

Decision for dispute CAC-UDRP-105990

Case number	CAC-UDRP-105990
Time of filing	2023-11-22 10:15:01
Domain names	goodwoodconsulting.com

Case administrator

Name	Olga Dvořáková (Case admin)
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Complainant

Organization	The Goodwood Estate Company Ltd
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Complainant representative

Organization	Joel McDonald (Stobbs IP)
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Respondent

Organization	Eduardo Villaverde (Goodwood International Company Inc.)
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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 Goodwood Estate Company Ltd (the “Complainant”) is the owner of the EUTM trademark (Reg. No. 947686) GOODWOOD, registered on September 6, 2004 (Nice classes 35, 45) as well as the owner of the long list of other national and international trademark registrations incorporating the unique sign of GOODWOOD.

FACTUAL BACKGROUND

The Complainant is a company incorporated in the United Kingdom and responsible for the management of a multitude of business activities covering motorsport, golf, horse racing, health and spa, hospitality, educational visits, amongst other things. The Goodwood Estate is the seat of the 11th Duke of Richmond and Gordon. The Estate has remained with the title since 1697. The Complainant notably celebrates 75 years of motorsport racing through Goodwood75, with its beginnings at Goodwood motor circuit and the Goodwood Trophy in September 1948, expanding through the creation of the Goodwood Festival of Speed in 1993. The Complainant provides commercial offerings under the GOODWOOD brand, as well as offers consultancy under the GOODWOOD and Goodwood Consulting monikers to third-party companies (see at <https://www.goodwood.com/consulting/>). The services offered by GOODWOOD CONSULTING include strategic planning and business case development.

The Complainant owns domain name composed of its trademark, namely <goodwood.com> (registered since September 10, 2008).

The Complainant's brand enjoys a significant commercial presence for a long period of time and continues to have the same, strong presence today. Therefore, this trademark is highly distinctive and well-established.

The disputed domain name <goodwoodconsulting.com> was registered on September 16, 2017, and resolves to the website which markets consultancy services for the automotive and motorcycle industry. This website makes use of a sign, predominately featuring the GOODWOOD trade mark above the considerably less important word "Consulting".

PARTIES CONTENTIONS

The Complainant submits that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.

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

The Panel agrees with the Complainant that the disputed domain name is confusingly similar to the Complainant's trademark GOODWOOD. The Complainant's trademark is included in its entirety. The addition of the generic term "consulting" is not sufficient to escape the finding that the disputed domain name is confusingly similar to the trademark. It does not change the overall impression of the designation as being connected to the Complainant's trademark.

The Panel acknowledges that the Complainant presented prima facie evidence that the Respondent is not sponsored by or affiliated with Complainant in any way. Furthermore, the Complainant has not licensed, authorized, or permitted Respondent to use Complainant's trademarks in any manner, including in domain names. The Respondent's name (Eduardo Villaverde) does not resemble the disputed domain name in any manner. Respondent's use of the disputed domain name does not constitute a bona fide offering of goods or services or a legitimate non-commercial or fair use.

As no administratively compliant response has been provided to the Panel and the prima facie evidence was not challenged by the Respondent, the Panel concludes that the Respondent meant Complainant's trademark GOODWOOD when he registered the disputed domain name <goodwoodconsulting.com> (see WIPO Overview 3.0, para. 3.1.1). Previous UDRP panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. Accordingly, the Panel finds that the disputed domain name was registered in bad faith.

The disputed domain name points to the website that makes use of a sign, predominately featuring the GOODWOOD trade mark above the considerably less important word "Consulting". This means the Respondent has attempted attracting Internet users for commercial

gain to his own website thanks to the Complainant's trademark for its own commercial gain, which is an evidence of bad faith use (see para. 4(b)(iv) of the Policy).

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

- 1. **goodwoodconsulting.com**: Transferred

PANELLISTS

Name	Darius Sauliūnas
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DATE OF PANEL DECISION 2023-12-25

Publish the Decision