

URS DISPUTE

Dispute number: **2BDD256D**
Determination **DEFAULT**

I. PARTIES

Complainant: Canali Ireland Limited
Michele Provera
7 D Olier Street D02HF60 Ireland

Complainant's Authorized Repr.: Convey Srl
Michele Provera
Via Sagra San Michele 27 10139 Torino TO Italy

Respondent: **WhoisGuard Protected NA**

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

Domain name: **canali.pro**
afilias limited
162.255.119.198
namecheap inc

III. PROCEDURAL HISTORY

Complaint Submitted: 2020-10-22 23:06
Lock of the Domain name(s): 2020-10-30 13:28
Notice of Complaint: 2020-10-30 16:22
Default Date: 2020-11-14 00:01
Notice of Default: 2020-11-14 11:38
Panel Appointed: 2020-11-14 11:41
Default Determination issued: 2020-11-17 07:39

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 is established in Ireland since 1934 and is known worldwide as one of most prominent men high-end fashion and luxury industry. Currently the Complainant, led by the third generation of the founders' family, actively designs a wide range of luxury products: suits, shoes, bags and men accessories distributed worldwide, through more than 250 boutiques and 1000 retail stores, in more than 100 countries.

The Complainant owns several national and international trademarks of the term "CANALI" including but not limited to:

- International Registration "CANALI" No 756400 designating 16 countries, registered on September 8, 2000;
- International Registration " " No 1123321 designating 17 countries, registered on March 12, 2012;
- European Union Trademark Registration No. 003414521 for "CANALI", registered on February 22, 2005; and
- China Trademark Registration No. 12160350 for "CANALI", registered on July 28, 2014.

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 several international registrations 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] such as: By using the domain name Registrant has intentionally attempted to attract for commercial gain, Internet users to Registrant's web site or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of Registrant's web site or location or of a product or service on that web site or location.

B. Respondent

The Respondent appears to be a private registrant

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

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 European Union trademark registrations for the "CANALI" marks registered long before the Respondent registered the disputed domain name.

The domain name <CANALI.PRO> includes the Complainant's "CANALI" mark in its entirety. The only difference is the addition of the gTLD ".PRO". The addition of the gTLD do not prevent the finding of confusing similarity under the first element.

The Complainant has satisfied URS 1.2.6.1 as the disputed domain name is confusingly similar to the Complainant's registered trademarks.

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

There is no evidence that the Respondent is known by the disputed domain name.

The Complainant has not authorized the Respondent to use either its "CANALI" mark.

The Respondent's use is not a legitimate noncommercial or fair use, and is not in connection with a bona fide offering of goods or services.

The Complainant has met its burden. The Respondent provided no official response to the Complaint to dispute otherwise.

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

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

Under URS 1.2.6.3 a non-exclusive list of circumstances that demonstrate bad faith registration and use by the Registrant include:

- c. Registrant registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- d. By using the domain name Registrant has intentionally attempted to attract for commercial gain, Internet users to Registrant's web site or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of Registrant's web site or location or of a product or service on that web site or location.

The Complainant has provided evidence that the website that the disputed domain name redirects to the Complainant's official website which shows that the Respondent was and is aware of the Complainant and has knowledge of its trademark and business when registering the disputed domain name. In so doing, the Respondent is intentionally attempting to attract Internet users to its websites for commercial gain by creating a likelihood of confusion with the Complainant's marks.

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

4. Abusive Complaint

The Examiner finds that the Complaint was neither abusive nor contained 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**

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
Domain Name(s)	Suspends for the balance of the registration period

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
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

E. Publication

Publication	Publish the Determination
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SIGNATURE

Name	Jonathan
Surname	Agmon