

Decision for dispute CAC-UDRP-105991

Case number	CAC-UDRP-105991
Time of filing	2023-11-28 13:34:10
Domain names	thequintessentially.com, thequintessentiallygroup.com

Case administrator

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

Complainant

Organization	Quintessentially (UK) Ltd
--------------	----------------------------------

Complainant representative

Organization	Stobbs IP
--------------	------------------

Respondent

Name	Kuichuan Wang
------	----------------------

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 (the "Domain Names").

IDENTIFICATION OF RIGHTS

The Complainant is the owner of a various registered trade marks in numerous jurisdictions that comprises or incorporated the term "quintessentially".

They include:

- United Kingdom trade mark registration no 2302069 for QUINTESSENTIALLY as a word mark filed on 31 May 2002 and proceeding to registration on 9 July 2004 in classes 16, 20, 21, 35, 36, 38, 39, 41, 42, 43, 45;
- International trade mark registration no 904477 for QUINTESSENTIALLY as a word mark filed on 21 December 2005 in classes 16, 18, 35, 36, 39, 41, 43, 45, which has proceeded to registration and remains valid at least in some respects in 9 territories; and
- Australian trade mark registration no 1212615 for QUINTESSENTIALLY as a word mark filed on 29 January 2007 and entered on the register on 20 September 2010 in classes 35, 39, 43, 45.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT

The Complainant is incorporated in England and Wales with company number 03879072. It is a member of a group of companies known collectively as the Quintessentially Group ("the Group"). Originally established in the United Kingdom by Ben Elliot, Aaron Simpson and Paul Drummond in 2000, the Group started as a concierge service aimed at high-net-worth individuals, with a focus on the luxury sector. Since then, the Group has grown significantly in terms of its size, geographic reach, and the industries in which it operates.

The Group has traded under the 'Quintessentially' name since 2000 and, as a result of its many and varied activities, has generated considerable reputation and goodwill in the name. The Group has launched a wide range of 'Quintessentially' branded businesses, including, Quintessentially Events, and has 35 offices covering over 20 territories worldwide. The global offices are franchised to local partners, and the Quintessentially trade marks are licensed as part of these agreements.

Quintessentially Events is an award-winning international event company and produces bespoke events for a wide range of high profile, corporate and private clients, from star-studded occasions to intimate celebrations. Services of Quintessentially Events include event management, design and technical production, entertainment and content, strategic marketing, sponsorship and corporate hospitality. Past events included those for Facebook, Aston Martin and HSBC.

The Complainant's official domain name <quintessentially.com> has been used for the purposes of an active website advertising the Complainant's luxury lifestyle and concierge services for almost a decade as of the date of this Complaint.

As a result of its wide-ranging and extensive use to date, the brand name 'QUINTESSENTIALLY' ("the Brand"), has become extremely well known in the luxury lifestyle sector (including luxury travel). The Brand has been being featured in various popular media outlets, both online and offline, (including those catering to the UK public), and provides examples of high profile and famous names in attendance at the Group's events.

The Complainant's rights in the Brand have been recognised in previous UDRP decisions dating back to 2007.

The Domain Names were created August 2023.

The Domain Name <thequintessentially.com> has been used in connection with fraudulent activities. Internet searches on this Domain Name reveal evidence of reports from internet users flagging the Domain Name as facilitating a scam and it is further featured on a list of high risk, suspicious websites. Previously documented website records show that the Domain Name <thequintessentially.com> is further connected to an underlying imitation website ("the Website"), which clearly misuses the Complainant's branding, including their distinctive "Q" logo, featured on the top left-hand corner of the Website. The Website offers a "log in" facility as well as a "sign up" service.

The Domain Name <thequintessentiallygroup.com> fails to resolve to any active website, and there are no historic website records of any relevant use.

PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the Domain Names should be transferred to it.

No administratively compliant Response has been filed.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown that each of the Domain Names are identical or confusingly similar to a trade mark 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 each of the Domain Names (within the meaning of paragraph 4(a)(ii) of the Policy).

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown that each of the Domain Names 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 Complainant has demonstrated trade mark rights for QUINTESSENTIALLY and each of the Domain Names can only be sensibly be read as the term “Quintessentially”, combined with the ordinary word “the”, and in the case of one of the Domain Names the word “group”, and the “.com” gTLD. Accordingly, the Complainant’s trade mark is clearly recognisable in each of the Domain Names. This is sufficient for a finding of confusing similarity under the Policy (see sections 1.7 of the WIPO Overview 3.0). The Complainant has, therefore, satisfied the requirements of paragraph 4(a)(i) of the Policy.

The Panel is also satisfied that the Domain Names have been registered and held by the Respondent for the purposes of the fraudulent impersonation of the Group of companies of which the Complainant forms a part, in order to further some form of phishing scam. The Complainant has provided clear evidence of such use in the case of the <thequintessentially.com> Domain Name, inter alia, in the form of screenshots from a website operating from that Domain Name that falsely purports to be operated by the Group.

Although there is no evidence before the Panel as to the use of the <thequintessentiallygroup.com> Domain Name, the Domain Name was registered on the same date as the <thequintessentially.com> Domain Name, using the same registration details. Further, the word “group” in the Domain Name clearly involves a reference to the Complainant’s group of companies. Accordingly, the Panel is satisfied that this Domain Name was also registered as part of the same or a related fraudulent scheme.

There is no right or legitimate interest in registering and holding a domain name for fraudulent impersonation of a trade mark holder and such registration and use is in bad faith. The Complainant has, therefore, satisfied the requirements of paragraphs 4(a)(ii) and (iii) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

- 1. **thequintessentially.com**: Transferred
- 2. **thequintessentiallygroup.com**: Transferred

PANELLISTS

Name	Matthew Harris
------	----------------

DATE OF PANEL DECISION 2024-01-02

Publish the Decision