

Decision for dispute CAC-UDRP-106367

Case number **CAC-UDRP-106367**

Time of filing **2024-08-19 12:02:04**

Domain names **clowssicmusic.com**

Case administrator

Name **Chloé Fauvette (Case admin)**

Complainant

Name **Chloé Pauline Juliette Fauvette**

Respondent

Name **Ms. Laura Watson**

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 using of the following name to describe its trade service: CloWssic Music and has existing rights by its use, even unregistered.

FACTUAL BACKGROUND

CloWssic music is actively using its playword game to describe its service for 4 years and start being well known for it according to people who are developing an interest to classical music. The Complainant was primarily using a blog page website: clowssicalmusic4everybody.blog but wanted to developing its business with a new website creation while intended to maintain its playword game as a significant and recognisble meening for its business identification.

PARTIES CONTENTIONS

For information regarding the notification of the Respondent, please see: "Notification of delivery" form. Please include either a brief summary of the Complainant's contentions, or keep a short information provided at the end of this paragraph. You may also include a brief summary in another section, please include a referral to such section.

Possible information:

The Complainant contends 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

Even if the term classical music is generic and shall be used by anybody, the "a" of classical has been switch to constitute a playword game by the additional letters "ow", constituting the name of the Complainant combined with the word "classical", It is adding a individual meaning, a conceptual aspects that should allow the Complainant to use the disputed domain name,

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

- 1. **clowssicmusic.com** : Transferred

PANELLISTS

Name	Vojtěch Chloupek
------	------------------

DATE OF PANEL DECISION 2024-08-19

Publish the Decision