

Decision for dispute CAC-UDRP-104678

Case number	CAC-UDRP-104678
Time of filing	2022-06-29 10:19:28
Domain names	LINDORFF.XYZ, BYJUNO.XYZ

Case administrator

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

Complainant

Organization	Intrum AB
--------------	------------------

Complainant representative

Organization	BRANDIT GmbH
--------------	---------------------

Respondent

Name	LIUQINGRU
------	------------------

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 names.

IDENTIFICATION OF RIGHTS

According to the evidence submitted by Complainant, Complainant is the owner of the following trademarks:

- European Union trademark LINDORFF, nr. 017966849 registration date 26 February 2019; and
- European Union trademark BYJUNO, nr. 017886233 registration date 29 August 2018.

FACTUAL BACKGROUND

According to the evidence submitted by Complainant, Complainant is a market leading credit management company, which has a complete range of credit management and financial services with a strong base in collection operations. The company was founded in 1923 as a family business in Stockholm, where the headquarters are still located today. Complainant employed in 2019 around 10,000 people in 25 countries and serves around 100,000 customers across Europe.

The disputed domain name <lindorff.xyz> was registered on 30 December 2021, and the disputed domain name <byjuno.xyz> was registered on 19 December 2021. Both disputed domain names are held by Respondent.

According to the information provided by Complainant the disputed domain names do not resolve to an active website. The disputed domain names are offered for sale on the Dan.com website.

The trademark registrations of Complainant have been issued prior to the registration of the disputed domain names.

According to Complainant the disputed domain names are identical or confusingly similar to Complainant's trademarks. The disputed domain names incorporate Complainant's registered, distinctive trademarks in its entirety. Complainant submits that the addition of the gTLD ".xyz" does not add any distinctiveness to the disputed domain names.

According to Complainant Respondent has no rights or legitimate interest in respect of the disputed domain names. Complainant has never granted Respondent any right to use the LINDORFF / BYJUNO trademarks within the disputed domain names, nor is Respondent affiliated to Complainant in any form. Complainant has not found that Respondent is commonly known by the disputed domain names or that it has interest over the disputed domain names. By the time Complainant prepared his Complaint, Respondent used the disputed domain names only to redirect to Dan.com and offered the disputed domain names for sale for an amount of USD 1,210 each. Respondent has not been using the disputed domain names for any bona fide offering of goods or services.

Complainant contends that the disputed domain names have been registered and are being used in bad faith. According to Complainant Respondent has never been authorized by Complainant to register the disputed domain names. It follows that the use of the trademarks LINDORFF / BYJUNO in the disputed domain names is a deliberate and calculated attempt to improperly benefit from the Complainant's rights. Respondent clearly knew about Complainant and its trademarks and/or should have known about Complainant and its trademarks when it registered the disputed domain names. Complainant also asserts that the trademarks LINDORFF / BYJUNO are distinctive and that Respondent chose to register the disputed domain names which are identical to the trademarks.

Complainant submits that the disputed domain names are being used in bad faith. Respondent has been using the disputed domain names to redirect to a website where the disputed domain names are offered for sale. Such behaviour is manifestly considered evidence of bad faith.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

Complainant has, to the satisfaction of the Panel, shown the disputed domain names are identical or confusingly similar to a trademark or service mark in which Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

Complainant has, to the satisfaction of the Panel, shown Respondent to have no rights or legitimate interests in respect of the disputed domain names (within the meaning of paragraph 4(a)(ii) of the Policy).

BAD FAITH

Complainant has, to the satisfaction of the Panel, shown the disputed domain names have been registered and are 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

In the opinion of the Panel the disputed domain names are identical to Complainant's trademarks. Many UDRP decisions have found that a disputed domain name is identical or confusingly similar to a complainant's trademark where the disputed domain name incorporates the complainant's trademark or the principal part thereof in its entirety. Complainant has established that it is the owner of trademark registrations for LINDORFF / BYJUNO. The disputed domain names incorporate the entirety of the well-known LINDORFF / BYJUNO trademarks as its distinctive element. The top-level domain "xyz" in the disputed domain names may be disregarded. The Panel notes that Complainant's registration of its trademarks predates the creation date of the disputed domain names.

In the opinion of the Panel Complainant has made a prima facie case that Respondent lacks rights or legitimate interest in the disputed domain names. Complainant has not licensed or otherwise permitted Respondent to use its trademarks or to register the disputed domain names incorporating its marks. Respondent is not making a legitimate noncommercial or fair use of the disputed domain names without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark of Complainant. Respondent is not commonly known by the disputed domain names nor has it acquired trademark rights. Complainant has no relationship with Respondent. Respondent did not submit any response.

Under these circumstances, the Panel finds that Respondent has no rights or legitimate interests in the disputed domain names.

The Panel finds that the disputed domain names have been registered and are being used in bad faith. Respondent knew or should have known that the disputed domain names included Complainant's well-known LINDORFF / BYJUNO marks. The Panel notes that Respondent uses the disputed domain names only to redirect to Dan.com and offered the disputed domain names for sale for an amount of USD 1,210 each. This indicates that Respondent's primary intent in registering the disputed domain names was to sell the disputed domain names for valuable consideration in excess of Respondent's costs related to the disputed domain names or to profit in some fashion from or otherwise exploit Complainant's trademarks, which constitutes bad faith on the part of Respondent.

The Panel further notes that the undeveloped use of the website at the disputed domain names which incorporate Complainant's trademarks in its entirety indicates that Respondent possibly registered the disputed domain names with the intention to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the trademark of Complainant as to the source, sponsorship, affiliation, or endorsement of its website or location, which constitutes registration and use in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **LINDORFF.XYZ**: Transferred
 2. **BYJUNO.XYZ**: Transferred
-

PANELLISTS

Name	Dinant T.L. Oosterbaan
DATE OF PANEL DECISION	2022-07-26
Publish the Decision	
