

Decision for dispute CAC-UDRP-104921

Case number	CAC-UDRP-104921
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Time of filing	2022-10-13 10:15:04
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Domain names	urbangroupratp.com
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Case administrator

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

Organization	REGIE AUTONOME DES TRANSPORTS PARISIENS (RATP)
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Complainant representative

Organization	NAMESHIELD S.A.S.
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Respondent

Name	Wu Yu
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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, REGIE AUTONOME DES TRANSPORTS PARISIENS (RATP), is the owner of several trademarks "RATP", such as:

- the European trademark RATP® #008945966 registered since January 31, 2011;
- the International trademark RATP® #1091607 registered since March 9, 2011;
- the European trademark RATP GROUP® #017924643 registered since December 5, 2018.

The Complainant also claims as the owner of the French trademark URBAN® #3628791 registered since February 11, 2009.

The Complainant is also the owner of several domain names containing the trademark RATP®, such as <ratp.fr>, registered since January 1, 1995 and <ratp.com> registered and used since January 28, 1999.

FACTUAL BACKGROUND

Since 1949, the Complainant has been designing, operating and maintaining metro, rail, bus and tramway networks in the Île-de-France region and around the world, via its numerous subsidiaries. RATP is the 3rd largest public transport operator in the world.

The Respondent is an individual located in China.

The disputed domain name <urangroupratp.com> was registered on September 22, 2022.

PARTIES CONTENTIONS

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).

The Complainant claims rights in the RATP, RATP GROUP and URBAN marks through its International trademark registrations. By virtue of its trademark registrations, Complainant has proved that it has rights in the mark under paragraph 4(a) of the Policy. See Avast Software s. r. o. v Milen Radumilo, 102384, (CAC 2019-03-12).

The Complaint also claims that the disputed domain name includes the entire both its URBAN mark and the reversed version of the RATP GROUP mark which is not sufficient to escape the finding that the domain name is confusingly similar to the trademarks. In addition, the “.com” generic top-level domain (“gTLD”) does not change the overall impression of the designation as being connected to its trademark.

The Panel is of the view that despite URBAN is not a prominent mark within the disputed domain name, it further enhances the similarity between the disputed domain name and Complainant's marks when combining with the RATP mark and/or RATP GROUP (including the inverted version) mark which are both distinctive. See Paragraph 1.12 of the WIPO Overview 3.0.

For the foregoing reasons, the Panel finds the Complainant has satisfied 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). More specifically, the Complainant must first make a prima facie case that the Respondent lacks rights and legitimate interests in the disputed domain name, and the burden of prove then shifts to the Respondent to show it does have rights or legitimate interests. See PepsiCo, Inc. v Smith power production, 102378, (CAC 2019-03-08) ("The Panel finds that the Complainant has made out a prima facie case that arises from the considerations above. All of these matters go to make out the prima facie case against the Respondent. As the Respondent has not filed a Response or attempted by any other means to rebut the prima facie case against it, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.").

The Complainant claims that the Respondent is not a licensee, authorized agent of the Complainant or in any other way authorized to use Complainant's trademarks. In addition, the Complainant further claims that the Respondent is not commonly known by the disputed domain name.

The Complainant further argues that the disputed domain name resolves to a parking page with commercial links. Past panels have found it is not a bona fide offering of goods or services or legitimate non-commercial or fair use. In addition, the Complainant contends Respondent's general offer to sell the disputed domain name evidences the Respondent's lack of rights or legitimate interest.

The Panel finds that the Complainant has established a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name. The burden of proof has been shifted to the Respondent to prove that it has right or legitimate interests to the disputed domain name. However, the Respondent has not submitted any response to rebut the assertion.

For the foregoing reasons, the Panel finds the Complainant has satisfied 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).

The Complainant reiterates that the disputed domain name is confusingly similar to the Complainant's marks and contends that the combination of the trademarks “URBAN” and “RATP GROUP” cannot be coincidental, and can only refers to the Complainant. Indeed,

all the Google results refer to the Complainant and its intranet portal URBANWEB. On those facts, the Complainant claims that the use of the Complainant's trademark in the disputed domain name gives rise to the inference that the Respondent ought to have registered the disputed domain name for its trademark value. The Panel also notes that the disputed domain name was registered more than 60 years after Complainant's establishment and 10 years after the registration of Complainant's RATP trademark. The Panel agrees with Complainant and finds that Respondent should likely have actual knowledge of Complainant's mark, demonstrating bad faith registration under Policy paragraph 4(a)(iii).

Furthermore, the Complainant alleges that the disputed domain name resolves to a parking page with commercial links where the domain name is offered for sale. The Complainant contends the Respondent has attempt to attract Internet users for commercial gain to his own websites thanks to the Complainant's trademarks for its own commercial gain, which is evidence of bad faith. The Panel is of the view that selling a domain name similar to a reputable brand constitutes to use of a domain name in bad faith, see Intesa Stoggles Inc v. chen da guo, 103738 (CAC 2021-08-16). Accordingly, the Panel agree that Respondent has used the disputed domain name in bad faith under paragraph 4(b)(iii) & (iv) of the Policy.

For the foregoing reasons, the Panel finds the Complainant has satisfied 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

Having established all three elements required under the UDRP Policy, the Panel concludes that relief shall be granted.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

- 1. **urbangroupratp.com**: Transferred

PANELLISTS

Name	Mr Paddy TAM
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DATE OF PANEL DECISION 2022-11-11

Publish the Decision