

Decision for dispute CAC-UDRP-105539

Case number	CAC-UDRP-105539
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Time of filing	2023-06-19 14:25:36
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Domain names	Deutsche-Boerse.cam
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Case administrator

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

Organization	Deutsche Börse AG
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Complainant representative

Organization	Mark Peters LL.M. (Grünecker Patent und Rechtsanwälte PartG mbB)
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Respondent

Name	Raniera Bassett
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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 is the demonstrated owner of several trademark rights relating the Deutsche Börse element, including:

- International trademark registration no. 917734 DEUTSCHE BÖRSE Group (&device) with priority of 18.08.2006 for international classes 9, 16, 35, 36, 41, 42, 45 with protection for CH, RU;
- German trademark registration no. 30648274 DEUTSCHE BÖRSE (&device) with priority of 4 August 2006 for international classes 36, 9, 16, 35, 38, 41, 42, 45;
- German trademark registration no. 39404080 "Deutsche Börse" with priority of 29 November 1994 for international classes 36, 9, 16, 35, 42;
- EUTM no. 5276738 DEUTSCHE BÖRSE (&device) with priority of 4 August 2006 for international classes 9, 16, 35, 36, 38, 41, 42;

- EUTM no. 000886481 "DEUTSCHE BÖRSE" with priority of 24 July 1998 for international classes 9,16.35,36,42.

FACTUAL BACKGROUND

The Complainant is a German based company active in the banking and financial fields, operating the Börse Frankfurt (Frankfurt Stock Exchange), and is one of the leading market place organizers for financial services, particularly trading in shares and other securities worldwide.

The Complaints owns numerous trademark registrations for DEUTSCHE BÖRSE effective, among the others, in the EU, in China and in Russia.

The Complainant's company name is Deutsche Börse AG and the Complaint owns the domain name <deutsche-boerse.com> that hosts its official website.

The disputed domain name <Deutsche-Boerse.cam> was registered on 3 May 2023.

PARTIES CONTENTIONS

COMPLAINANT:

The disputed domain name <Deutsche-Boerse.co> contains the Complainant's mark, with the exception of the "Umlaut" that is transcribed as "oe", so that it identical or confusingly similar.

The Respondent registered the disputed domain name on 3 May 2023 without authorization. The disputed domain name is not connected to an active website. Moreover, according to the Complainant, the disputed domain name is not used to offer bona fide goods and services or in a legitimate non-commercial or fair manner.

As regards the third element of the Policy, the Complainant supports that the disputed domain name is registered and used in bad faith, also because of the use of privacy shield services when it was registered on 3 May 2023.

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

PRINCIPAL REASONS FOR THE DECISION

It is the Panelist’s opinion that the present dispute is a clear-cut case of cybersquatting, presenting no particular feature than relating the recently approved .cam gTLD. This new top level domain, which was conceived to distinguish online camera services and activities, revealed inevitably attractive for the online public at-large, including speculative and/or abusive registrations aimed at exploiting third parties rights and their reputation (see CAC-UDRP-105356, <arceloimittal.cam>).

The Complaint was able to provide convincing elements of the identity of the disputed domain name, as well as the lack of legitimate interest and the bad faith requirements, in the same scenarios which have been considered in many CAC disputes including: CAC-UDRP-105411 <Deutsche-Boerse.co>; CAC-UDRP-104744 <DeutscheBorseGroup.com>; and CAC-UDRP-104229 <detsche-boerse.com>.

The lack of any response by the Respondent as well as any active use of the dispute domains are typical bad faith indicia suggesting the Respondent only attempted to exploit the strong reputation of Complainant's marks.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

- 1. **Deutsche-Boerse.cam**: Transferred

PANELLISTS

Name	Roberto Manno
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DATE OF PANEL DECISION 2023-07-26

Publish the Decision