

ADMINISTRATIVE PANEL DECISION

Euomaster Services et Management v. Milen Radumilo Case No. D2023-2758

1. The Parties

The Complainant is Euomaster Services et Management, France, represented by Dreyfus & associés, France.

The Respondent is Milen Radumilo, Romania.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 28, 2023. On June 28, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 28, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on June 30, 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 July 4, 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 July 5, 2023. In accordance with the Rules, paragraph 5, the due date for Response was July 25, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 7, 2023.

The Center appointed William F. Hamilton as the sole panelist in this matter on August 14, 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 offers tire and light vehicle maintenance services. The Complainant employs 10,000 persons in 19 European countries working at more than 2,3000 maintenance centers.

The Complainant owns numerous registrations around the world for the trademark EUROMASTER (the "Mark"), including, but not limited to:

- French trademark No. 1624667, dated July 25, 1990;
- United Kingdom trademark No. UK00001455074, dated January 25, 1991;
- Romanian trademark No. M2006-002554, dated March 13, 2006; and
- Romanian trademark No. 019775, dated January 3, 1993

The Complainant conducts its business through numerous websites including "www.euromaster.com".

The disputed domain name was registered on April 7, 2023, and initially resolved to a parking page displaying links of offering services in competition with the Complainant.

On April 24, 2023, the Complainant sent the Respondent a cease-and-desist communication to which there was no response. The disputed domain name currently resolves to a website triggering security alerts and virus warnings.

5. Parties' Contentions

A. Complainant

The Complainant asserts the disputed domain name is identical to the Mark. The Complainant asserts that the Complainant never authorized the Respondent to use the disputed domain name, that the Respondent is not generally known by the disputed domain name, never operated a business under the disputed domain name, has not advertised the disputed domain name, and never engaged in any *bona fide* commercial activity in connection with the disputed domain name. The Complainant asserts that the Respondent knew or should have known of the Mark with reasonable investigation and registered and used the disputed domain name in bad faith.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, to succeed the Complainant must satisfy the Panel that:

- (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 respect of the disputed domain name; and
- (iii) the disputed domain name was registered and is being used in bad faith.

A. Identical or Confusingly Similar

The disputed domain name is identical to the Complainant's Mark.

The generic Top-Level Domain of the disputed domain name, in this case ".pro", may be disregarded for the purposes of assessment under the first element, as it is viewed as a standard registration requirement. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.11.1. *Monster Energy Company, a Delaware Corporation v. J.H.M. den Ouden*, WIPO Case No. [D2016-1759](#).

The Complainant has met its burden under paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Panel finds on the evidence presented that the Respondent has no rights or legitimate interests in the disputed domain name.

The Complainant has specifically disavowed providing the Respondent with permission to use the disputed domain name or the Mark. There is no evidence that the Respondent has conducted any *bona fide* business under the disputed domain name or is commonly known by the disputed domain name. The Complainant has established a *prima facie* case in its favor, which shifts the burden of production of evidence on this point to the Respondent. The Respondent, however, has failed to come forth with any evidence showing any rights or legitimate interests in the disputed domain name. Moreover, the disputed domain name will likely confuse unsuspecting Internet users into believing the disputed domain name would resolve websites associated, sponsored, or affiliated with the Complainant.

The facts and circumstances presented to the Panel demonstrate that the Respondent does not have any rights or legitimate interests in the disputed domain name. The Complainant has met its burden under paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

Under paragraph 4(b) of the Policy, bad faith may be established by any one of the following non-exhaustive scenarios:

- (i) circumstances indicating that the respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name 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 of a competitor; or
- (iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its 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.

The Panel finds on the evidence presented that the disputed domain name was registered and used in bad faith.

A simple Internet search, which should normally be undertaken before registering a domain name, would have quickly disclosed the Mark. Moreover, the Mark is well-known in connection with automotive maintenance services in Romania where the Respondent resides. It strains credulity to believe that the Respondent innocently and unknowingly registered and used the disputed domain name especially when the disputed domain name resolves to a website offering links to services competitive with the Complainant's services.

Additionally, the fact that the disputed domain name currently resolves to a sham virus warning, which is likely a phishing attempt, is further compelling evidence of bad faith registration and use.

The Complainant has met their burden under paragraph 4(a)(iii) of the Policy.

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 <euromaster.pro> be transferred to the Complainant.

/William F. Hamilton/

William F. Hamilton

Sole Panelist

Date: August 24, 2023