

ADMINISTRATIVE PANEL DECISION

International Olympic Committee v. Domain Administrator, Pa Wang
Case No. D2022-1873

1. The Parties

The Complainant is International Olympic Committee, Switzerland, represented by Bird & Bird (Belgium) LLP, Belgium.

The Respondent is Domain Administrator, Pa Wang, China.

2. The Domain Name and Registrar

The disputed domain name <fasterhigherstrongertogether.com> is registered with Dynadot, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 24, 2022. On May 25, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 26, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on May 27, 2022, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on May 30, 2021.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on June 7, 2022. In accordance with the Rules, paragraph 5, the due date for Response was June 27, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 29, 2022.

The Center appointed Marilena Comanescu as the sole panelist in this matter on July 5, 2022. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant is an international, non-governmental and non-profit organization, which is responsible for supervising the organization of the Olympic Games. On June 23, 1894, Baron Pierre de Coubertin founded the Complainant as the umbrella organization of the Olympic Movement. In 1896, the Complainant hosted the first Olympic Games of the modern era in Athens, Greece. Since then, the Complainant has supervised the organization of the Olympic Games. The Complainant has conducted dozens of Olympic Winter and Summer Games, most recently the 2022 Beijing Olympic Winter Games.

The Olympic motto "Citius, Altius, Fortius" (the Latin words for "Faster, Higher, Stronger") adopted in 1894 was changed and publicly announced on March 10, 2021 by the Olympic Committee President Thomas Bach, and has become "Faster, Higher, Stronger – Together". The announcement was followed around the world and widely reported in the international press in the course of March 2021.

The Complainant owns trademark registrations for FASTER, HIGHER, STRONGER - TOGETHER such as the following word marks:

- the International Trademark Registration No. 1639509, filed and registered on June 3, 2021 for services in IC 35 and 41; and
- the Swiss Trademark Registration No. 768625, filed on March 16, 2021 and registered on August 31, 2021 for goods and services in IC 1, 2, 3, 5, 7, 9, 10, 11, 12, 14, 16, 17, 18, 19, 21, 25, 28, 32, 34, 35, 36, 37, 38, 39, 40, 41, 42, 44, and 45.

The disputed domain name <fasterhigherstrongertogether.com> was registered on March 17, 2021 and, at the time of filing the Complaint, it resolves to an inactive website.

According to evidence provided in Annex 2 to the Complaint, following the Complainant's cease-and-desist letter of December 22, 2021, the Respondent offered the disputed domain name for sale for the amount of USD 60,000.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain name incorporates and is confusingly similar to the trademark FASTER, HIGHER, STRONGER - TOGETHER, the Respondent has no rights or legitimate interests in the disputed domain name, and the Respondent registered and is using the disputed domain name in bad faith knowing the Complainant's trademark and business. The Complainant requests the transfer of the disputed domain name to it.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

In view of the absence of a Response, the discussion and findings will be based upon the contentions in the Complaint and any reasonable position that can be attributable to the Respondent. Under paragraph 4(a) of the Policy, a complainant can only succeed in an administrative proceeding under the Policy if the following circumstances are met:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights;
- (ii) the respondent has no rights or legitimate interests in the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

The Panel will further analyze the potential concurrence of the above circumstances.

A. Identical or Confusingly Similar

The Panel finds that the Complainant holds rights in the trademark FASTER, HIGHER, STRONGER - TOGETHER.

The disputed domain name <fasterhigherstrongertogether.com> reproduces the Complainant's trademark exactly, apart from the commas, and respectively the hyphen, separating the words.

Further, it is well established in decisions under the UDRP that the generic Top-Level Domain ("gTLD") (e.g., ".com", ".info", ".one") may typically be disregarded for the purposes of consideration of confusing similarity between a trademark and a domain name. See section 1.11 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

Given the above, the Panel finds that the disputed domain name is identical to the Complainant's trademark FASTER, HIGHER, STRONGER - TOGETHER, pursuant to the Policy, paragraph 4(a)(i).

B. Rights or Legitimate Interests

The Complainant asserts that the Respondent does not hold any trademark rights, license, or authorization whatsoever to use the mark FASTER, HIGHER, STRONGER - TOGETHER, that the Respondent is not commonly known by the disputed domain name, and that the Respondent has not used the disputed domain name in connection with a legitimate noncommercial or fair use or a *bona fide* offering of goods or services.

Under the Policy, "where a complainant makes out a *prima facie* case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element". See section 2.1 of the [WIPO Overview 3.0](#).

The Respondent has not replied to the Complainant's contentions and has not come forward with relevant evidence to rebut the Complainant's *prima facie* case.

There is nothing in the record suggesting that the Respondent has ever been commonly known by the disputed domain name or that the Respondent made a *bona fide* offering of goods or services or a legitimate noncommercial use under the disputed domain name.

Furthermore, and without prejudice to the above, the nature of the disputed domain name, comprising the Complainant's trademark in its entirety, carries a high risk of implied affiliation. See section 2.5.1 of the [WIPO Overview 3.0](#).

For these reasons, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name, pursuant to the Policy, paragraph 4(a)(ii).

C. Registered and Used in Bad Faith

The Complainant holds trademark rights in FASTER, HIGHER, STRONGER - TOGETHER starting March 16, 2021 and the public announcement for this new slogan was made by the Complainant's representative on March 10, 2021. Furthermore, the Complainant has been extensively using the slogan FASTER, HIGHER, STRONGER since 1894.

The disputed domain name was registered on March 17, 2021, and reproduces exactly the Complainant's trademark and new slogan.

From the above and the available record, the Panel finds that the disputed domain name was registered by the Respondent in bad faith, with knowledge of the Complainant, its activities and targeting its trademark.

At the time of filing the Complaint, the website under the disputed domain name was inactive.

From the inception of the UDRP, panels have found that the non-use of a domain name (including a blank or "coming soon" or other similar inactive page) would not prevent a finding of bad faith under the doctrine of passive holding. The Panel must examine all the circumstances of the case to determine whether the Respondent is acting in bad faith. Examples of what may be relevant circumstances found to be indicative of bad faith include the degree of distinctiveness or reputation of the complainant's mark and the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good faith use. See section 3.3 of the [WIPO Overview 3.0](#).

As previously mentioned, the Complainant made the international announcement regarding the new slogan just a few days before the registration of the disputed domain name; the previous slogan and trademark, FASTER, HIGHER, STRONGER has been used for more than a century and gained reputation worldwide; the disputed domain name reproduces exactly the Complainant's trademark and the Respondent failed to participate in this proceeding and thus to provide any argument for choosing the disputed domain name.

Further, according to the case file, particularly the evidence provided as Annex 2 to Complaint, the Respondent has offered to sell the disputed domain name for the amount of USD 60,000, thus the disputed domain name appears to have been registered for the main purpose of selling it to the Complainant or its competitors for an amount most likely in excess of the documented out-of-pockets costs.

Therefore, the Panel deems applicable the paragraph 4(b)(i) of the Policy in the present case because there are circumstances indicating that the Respondent has registered the disputed domain name primarily for the purpose of selling or otherwise transferring the domain name registration to the Complainant.

Furthermore, it has been consistently found by previous UDRP panels that the mere registration of a domain name that is identical or confusingly similar to a third party's well-known trademark can by itself create a presumption of bad faith. See section 3.1.4 of the [WIPO Overview 3.0](#).

For all the above reasons, the Panel finds that the Respondent registered and is using the disputed domain name in bad faith, pursuant to the Policy, paragraph 4(a)(iii).

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <fasterhigherstrongertogether.com> be transferred to the Complainant.

/Marilena Comanescu/

Marilena Comanescu

Sole Panelist

Date: July 18, 2022