

ADMINISTRATIVE PANEL DECISION

FRANCE TELEVISIONS v. mehdi barquacha

Case No. D2024-2530

1. The Parties

The Complainant is FRANCE TELEVISIONS, France, represented by Cabinet Lavoix, France.

The Respondent is mehdi barquacha, Morocco.

2. The Domain Name and Registrar

The disputed domain name <france-tv.one> is registered with One.com A/S (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 20, 2024. On June 21, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 3, 2024, 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 (Identity and contact details not disclosed) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 8, 2024, 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 9, 2024.

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 12, 2024. In accordance with the Rules, paragraph 5, the due date for Response was August 1, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 2, 2024.

The Center appointed Nayiri Boghossian as the sole panelist in this matter on August 9, 2024. 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 the national program company managing public television activities in France. The Complainant owns many trademark registrations for FRANCE TV such as:

- 1) International Trademark Registration No. 1109946, registered on November 2, 2011;
- 2) French Trademark Registration No. 3827939, registered on August 26, 2011.

The disputed domain name was registered on March 6, 2024, and resolves to a website that seems to offer subscription for streaming videos and videos on demand.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights. The Complainant's trademark is well-known. The term ".one" is required for registration purposes. The denomination "France TV" of the disputed domain name is identical to the Complainant's trademark. The disputed domain name resolves to a website, which offers services identical or similar to those of the Complainant.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not authorized by the Complainant to use its trademark nor is it a licensee of the Complainant. The Respondent is making an unfair commercial use of the disputed domain name. There is no plausible explanation for the Respondent's registration of the domain name. There is no evidence to show Respondent has rights or legitimate interests in the disputed domain name. There is no evidence of bona fide use. There is no evidence that the Respondent is commonly known by the disputed domain name.

The Complainant also contends that the disputed domain name was registered and is being used in bad faith. The Complainant's trademark FRANCE TV is well-known as found by prior UDRP Panels. The disputed domain name was registered in 2024, while the Complainant's trademark FRANCE TV was registered in 2011. The disputed domain name offers services identical or similar to the services for which the Complainant's trademark is known. The Respondent intentionally attempted to attract for commercial gain, Internet users to the Respondent's website or other on-line location, by creating a likelihood of confusion with the Complainant's trademark. The disputed domain name is fraudulent as it does not comply with the regulations relating to legal notices and as it offers subscriptions, which requires users to enter their bank details. The Respondent has registered the disputed domain name in order to prevent the Complainant from reflecting its trademark in a corresponding domain name. The Respondent has deliberately concealed its identity.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant holds a number of trademark registrations for the trademark FRANCE TV. The Panel is satisfied that the Complainant has established its ownership of the trademark FRANCE TV.

The disputed domain name comprises the Complainant's trademark in its entirety with a hyphen, which does not eliminate the confusing similarity with the trademark FRANCE TV. The Complainant's trademark is clearly recognizable in the disputed domain name. The generic Top-Level Domain ("gTLD") ".one" may typically be ignored when assessing confusing similarity as held by prior UDRP panels.

Consequently, the Panel finds that the disputed domain name is confusingly similar to the trademark of the Complainant and that the Complainant has satisfied paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Complainant has made a prima facie showing that the Respondent does not have any rights or legitimate interests in the disputed domain name, particularly by asserting that it never authorized the Respondent to use its trademark as part of the disputed domain name.

The Respondent has not provided evidence of circumstances of the types specified in paragraph 4(c) of the Policy, or of any other circumstances, giving rise to rights or legitimate interests in the disputed domain name. Consequently, the Panel finds that the Complainant has met the requirement under the Policy of showing that the Respondent does not have any rights or legitimate interests in the disputed domain name. Accordingly, the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The element of bad faith is evidenced by the fact that the trademark FRANCE TV had been registered for 13 years before the Respondent registered the disputed domain name. Hence, it must be that the Respondent was aware of the Complainant and its trademark when he registered the disputed domain name. The fact that the website to which the disputed domain name resolves offers subscription services in video streaming confirms the Respondent's knowledge of the Complainant's trademark and the Complainant's line of business.

Furthermore, the Respondent did not provide a response to the Complaint demonstrating actual or contemplated good faith use. In addition, the Respondent is offering services which are identical or similar to those of the Complainant. It is therefore presumed that the Respondent is trying to benefit from the reputation and goodwill of the Complainant's trademark in order to divert Internet users to his website and sell the services being offered.

Such conduct falls squarely within the meaning of paragraph 4(b)(iv) of the Policy, and accordingly, the Panel finds that the Complainant has satisfied 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, <france-tv.one> be transferred to the Complainant.

/Nayiri Boghossian/

Nayiri Boghossian

Sole Panelist

Date: August 21, 2024