

URS DISPUTE

Dispute number: **02C26F42**
Determination: **DEFAULT**

I. PARTIES

Complainant: **MoLICOPI, S.L.**
Galileo Galilei, nº 2, Parque Industrial, 03203 - Elche, Alicante (Spain)

Complainant's Authorized Repr.: **PADIMA TEAM, SLP**
María Cristina Martínez-Tercero
Gerona, 17, 1ª A-B, 03001 - Alicante (Spain)

Respondent: **Nan Li**

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

Domain name: **www.pikolinos.club**
dcd278167a64440159084841ced7ebc21-nsr
192.210.51.91
godaddy

III. PROCEDURAL HISTORY

Complaint Submitted: 2018-10-22 10:07
Lock of the Domain name(s): 2018-10-22 18:35
Notice of Complaint: 2018-10-22 23:13
Default Date: 2018-11-06 00:01
Notice of Default: 2018-11-06 10:57
Panel Appointed: 2018-11-06 14:58
Default Determination issued: 2018-11-08 17:41

IV. EXAMINER

Examiner's Name: **Jonathan Agmon**
The Examiner certifies that he/she has acted independently and impartially and to the best of his/her 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 filed a Response

VI. STANDARD OF REVIEW

Clear and convincing evidence.

VII. DISCUSSIONS AND FINDINGS

A. Complainant

The Complainant owns several Spanish and European "PIKOLINOS" trademarks, which are widely used in relation to leather goods, clothing and footwear.

The Complainant is the owner of the following "PIKOLINOS" trademark registrations:

- Spanish Trademark No. M3086158(6) registered on July 31, 2013
- Spanish Trademark No. M2833665(8) registered on June 18, 2008
- European Union Trademark No. 009426776 registered on October 6, 2010

The Complainant asserts the following regarding the Respondent:

1. The registered domain names are identical or confusingly similar to a word or mark [URS 1.2.6.1]: for which the Complainant holds valid national or regional registration and that are in current use.
2. Registrant has no legitimate right or interest to the domain names [URS 1.2.6.2]
3. The domain names were registered and is being used in bad faith [URS 1.2.6.3]

B. Respondent

The Respondent appears to be an individual living in China.

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

None

D. Findings of Fact

Even though the Respondent has defaulted, URS Procedure 1.2.6, requires Complainant to make a prima facie case, proven by clear and convincing evidence, for each of the following three elements to obtain an order that a domain name should be suspended.

- [URS 1.2.6.1] The registered domain name(s) is/are identical or confusingly similar to a word mark:
- (i) for which the Complainant holds a valid national or regional registration and that is in current use; or
 - (ii) that has been validated through court proceedings; or
 - (iii) that is specifically protected by a statute or treaty in effect at the time the URS complaint is filed.

[URS 1.2.6.2] Registrant has no legitimate right or interest to the domain name.

[URS 1.2.6.3.] The domain was registered and is being used in bad faith.

E. Reasoning

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

The Complainant is the owner of several Spanish and European "PIKOLINOS" trademarks which are widely used in relation to leather goods, clothing and footwear.

The domain name <pikolinos.club> includes the Complainant's mark in its entirety, together with the gTLD ".club".

The Complainant has satisfied URS 1.2.6.1 as the domain name is identical to the Complainant's registered

trademarks.

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

The Complainant provided evidence it has rights in the "PIKOLINOS" trademark. The Complainant did not authorize the Respondent to use its "PIKOLINOS" mark.

There is no evidence that the Respondent is known by the domain name. The Respondent did not present evidence showing he has any rights.

The Complainant has met its burden and the Respondent provided no response to the Complaint.

The Complainant has satisfied URS 1.2.6.2 as the Respondent has no legitimate rights or interest to the domain names.

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

The Complainant has provided evidence of the Respondent is selling what appears to be counterfeit goods at a significantly lower price on its website under the disputed domain name. The Respondent is also using the Complainant's trademark to promote the sale of what appears to be counterfeit goods. The Respondent is also posing as the Complainant. In so doing, the Respondent is disrupting the Complainant's business and intentionally attempting to attract Internet users to its websites for commercial gain by creating a likelihood of confusion with the Complainant's "PIKOLINOS" mark.

Moreover, the WHOIS information provided by the Complainant shows that the Respondent is deliberately hiding its identity and a domain name registration under such circumstances is strong indication of bad faith registration and use.

The Complainant has therefore satisfied URS 1.2.6.3(c) and (d) as the Respondent registered the domain names and is using them in bad faith.

4. Abusive Complaint

The Complaint is not abusive and does not contain deliberate material falsehoods.

VIII. DETERMINATION

A. Demonstration of URS elements

After reviewing the entire record of the URS proceeding and the Parties submissions, the Examiner shall determine if the Complainant has or has not demonstrated all three elements of the URS by a standard of clear and convincing evidence

Demonstration of URS elements	Demonstrated
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B. Complaint and remedy

The Examiner shall decide whether to accept or reject the Complaint and, therefore, order the domain name(s) be suspended for the balance of the registration period or be unlocked and returned to the full control of the Registrant

Complaint	Accepts
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Domain Name(s)	Suspends for the balance of the registration period
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C. Abuse of proceeding

The Examiner may find that a Complaint is abusive or contains deliberate material falsehood

Finding of abuse of proceedings	Not finds
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Ban from utilization of URS

D. Suspension or Termination

If legal proceedings were initiated by a Party or the Parties prior to or during the URS proceeding, the Examiner may order the suspension or termination of the URS dispute or decide to proceed to the Determination

URS proceeding [Proceeds to the Determination](#)

E. Publication

Publication [Publish the Determination](#)

SIGNATURE

Name [Jonathan](#)
Surname [Agmon](#)