

Decision for dispute CAC-UDRP-105060

Case number	CAC-UDRP-105060
Time of filing	2022-12-16 12:38:50
Domain names	s-myselogerpro.com, s-myselogerpro.pro

Case administrator

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

Organization	Digital Classifieds France
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Complainant representative

Organization	NAMESHIELD S.A.S.
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Respondent

Organization	Autohaus Anke GmbH
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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 names.

IDENTIFICATION OF RIGHTS

The company Pressimmo On Line is the registered owner of several trademarks including the term "SELOGER", such as the French trademark registration SELOGER® n° 1751230 registered 13.04.1988.

FACTUAL BACKGROUND

The disputed domain names were registered on 25.11.2022 and resolve to commercial links.

PARTIES CONTENTIONS

No administratively compliant Response has been filed.

RIGHTS

The Complainant has not proven to own rights identical or confusingly similar to the disputed domain names.

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

After the trademark representatives of the registered trademark owner PRESSIMO Online, Paris, Company registration number 425074481, were initially indicated as the Complainant in these proceedings and not the registered trademark owner PRESSIMMO ON LINE, the Panel pointed out this circumstance on 23.01.2023. By submission dated 24.01.2023, the representatives of the Complainant in the proceedings pointed out that the Complainant was actually the company Digital Classifieds France (previously named PRESSIMMO ON LINE) and referred to relevant annexes. They stated that the Complainant is the owner of the trademarks "SELOGER" since 05.10.2020. Accordingly, the representatives of the Complainant requested a change of Complainant. The Panel complied with this on the basis of the information provided by the Complainant's representatives.

However, the examination of the case revealed that there is no evidence that the company PRESSIMMO ON LINE and the Complainant are the same company as was stated by the representatives of the Complainant. Further, there was no evidence presented that the company PRESSIMMO ON LINE only changed its name. A document filed by Complainant (possibly an excerpt from a French company register) shows a different company registration number (789177391) for the Complainant than that of PRESSIMMO ON LINE. The registered business purpose of the Complainant does neither seem to correspond to the business purpose of PRESSIMMO ON LINE nor to what the Complainant claims in the Complaint. According to the Complaint, the Complainant is "a group specializing in the distribution of real estate advertisements on the internet and in the specialized press". Also, the statement that PRESSIMMO ON LINE merely changed its name to the Complainant's name contradicts the statement that the Complainant is the owner of the trademarks "SELOGER" since October 5, 2020. If there was only a name change, then the Complainant would have been the owner of the trademarks from the date of registration. According to the proof filed, the "SELOGER" trademarks were applied for and registered long before 2020. No indication that Complainant is the owner of these trademarks was presented to the Panel.

In the Panel's view, the contentions of the Complainant are inherently inconclusive, which is why the Panel finds that the Complainant has not succeeded in proving that it holds the relevant rights. Accordingly, the Complaint had to be rejected.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Rejected

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

1. **s-myselogerpro.com**: Remaining with the Respondent
2. **s-myselogerpro.pro**: Remaining with the Respondent

PANELLISTS

Name	Dominik Eickemeier
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DATE OF PANEL DECISION	2023-01-27
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Publish the Decision
