

ADMINISTRATIVE PANEL DECISION

Groupe La Centrale v. Whois Privacy Protection Foundation,
Hosting Concepts BV d/b/a Registrar.eu
Case No. D2023-0356

1. The Parties

The Complainant is Groupe La Centrale, France, represented by Inlex IP Expertise, France.

The Respondent is Whois Privacy Protection Foundation, Hosting Concepts BV d/b/a Registrar.eu, Nigeria.

2. The Domain Name and Registrar

The disputed domain name <lacentrale-info.com> is registered with OwnRegistrar, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 26, 2023. On January 26, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 27, 2023, 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 (WhoisSecure) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 27, 2023, 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 February 1, 2023.

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 February 2, 2023. In accordance with the Rules, paragraph 5, the due date for Response was February 22, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 23, 2023.

The Center appointed Tuukka Airaksinen as the sole panelist in this matter on February 28, 2023. 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 known by the French public in the field of classified ads in the automotive field. The Complainant's trademark LA CENTRALE is registered, *inter alia*, as a European Union Trademark No. 001919182 as of January 23, 2003.

The disputed domain name was registered on July 20, 2022, which resolves to a website in French language, purportedly offering services to car professionals for the maintenance and repair of vehicles under the name DP95.

5. Parties' Contentions

A. Complainant

The disputed domain name includes the Complainant's trademark in its entirety combined with a hyphen and the descriptive term "info". This is insufficient to remove likelihood of confusion.

The Complainant contacted the publisher (the company DP95) of the website to which the disputed domain name is redirected and found out that the website is not operated by this company, which in fact has an identical website at <garagecery.com>. The Complainant found out that the website to which the disputed domain name resolves has the same content and visual appearance as the website of the company DP95 at <garagecery.com>. In addition, the Respondent's website includes as contact information the email address <[...]@lacentrale-info.com>, whereas the website of the company DP95 includes as contact information the email address <[...]@garagecery.com>. The website to which the disputed domain name resolves is therefore a fraudulent mirror website.

There is no relationship between the Complainant and the Respondent. However, the use of the disputed domain name suggests affiliation with the Complainant. Internet users can assume that the websites are linked given the identical signs. There is also clearly no relationship between the Respondent and the company DP95.

The Complainant's trademark is well known by the public. The disputed domain name redirects to a website written in French language. It is therefore not possible that the Respondent did not know that the Complainant's trademark was already in use in France by the Complainant.

The Respondent has, by using the disputed domain name, intentionally attempted to attract Internet users to the Respondent's website by creating a likelihood of confusion with the Complainant's rights.

B. Respondent

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

6. Discussion and Findings

In order to obtain the transfer of a domain name, a complainant must prove the three elements of paragraph 4(a) of the Policy, regardless of whether the respondent files a response to the complaint or not. The first element is that the domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights. The second element a complainant must prove is that the respondent has no rights or legitimate interests in respect of the domain name. The third element a complainant must establish is that the domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires that the Complainant establish that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights. Consequently, the Complainant must prove that it has rights to a trademark, and that the disputed domain name is identical or confusingly similar to this trademark.

According to section 1.11.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), "[t]he applicable Top Level Domain ('TLD') in a domain name (e.g., '.com', '.club', '.nyc') is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test".

Section 1.8 of the [WIPO Overview 3.0](#) reads: "Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element. The nature of such additional term(s) may however bear on assessment of the second and third elements."

The disputed domain name is confusingly similar to the Complainant's trademark as it includes the Complainant's trademark entirely with a hyphen and the term "info" after the Complainant's trademark. This does not prevent a finding of confusing similarity between the Complainant's trademark and the disputed domain name.

The Panel finds that the disputed domain name is confusingly similar with the Complainant's trademark and hence the first element of the Policy has been fulfilled.

B. Rights or Legitimate Interests

Paragraph 4(a)(ii) of the Policy requires that the Complainant establish that the Respondent has no rights or legitimate interests to the disputed domain name.

It is widely accepted among UDRP panels that once a complainant has made a *prima facie* showing indicating the absence of the respondent's rights or legitimate interests in a disputed domain name the burden of production shifts to the respondent to come forward with evidence of such rights or legitimate interests. If the respondent fails to do so, the complainant is deemed to have satisfied the second element of the Policy. See, e.g., *Document Technologies, Inc. v. International Electronic Communications Inc.*, WIPO Case No. [D2000-0270](#), and section 2.1 of the [WIPO Overview 3.0](#).

The Complainant has submitted that the Respondent is neither affiliated with the Complainant in any way nor has it been authorized by the Complainant to use and register the disputed domain name, that the Respondent has no rights or legitimate interests in the disputed domain name, and that the Respondent has not made and is not making a legitimate noncommercial or fair use of the disputed domain name and is not commonly known by the disputed domain name.

Accordingly, the Panel finds that the Complainant has made a *prima facie* case that has not been rebutted by the Respondent. Considering the Panel's findings below and the failure of the Respondent to submit any response within the current proceedings, the Panel finds that there are no other circumstances that provide the Respondent with any rights or legitimate interests in the disputed domain name. Therefore, the Panel finds that the second element of the Policy is fulfilled.

C. Registered and Used in Bad Faith

Paragraph 4(a)(iii) of the Policy requires that the Complainant establish that the disputed domain name has been registered and is being used in bad faith. Paragraph 4(b) of the Policy provides that the following circumstances, in particular but without limitation, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith:

“(i) circumstances indicating that [the respondent has] registered or has acquired the domain name primarily for the purpose of selling, renting or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of [the respondent’s] documented out-of-pocket costs directly related to the domain name; or

(ii) [the respondent has] registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that [the respondent has] engaged in a pattern of such conduct; or

(iii) [the respondent has] registered the domain name primarily for the purpose of disrupting the business or competitor; or

(iv) by using the domain name, [the respondent has] intentionally attempted to attract, for commercial gain, Internet users to [the respondent’s] website or other online location, by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of [the respondent’s] website or location or of a product or service on [the respondent’s] website or location.”

Considering that the disputed domain name is confusingly similar to the Complainant’s trademark and that it resolves to a website offering automotive services, it is obvious that the Respondent was aware of the Complainant’s trademark when registering the disputed domain name.

The Respondent has redirected the disputed domain name to a website that reproduces the website of a third-party company offering services in the field of automotives while indicating the email address <[...]@lacentrale-info.com> as a contact email, which is the only exception of the third-party’s real website. The MX-records of the disputed domain name are activated allowing the use of the disputed domain name as an e-mail address, considering that the email notifications of the Center to this contact email address associated with the disputed domain name seem to be successfully delivered. Further, it seems like the Respondent has used false and contradictory contact information when registering the disputed domain name, which further supports its bad faith.

All the evidence points to the fact that the disputed domain name has been registered to redirect to a mirror website of a third-party company.

The Panel therefore finds that the disputed domain name was registered and used in bad faith, pursuant to the Policy, paragraph 4(b)(iv).

Therefore, the Panel finds that the third element of the Policy is fulfilled.

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, <lacentrale-info.com>, be transferred to the Complainant.

/Tuukka Airaksinen/

Tuukka Airaksinen

Sole Panelist

Date: March 13, 2023