



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

URS DISPUTE NO. 642B3FAB

Determination DEFAULT

I. PARTIES

Complainant(s): Caroll International (FR)
Complainant's authorized representative: MIIP - MADE IN IP (FR)

Respondent(s): Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf (IS)

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

Domain Name: CAROLL-OUTLET.SHOP
Registry Operator: GMO Registry, Inc.
Registrar: NameCheap, Inc.

III. PROCEDURAL HISTORY

Complaint submitted: 2024-03-15 16:17
Lock of the domain name(s): 2024-03-19 10:52
Notice of Complaint: 2024-03-19 15:09
Default Date: 2024-04-03 00:00
Notice of Default: 2024-04-03 10:22
Panel Appointed: 2024-04-03 10:25
Default Determination issued: 2024-04-08 12:42

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 the French company CAROLL INTERNATIONAL, owner of the following trademark registrations for CAROLL:

- EUTM “CAROLL” no. 9892431, filed on April 13, 2011, registered on September 16, 2011, and duly renewed for classes 14, 18 and 25.
- International mark “CAROLL” no. 1208979, registered on February 25, 2014, and duly renewed for classes 18, 25 and 35.
- French mark “CAROLL” no. 1233265, registered on April 15, 1983, and duly renewed for classes 18 and 25.

The Complainant contends that the mark CAROLL is a renowned brand in the fashion sector as stated in a previous URS decision (MFSD URS Dispute no. 9A037A5B).

The Complainant also contends that the above trademarks were registered well before the registration of the disputed domain name.

According to the Complainant’s view, the disputed domain name is highly and confusingly similar to the prior rights owned by the Complainant in the CAROLL trademark. This, especially in consideration of the fact that <caroll-outlet.shop> fully includes the Complainant’s CAROLL mark and the addition of the word OUTLET, which is merely descriptive in relation with fashion, reinforces the confusion, as the consumers will wrongly expect to find former collections of CAROLL clothing when visiting the related website.

Furthermore, the Complainant states that the Respondent has no rights or legitimate interest in respect of the domain name since the Respondent has never been authorized by the Complainant to use the CAROLL trademark or to register any domain name incorporating the CAROLL trademark. The Complainant also informs that there are no legal or business relationships between the Complainant and the Respondent. The Respondent has no prior rights such as trademarks or legitimate interests in the disputed domain names as he registered the disputed domain name after the Complainant had registered his trademarks consisting in the word CAROLL. The Complainant also notes that the disputed domain name is used in connection with a fraudulent website which reproduces the Complainant's official website and that this use of the disputed domain name is not a legitimate non-commercial use. Moreover, the Complainant notes that in a section of the Respondent’s website there is a reference to a competitor of the Complainant.

Finally, it is the Complainant’s view that the registration and use of <caroll-outlet.shop> is in bad faith since the content associated with the disputed domain name reproduces the general appearance of the Complainant’s official website and claims to offer CAROLL items at bargain prices in order to attract consumers.

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 Rules 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 February 27, 2024.

The Complainant has demonstrated to be the owner of the following trademark registrations for the word CAROLL:

- EUTM “CAROLL” no. 9892431, filed on April 13, 2011, registered on September 16, 2011, and duly renewed for classes 14, 18 and 25.
- International mark “CAROLL” no. 1208979, registered on February 25, 2014, and duly renewed for classes 18, 25 and 35.
- French mark “CAROLL” no. 1233265, registered on April 15, 1983, and duly renewed for classes 18 and 25.

E. Reasoning:

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

The Complainant has established to have registered rights in the distinctive term CAROLL at least since 1983. The Complainant trademarks, therefore, were registered well before the registration of the disputed domain name (February 27, 2024). The disputed domain name reproduces, in its entirety, the CAROLL mark, with the mere addition of the word “outlet”. In this regard, the Panel considers that the addition of the word “outlet” in this case does not prevent a finding of confusing similarity with the Complainant’s CAROLL mark (see, between many others, Tommy Bahama Group, Inc. v. Zhong Qing Ma, WIPO Case No. D2022-1428). Additionally, the Panel reiterates that the addition of the generic Top-Level Domain (“gTLD”) “.shop” may be disregarded by the Panel in order to establish identity or confusing similarity between the disputed domain name and the Complainant’s 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 he 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 names 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 Respondent registered the disputed domain name years after the use and registration of the CAROLL trademark by the Complainant. In consideration of the reputation achieved by the CAROLL trademark, the Respondent was surely aware of the Complainant and of its trademarks when he registered the disputed domain name. Moreover, the Respondent appears to have attempted to benefit commercially from the appropriation of the CAROLL trademark in the disputed domain name. The use made by Respondent of the CAROLL trademark, which is well-known for fashion items, clearly indicates that the disputed domain name was chosen by the Respondent to take advantage of the reputation of the Complainant's mark. This finding leads to the obvious conclusion that the disputed domain name has been registered in bad faith (Research In Motion Limited v. Privacy Locked LLC/Nat Collicot - WIPO Case No. D2009-0320; The Gap, Inc. v. Deng Youqian - WIPO Case No. D2009-0113; AXA S.A. v. P.A. van der Wees - WIPO Case No. D2009-0206; BHP Billiton Innovation v. Ravindra Bala - WIPO Case No. D2008-1059). The Examiner also finds that, by reproducing the general appearance of the Complainant's official website, the Respondent has intentionally attempted to attract Internet users to its website for commercial gain, by causing a likelihood of confusion with the trademark CAROLL as to the source, sponsorship, affiliation or endorsement of its website and the products promoted therein. This is a clear use in bad faith of the disputed domain name. 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: CAROLL-OUTLET.SHOP
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: 2024-04-08