

ADMINISTRATIVE PANEL DECISION

Federation Francaise de Tennis (FFT) v. Domains By Proxy, LLC /
Juan Fernandez
Case No. DIO2022-0032

1. The Parties

The Complainant is Federation Francaise de Tennis (FFT), France, represented Nameshield, France.

The Respondent is Domains By Proxy, LLC, United States of America / Juan Fernandez, Spain.

2. The Domain Name and Registrar

The disputed domain name <rolandgarros.io> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 19, 2022. On July 20, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 20, 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 July 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 July 28, 2022.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the .IO Domain Name Dispute Resolution Policy (the “Policy”), the Rules for .IO Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for .IO 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 29, 2022. In accordance with the Rules, paragraph 5, the due date for Response was August 18, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 23, 2022.

The Center appointed Steven A. Maier as the sole panelist in this matter on August 25, 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 a federation which promotes, organizes and develops tennis in France. It organizes major tennis tournaments including the “International of France of Roland Garros”, also known as the “French Open”, which is held at the Stade Roland Garros in Paris.

The Complainant is the owner of numerous registrations for the trademark ROLAND GARROS including, for example, International trademark registration number 459517 for the word mark ROLAND GARROS, registered on April 1, 1981, in International Classes 18, 25 and 28.

The disputed domain name was registered on July 3, 2022.

According to evidence submitted by the Complainant, the disputed domain name has resolved to a GoDaddy webpage stating that the disputed domain name is available for sale. Submitting an enquiry in respect of the disputed domain name produced a statement that the disputed domain name was available for a “Buy Now” price of USD 62,000, or that offers could be made to the seller based on a minimum of USD 30,000.

5. Parties’ Contentions

A. Complainant

The Complainant submits that the “International of France of Roland Garros” is the largest tournament of the tennis season to be conducted on clay and is the only Grand Slam tournament still to be competing on that surface. The Complainant claims over one million licensees of its tennis-related activities and states that it operates domain names including <rolandgarros.com>, registered in 1999 and <roland-garros.com>, registered in 1997.

The Complainant submits that the disputed domain name is identical to its ROLAND GARROS trademark.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It states that it has no connection with the Respondent and has not authorized it to use the ROLAND GARROS trademark, that the Respondent has not commonly been known by the disputed domain name and that the Respondent’s offer to sell the disputed domain name for USD 62,000 demonstrates its lack of any rights or legitimate interests in respect of the disputed domain name.

The Complainant submits that the disputed domain name was registered and is being used in bad faith. It contends that, given the distinctiveness and reputation of the ROLAND GAROS trademark, the Respondent can only have registered the disputed domain name with the Complainant’s trademark in mind. The Complainant further submits that the Respondent is making no active use of the disputed domain name and is merely offering it for sale for USD 62,000, being a sum in excess of its out-of-pocket costs associated with the disputed domain name.

The Complainant requests the transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

In order to succeed in the Complaint, the Complainant is required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are 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 has been registered or is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant has established that it has registered trademark rights in respect of the name and mark ROLAND GARROS. The disputed domain name is identical to that trademark and the Panel therefore finds that the requirements of the first element are met.

B. Rights or Legitimate Interests

In the view of the Panel, the Complainant's submissions set out above give rise to a *prima facie* case that the Respondent has no rights or legitimate interests in respect of the disputed domain name. However, the Respondent has failed to file a Response in this proceeding and has not submitted any explanation for its registration and use of the disputed domain name, or evidence of rights or legitimate interests on its part in the disputed domain name, whether in the circumstances contemplated by paragraph 4(c) of the Policy or otherwise. The Respondent's offer to sell the disputed domain name cannot of itself confer rights or legitimate interests in the disputed domain name and the Panel therefore finds that the requirements of the second element are met.

C. Registered or Used in Bad Faith

While the Complainant provides little evidence of the reputation of the ROLAND GARROS trademark, the Panel finds nevertheless that that trademark is both distinctive and widely recognized by the public in connection, in particular, with the tennis tournament that bears its name. The Panel infers in the circumstances that the Respondent registered the disputed domain name in the knowledge of the Complainant's ROLAND GARROS trademark and with the intention of taking unfair advantage of the goodwill attaching to it. Further, the Respondent's offer to sell the disputed domain name for USD 62,000 (or to consider offers starting at USD 30,000) can only reasonably be explained by the value attaching to the Complainant's ROLAND GARROS trademark. Absent any evidence from the Respondent to the contrary, the Panel finds in the circumstances that the Respondent acquired and has used the disputed domain name in bad faith, primarily for the purpose of selling, renting, or otherwise transferring the disputed domain name registration to the Complainant for valuable consideration in excess of its documented out-of-pocket costs directly related to the disputed domain name (paragraph 4(b)(i) of the Policy). The Panel therefore finds that the requirements of the third element are satisfied.

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, <rolandgarros.io>, be transferred to the Complainant.

/Steven A. Maier/

Steven A. Maier

Sole Panelist

Date: September 8, 2022