

Decision for dispute CAC-UDRP-104368

| | |
|-------------|------------------------|
| Case number | CAC-UDRP-104368 |
|-------------|------------------------|

| | |
|----------------|----------------------------|
| Time of filing | 2022-03-08 11:05:31 |
|----------------|----------------------------|

| | |
|--------------|---------------------------|
| Domain names | palantirapollo.com |
|--------------|---------------------------|

Case administrator

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

Complainant

| | |
|--------------|-----------------------------------|
| Organization | Palantir Technologies Inc. |
|--------------|-----------------------------------|

Complainant representative

| | |
|--------------|------------------------------|
| Organization | Microsoft Corporation |
|--------------|------------------------------|

Respondent

| | |
|------|--------------------|
| Name | Kadir Yesil |
|------|--------------------|

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant has adduced evidence that it owns the following trademarks which all remain valid:

- EU trademark PALANTIR No. 6174627, registered on 29 August 2008 in Nice Classification List Classes 35, 38 and 41;
- US trademark PALANTIR No. 3585690, registered on 10 March 2009 in Nice Classification List Class 9;
- US trademark PALANTIR No. 3671386, registered on 25 August 2009 in Nice Classification List Class 42; and
- EU trademark PALANTIR No. 11251485, registered on 26 January 2014 in Nice Classification List Classes 9 and 42.

The Complainant supplied further documentation relating to international trademark registration and to trademark filings for the name APOLLO, one of which has been opposed.

As to domain names it holds, the Complainant referred in its submissions to its "corporate website at [...]palantir.com" but did not

adduce details of registration.

The Respondent registered the disputed domain name <palantirapollo.com> on 16 February 2021.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

The Complainant in this proceeding is a United States corporation which was established in 2003.

Its initial business was devoted to producing software for the US intelligence community. Today, its services are provided to a more extensive range of governmental, operational and commercial entities in over a hundred countries with the aim of facilitating modelling of the “real world” through use of software-based solutions without inducing undue risk to highly sensitive data points in particular.

In view of the kind of services it provides and the wide media attention it has drawn, the Complainant may be perceived as an attractive target for cyber actors seeking unauthorized access.

One potential source of threat is through abuse of the Domain Name System (DNS).

The Complainant was using the brand Palantir Apollo in connection with provision of continuous-delivery secure cloud-based software services at the time the Respondent registered the disputed domain name <palantirapollo.com>.

The Complainant adduced proof both in this regard and as to business media and software outlet announcements about Palantir Apollo which were posted online.

It adduced further evidence from registrar WHOIS data related to the disputed domain name to show that the Respondent's identity was masked by privacy restriction.

The Respondent's identifying details were then provided in this proceeding through the Registrar Verification procedure.

Finally, the Complainant adduced evidence that traffic had been redirected from the disputed domain name to a web page advertising that the disputed domain name was for sale via a broker. The evidence shows that the broker's landing page for the redirection also displayed pay per-click advertisements on it.

PARTIES CONTENTIONS

PARTIES' CONTENTIONS:

COMPLAINANT:

I. Confusing similarity to a trademark or service mark in which the Complainant has rights

The Complainant refers to its trademarks and related documentation under which it has obtained rights and protection relative to its computer and software services. Taking account also of the period of rights that can be claimed during use of its brand, this period stretches back to at least 2005.

The disputed domain name integrates the Complainant's trademark in its entirety with the addition of a core product name of the Complainant, “Apollo”. The Top-Level Domain element in the disputed domain name can be disregarded.

Where the relevant trademark is recognizable within the disputed domain name, addition of other terms need not prevent a finding of confusing similarity, as recognized in (cited) Decisions of previous Panels.

Accordingly, the Complainant satisfies the requirements of Paragraph 4(a)(i) of the Policy.

II. Absence of rights or legitimate interest

It appears likely that Respondent registered the disputed domain name precisely because he believed that it was confusingly similar to a mark held by Complainant.

The Respondent is not sponsored by or affiliated with the Complainant in any way. Nor is the Respondent permitted to use the Complainant's trademarks in any manner.

The Respondent is not commonly known by the disputed domain name.

Rather, the Complainant has shown that the Respondent advertised the disputed domain name as being for sale, through a broker. This hardly constitutes demonstrable preparations to use the disputed domain name for a bona fide offering of goods or services or in connection with a legitimate non-commercial or fair use activity.

Accordingly, Respondent has no rights or legitimate interest in the disputed domain name under paragraph 4(a)(ii) of the Policy.

III. Bad faith

The disputed domain name was registered long after the Complainant's Palantir brand had received widespread media coverage.

By registering a domain name that comprises the Complainant's well-established mark in its entirety, with the mere addition of the name of a core product that is offered by Complainant, the Respondent has demonstrated a knowledge of and familiarity with the Complainant's brand and business.

Past Panels have found a presumption of bad faith in such circumstances as well as when, in the absence of any conceivable good faith use -- as shown here -- a respondent has registered a domain name to attract, for commercial gain, internet users by creating a likelihood of confusion with the complainant's mark.

Accordingly, the Complainant has satisfied the requirements of Paragraph 4(a)(iii) of the Policy and all elements of paragraph 4(a) of the Policy.

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 the UDRP were met and that there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

The Panel has no difficulty in finding that:

(1) the Complainant has successfully demonstrated its own rights in relation to the initial term "Palantir" reproduced within the disputed domain name <palantirapollo.com> and its connection to and legitimate interest in the second term reproduced in it, the sub-brand "Apollo", so meeting the first of the UDRP's cumulative three-part criteria, since the TLD technical suffix <.com> is irrelevant to the circumstances of this case and can therefore be disregarded;

(2) there is no question of the Respondent in this case possessing either a right or a legitimate interest in the disputed domain name for the purposes of the UDRP's second criterion;

(3) to the contrary, the very absence of any right or legitimate interest on the Respondent's part is demonstrated by the evident purpose behind the disputed domain name's registration and subsequent use -- namely, to gain some form of commercial advantage from unauthorized exploitation of the Complainant's protected brand and its combination with the name of an established core product of the Complainant whose availability had been widely publicized. Such registration and use clearly establish the UDRP element bad faith, so meeting the final UDRP criterion.

The Panel therefore accepts the Complaint in this case and orders 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. **PALANTIRAPOLLO.COM**: Transferred

PANELLISTS

| | |
|------|-------------------------|
| Name | Kevin J. Madders |
|------|-------------------------|

DATE OF PANEL DECISION 2022-04-22

Publish the Decision
