



URS | DETERMINATION
(URS Procedure 9, URS Rules 13)

URS DISPUTE NO. 5FA36F3F

Determination DEFAULT

I. PARTIES

Complainant: EUROSPORT SAS, France
Complainant's authorized representative(s): Inlex IP Expertise, Hermine Coudry, France

Respondent: RASK MAJER - SING, Italy

II. THE DOMAIN NAME(S), REGISTRY OPERATOR AND REGISTRAR

Domain Name(s): EUROSPORT.SPACE
Registry Operator: DotSpace, Inc.
Registrar: OnlineNIC, Inc.

III. PROCEDURAL HISTORY

Complaint submitted: 2019-06-19 18:44
Lock of the domain name(s): 2019-06-20 14:12
Notice of Complaint: 2019-06-21 17:16
Default Date: 2019-07-05 00:01
Default Notice: 2019-07-05 09:45
Panel appointed: 2019-07-05 09:46
Default Determination issued: 2019-07-08 16:44

IV. EXAMINER

Examiner's Name: Guido Maffei

The Examiner certifies that he has acted independently and impartially and to the best of his knowledge has no known conflict in serving as the Examiner in this administrative proceeding.

V. RELIEF SOUGHT

The Complainant requests that the domain name be suspended for the balance of the registration period.

The Respondent has not submitted a Response.

VI. STANDARD OF REVIEW

Clear and convincing evidence.

VII. DISCUSSIONS AND FINDINGS

A. Complainant:

The Complainant is a French company, registered since 1992 under the name EUROSPORT.

The Complainant's Pan-European television sport network channel devoted to sports is very well-known. It was first launched in 1989 and today, the network and its channels are available all around the world, in particular (i) Eurosport 1 in 71 countries in 21 languages (Europe and Asia-Pacific), broadcasted in 158 million homes; (ii) Eurosport 2 in 55 countries in 19 languages, broadcasted in 68 million homes and (iii) Eurosport.com: Europe's most visited online sports destination with 16 websites worldwide in 10 languages.

Therefore, the Complainant contends that it is wildly known by the name EUROSPORT for its Pan-European television sports network channel and that the denomination EUROSPORT is highly distinctive due the intensive use it has been put through.

The Complainant owns several trademarks EUROSPORT and, in particular:

- French Trademark Registration "EUROSPORT" No. 99809801, filed on August 30, 1999 and duly renewed in classes 9, 14, 16, 25, 28, 35, 38, 41 and 42;
- International Trademark Registration "EUROSPORT" No. 732747, registered on February 24, 2000 and duly renewed in classes 9, 14, 16, 25, 28, 35, 38, 41 and 42 in different countries;
- European Union Trademark Registration "EUROSPORT" No. 014185599, filed on May 29, 2015 and registered on October 2, 2015 in class 12.

The Complainant also owns the following domain names:

- <eurosport.com>, registered on December 16, 1997;
- <eurosport.it>, registered on March 11, 1998;
- <eurosport.fr>, registered on October 16, 2006.

The Complainant contends that the above trademarks and domain names were registered prior to the disputed domain name.

According to the Complainant's view, the domain name in dispute is identical or at least highly similar to the prior rights owned by the Complainant on EUROSPORT. This, in consideration of the fact that <eurosport.space> reproduces the Complainant trademark EUROSPORT and the mere addition of the gTLD .space is irrelevant.

Furthermore, the Complainant states that the Respondent has no rights nor legitimate interests in respect of <eurosport.space> since the Respondent has not been authorized by the Complainant to use the name EUROSPORT or to register the domain name <eurosport.space>.

In addition, the Complainant argues that (i) there is no business relationship between EUROSPORT and the Respondent and (ii) the content of the associated website does not



indicate that the name of the Respondent is composed of EUROSPORT or that the Respondent is commonly known under that name.

Moreover, the Complainant adds that, <eurosport.space> is neither used in connection with a bona fide offering of goods or services nor constitutes a legitimate non-commercial fair use since the website <http://www.eurosport.space/> is inactive.

In addition, the Complainant states that the domain name was registered in bad faith since it is unlikely that the Respondent was unaware of the existence of the Complainant prior rights at the time of <eurosport.space> registration.

Finally, it is the Complainant's view that the use of the domain name in dispute disturbs the Complainant's business since the Internet users will be led to believe that the website to which <eurosport.space> leads is operated by the Complainant's organization. In particular, the Complainant stresses that the Complainant's customers may incorrectly believe that the Complainant's website is not functioning, and this perception is clearly harmful for the activities and for the image of the Complainant.

B. Respondent:

The Respondent did not submit a Response

C. Procedural findings:

Having reviewed the communications records, the Examiner finds that MFSD has discharged its responsibility under the URS Procedure paragraphs 3 and 4 and URS Rules paragraph 4.

In accordance with URS Procedure Paragraph 9(d), in absence of a Response, the language of the Determination shall be English.

D. Findings of fact:

The disputed domain name was registered on January 18, 2019.

The Complainant has demonstrated to be the owner of the following word trademarks for "EUROSPORT":

- French Trademark Registration "EUROSPORT" No. 99809801, filed on August 30, 1999 and duly renewed;
- International Trademark Registration "EUROSPORT" No. 732747, registered on February 24, 2000 and duly renewed;
- European Union Trademark Registration "EUROSPORT" No. 014185599, filed on May 29, 2015 and registered on October 2, 2015.

E. Reasoning:

1. The domain name(s) is(are) identical or confusingly similar to a word mark

The disputed domain name fully incorporates Complainant's EUROSPOORT word trademark without any additions or changes. The Panel notes that the consensus view in previous UDRP panel decisions is that in determining confusing similarity between a domain name and a previous trademark, the generic Top-Level Domain ("gTLD") suffix (".space" in this particular instance) should be disregarded.

Consequently, in the present case, the disputed domain name is identical to the Complainant's EUROSPOORT word trademark.

Therefore, the Examiner finds that the requirement set forth under Paragraph 1.2.6.1. of the URS Procedure has been satisfied.

2. Respondent has no rights or legitimate interests to the domain name(s)

The Complainant provided prima facie evidence that the Respondent does not have rights or legitimate interests in respect of the disputed domain name as it is not commonly known under the disputed domain name and was never authorized to use it by the Complainant. The Respondent, in the absence of any response, has not shown any facts or element to justify prior rights or legitimate interests in the disputed domain name. Based on the above, the Examiner finds that the Respondent lacks any rights or legitimate interests with respect to the disputed domain name as per the requirement set forth under Paragraph 1.2.6.2. of the URS Procedure.

3. The domain name(s) was(were) registered and is(are) being used in bad faith

The domain name in dispute is not actively used since there is no connection with a website.

It is the Panel's view that the domain name <eurosport.space> was registered and is used in bad faith. Actually, the Complainant's trademarks EUROSPOORT is distinctive and well known in most of the countries. The fact that the Respondent has registered a domain name practically identical to it clearly indicates that the Respondent had knowledge of the Complainant's trademark at the time of registration of the disputed domain name.

In addition, the Panel notes that the contested domain name, which is not connected to a website, is not used for any bona fide offerings. In this respect, countless UDRP decisions confirmed that the passive holding of a domain name with knowledge that the domain name infringes another party's trademark rights is evidence of bad faith registration and use (see, in this regard, Telstra Corporation Limited v. Nuclear Marshmallows, WIPO Case No. D2000-0003).

The consensus view of UDRP panelists is that passive holding of a disputed domain name may, in appropriate circumstances, be consistent with a finding of bad faith. In particular, previous panels have tended to make such findings in circumstances in which, for example, a complainant's mark is well-known, and there is no conceivable use that could be made of the domain name that would not amount to an infringement of the complainant's trade mark rights.

As regards to the first aspect, the Complainant has already extensively proved the renown of its trademark. For what concern the second circumstance, it must be underlined that it is objectively not possible to understand what kind of use the Respondent could make with a domain name which does exactly correspond to the Complainant's trademark and that results almost identical to the Complainant's domain names currently used by the latter in connection with its business.

Therefore, the Examiner finds that the requirement set forth under Paragraph 1.2.6.3. of the URS Procedure has been satisfied by the Complainant.

4. Abusive Complaint



The Examiner finds that the Complaint was neither abusive nor contained material falsehoods

VIII. DETERMINATION

A. Demonstration of URS elements

Demonstrated

B. Complaint and remedy

Complaint: Accepts

Domain Name(s): EUROSPOORT.SPACE Suspends for the balance of the registration period

C. Abuse of proceedings

Finding of abuse of proceedings: Not finds

D. Publication

Publication: Publish the Determination

SIGNATURE

Name: Guido

Surname: Maffei

Date: 8 July 2019