms that it was selected with the Complainant in mind. The disputed domain name reproduces the JCDECAUX trademark letter for letter. The hyphen is placed at a point which corresponds to no natural division of the mark, as it separates neither the initials “jc” from the surname “decaux” nor any other meaningful element, and the result is visually almost indistinguishable from the Complainant’s trademark. The Panel can see no explanation for the choice of that sequence of letters other than a deliberate imitation of the Complainant’s trademark. Panels have found that the registration by an unaffiliated party of a domain name comprising a typographical variation of a famous or widely known trademark may by itself create a presumption of bad faith (WIPO Overview 3.1, section 3.1.4).

The Panel accordingly finds that the Respondent registered the disputed domain name with knowledge of, and with the intention of targeting, the Complainant and its JCDECAUX trademark.

As to use in bad faith, the disputed domain name does not resolve to an active website. The non-use of a domain name does not prevent a finding of bad faith under the doctrine of passive holding. In applying that doctrine, panels consider the totality of the circumstances, including the degree of distinctiveness or reputation of the complainant’s trademark, the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, the respondent’s concealment of its identity or use of false contact details, and the implausibility of any good-faith use to which the domain name may be put (WIPO Overview 3.1, section 3.3; WIPO Case No. D2000-0003, Telstra Corporation Limited v. Nuclear Marshmallows, cited by the Complainant).

In the present case, the JCDECAUX trademark is inherently distinctive and enjoys a substantial reputation; the Respondent has not filed any Response or provided any explanation for its registration of the disputed domain name; and, the disputed domain name being a typographical variant of the Complainant’s trademark with no independent meaning, the Panel cannot conceive of any plausible actual or contemplated active use of it by the Respondent that would not take unfair advantage of, or otherwise trade on, the Complainant’s trademark, in particular by misleading Internet users into believing that the disputed domain name is connected with the Complainant.

The fact that the evidence of non-use was obtained on the day following the registration of the disputed domain name does not alter that assessment. The doctrine of passive holding looks to the totality of the circumstances rather than to the duration of non-use, and the Respondent has not come forward with any indication of an intended good-faith use.

Having regard to the distinctiveness and reputation of the Complainant’s trademark, the composition of the disputed domain name as a deliberate typographical variant of that trademark, the absence of any plausible good-faith use, and the Respondent’s failure to file any Response or to provide any explanation, the Panel finds that the disputed domain name was registered and is being used in bad faith, and that the third element of paragraph 4(a) of the Policy is satisfied.

Conclusion

All three elements set out in paragraph 4(a) of the Policy having been established to the satisfaction of the Panel, the Panel concludes that the Complaint is well-founded. In accordance with the remedy requested by the Complainant, and pursuant to paragraph 4(i) of the Policy, the Panel orders that the disputed domain name <jcde-caux.com> be cancelled.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

- 1. jcde-caux.com: Cancelled

PANELLISTS

Name	Petr Hostaš
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DATE OF PANEL DECISION 2026-10-23

Publish the Decision