

## **ADMINISTRATIVE PANEL DECISION**

### **CC NETWORK LIMITED v. Kelly Partridge**

#### **Case No. D2023-3444**

#### **1. The Parties**

The Complainant is CC NETWORK LIMITED, c/o Walters Law Group, United States of America (“USA”).

The Respondent is Kelly Partridge, Canada.

#### **2. The Domain Names and Registrar**

The disputed domain names <camcontacto.com>, <camcontactscm.com>, and <camcontactss.com> are registered with Dynadot, LLC (the “Registrar”).

#### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 11, 2023. On August 14, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On August 14, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 15, 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 amendment to the Complaint on August 15, 2023.

The Center verified that the Complaint together with the amendment to the 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 September 1, 2023. In accordance with the Rules, paragraph 5, the due date for Response was September 21, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 28, 2023.

The Center appointed Miguel B. O'Farrell as the sole panelist in this matter on October 16, 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, CC Network Limited, owns and operates "www.camcontacts.com" which provides online, video information and adult entertainment.

The Complainant owns USA Trademark Registration No. 4.124.572 CAMCONTACTS, registered on April 10, 2012 in classes 38 and 41, with first use in commerce on November 1, 2000.

The Respondent registered the disputed domain names <camcontacto.com> on April 10, 2023, <camcontactscm.com> on April 7, 2023, and <camcontactss.com> on April 8, 2023, which redirect to the <stripchat.com> website which offers adult entertainment services in competition to the Complainant's services.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant claims that the disputed domain names are confusingly similar to the trademark CAMCONTACTS in which the Complainant has rights and that the Respondent has no rights or legitimate interests in the disputed domain names, which were registered and are being used in bad faith.

Even disregarding the Complainant's registered rights, the Complainant first used the trademark CAMCONTACTS in commerce on November 1, 2000 and has extensive common law rights therein throughout the world, well before the Respondent registered the disputed domain names in April 2023.

The Respondent has no connection nor affiliation with the Complainant and has not received any authorization to use the Complainant's trademark in the disputed domain names or in any other manner. The Respondent is not commonly known by the disputed domain names and does not hold any trademark for the disputed domain names.

By registering and using the disputed domain names, the Respondent has intentionally attempted to attract for commercial gain, Internet users to the Respondent's website by creating likelihood of confusion with the Complainant's trademark as to source, sponsorship, affiliation, or endorsement of the Respondent's website to obtain economic gain.

Considering the content of the website, the Respondent has incurred in bad faith with the registration of the disputed domain names to create confusion with the Complainant's worldwide used and distinctive trademark CAMCONTACTS.

Prior to bringing this administrative proceeding, the Complainant's attorney sent the Respondent a cease and desist letter on July 20, 2023 which has remained unanswered. This also contributes to prove the Respondent's bad faith.

Finally, the Complainant requests the Panel to issue a decision ordering the transfer of the disputed domain names to the Complainant.

## B. Respondent

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

## 6. Discussion and Findings

According to paragraph 4(a) of the Policy, for this Complaint to succeed in relation to the disputed domain names, the Complainant must prove each of the following, namely that:

- (i) the disputed domain names are identical or confusingly similar with a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain names; and
- (iii) the disputed domain names were registered and are being used in bad faith.

### A. Identical or Confusingly Similar

As set forth in section 1.7 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") the standing test for confusing similarity involves a reasoned but relatively straightforward comparison between the trademark and the disputed domain name to determine whether the disputed domain name is confusingly similar with the trademark. The test involves a side-by-side comparison of the disputed domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name.

The Panel considers that the disputed domain names are confusingly similar to the Complainant's CAMCONTACTS trademark.

The disputed domain name <camcontacto.com> merely replaces the letter "s" by an "o" at the end of the Complainant's trademark CAMCONTACTS; the disputed domain name <camcontactss.com> simply adds a final letter "s" to the end of the mark and the disputed domain name <camcontactsc.com> simply includes "com" at the end of the mark and before the ".com" generic Top-Level Domain ("gTLD"). None of these differences prevent a finding of confusing similarity between the disputed domain names and the Complainant's trademark CAMCONTACTS. Section 1.8 of [WIPO Overview 3.0](#) provides that when the relevant trademark is recognizable within the disputed domain name –as it occurs in this case- the addition of other terms would not prevent a finding of confusing similarity under the first element.

The ".com" gTLD is viewed as a standard registration requirement and is generally disregarded under the first element confusing similarity test, as set forth in section 1.11.1 of [WIPO Overview 3.0](#).

Accordingly, the Panel finds that the disputed domain names are confusingly similar to the trademark CAMCONTACTS in which the Complainant has rights and that the requirements of paragraph 4(a)(i) of the Policy are fulfilled.

### B. Rights or Legitimate Interests

Pursuant to paragraph 4(c) of the Policy, a respondent may establish rights to or legitimate interests in a domain name by demonstrating any of the following non-exclusive defenses:

- (i) before any notice to it of the dispute, the respondent's use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a *bona fide* offering of goods or services; or

(ii) the respondent has been commonly known by the domain name, even if it has acquired no trademark or service mark rights; or

(iii) the respondent is making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain, to misleadingly divert consumers.

Although the Policy addresses ways in which a respondent may demonstrate rights or legitimate interests in a disputed domain name, it is well established, as it is put in section 2.1 of [WIPO Overview 3.0](#), that a complainant is required to make out a *prima facie* case that the respondent lacks rights or legitimate interests in the domain name. Once such *prima facie* case is made, the burden of production shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the disputed domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element.

There is no evidence in the present case that the Respondent has been commonly known by the disputed domain names, enabling it to establish rights or legitimate interests therein.

Furthermore, there is no evidence in the file to prove any of the circumstances mentioned in paragraph 4(c) of the Policy, nor any other circumstances to suggest that the Respondent has rights or legitimate interests in the disputed domain names.

Likewise, and as further discussed under section 6.C of this Decision, it does not seem that the Respondent is making any legitimate noncommercial or fair use of the disputed domain names. The redirection of the disputed domain names to the “stripchat.com” website, which offers adult entertainment services in direct competition with Complainant’s services, does not support a claim to rights or legitimate interests.

The Panel finds that the Complainant has made out a *prima facie* case, a case calling for an answer from the Respondent. The Respondent has not responded and the Panel is unable to conceive of any basis upon which the Respondent could sensibly be said to have any rights or legitimate interests in respect of the disputed domain names (*Telstra Corporation Ltd. v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#)).

The Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain names and that the requirements of paragraph 4(a)(ii) of the Policy have been fulfilled.

### **C. Registered and Used in Bad Faith**

The Panel is satisfied that the Respondent must have been aware of the Complainant’s trademark CAMCONTACTS mentioned in section 4 above (Factual Background) when it registered the disputed domain names. By that time, the Complainant had long ago registered and used the trademark CAMCONTACTS.

By registering the disputed domain names which are confusingly similar to the Complainant’s trademark CAMCONTACTS the Respondent was targeting the Complainant and its business. The use of the disputed domain names to redirect to a website that offers services similar to those offered by the Complainant contributes to confuse Internet users and leads them to think that the relevant website belongs to or is endorsed by the Complainant with the intention to capitalize on the fame of the Complainant’s trademark for its own benefit.

The fact that there is a clear absence of rights or legitimate interests coupled with no credible explanation for the Respondent’s choice of the disputed domain names, and the use of the disputed domain names to redirect to a website offering services which compete with those offered by the Complainant, are indicative of bad faith (as stated in section 3.1.4 of the [WIPO Overview 3.0](#)).

The Panel finds that the Respondent registered and is using the disputed domain names in bad faith.

For the above reasons, the Panel finds that the requirements of paragraph 4(a)(iii) of the Policy have been 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 names <camcontacto.com>, <camcontactscom.com>, and <camcontactss.com> be transferred to the Complainant.

*/Miguel B. O'Farrell/*

**Miguel B. O'Farrell**

Sole Panelist

Date: October 30, 2023