

URS DISPUTE

Dispute number: **EDCE19D5**
Determination: **DEFAULT**

I. PARTIES

Complainant: **EUROSPORT**
3 rue Gaston et RenÃ© Caudron- 92798 Issy Les Moulineaux- FRANCE

Complainant's Authorized Repr.: **INLEX IP EXPERTISE**
Karine MAMOU
5 rue Feydeau- 75002 Paris- FRANCE

Respondent: **REDACTED FOR PRIVACY REDACTED FOR PRIVACY**

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

Domain name: **eurosport.blog**
d_00ee32c4_0fff61bc54db45d597580cfa97daeba8_0000016a366ee89f-blo
195.110.124.133
enom, llc

III. PROCEDURAL HISTORY

Complaint Submitted: 2019-09-16 11:11
Lock of the Domain name(s): 2019-09-16 19:40
Notice of Complaint: 2019-09-17 13:18
Default Date: 2019-10-02 00:01
Notice of Default: 2019-10-03 12:49
Panel Appointed: 2019-10-03 21:36
Default Determination issued: 2019-10-04 13:35

IV. EXAMINER

Examiner's Name: **Igor Motsnyi**
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 a French company, registered since 1992 under the name EUROSPORT. The Complainant owns several EUROSPORT trademarks, in particular:

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

The Complainant also owns some EUROSPORT domain names including eurosport.com and eurosport.it, registered on March 11th, 1998.

These trademarks and domain names were filed and registered prior to the disputed domain name registration.

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

1. The Complainant alleges that the disputed domain name is identical or, at least, highly similar to the Complainant's trademark. The disputed domain name reproduces the Complainant's EUROSPORT mark and the addition of the gTLD .blog is irrelevant.

2. The Complainant states that the disputed domain name was registered anonymously and the Respondent has not been authorized by the Complainant to use the EUROSPORT mark or to register the disputed domain name. There is no business relationship between the parties. There is no any other proof of legitimate rights and interests of the Respondent.

3. The Complainant claims that its Pan-European television sport network channel devoted to sports is very well-known. It was first launched in 1989. Today, the network and its channels are available all around the world. EUROSPORT is immediately associated with the Complainant's brand. It is unlikely that the Respondent was unaware of the existence of these prior rights at the time of registration of the disputed domain name.

The Complainant highlights the fact that Eurosport.blog is neither used in connection with a bona fide offering goods or services nor constitutes a legitimate non-commercial fair use. In fact, the website eurosport.blog is inactive.

According to the Complainant the Internet users will be led to believe that the website to which Eurosport.blog leads, is operated by the Complainant's organization. The Complainant's customers may thus incorrectly believe that the Complainant's website, or its official blog, is not functioning. This perception will be harmful for the activities and for the image of the Complainant. Furthermore, the Complainant alleges that it initially detected frequent malware redirections, which is even more harmful to their reputation.

Therefore, the Complainant contends that the disputed domain name was registered and is being used in bad faith.

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 April 19, 2019. The disputed domain name is not actively used.

The Complainant has demonstrated that it owns the following registered "EUROSPORT" word trademarks:

- 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 EUROSPORT word trademark without any additions or changes.

As stated in the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0") "In cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark ..." (see par. 1.7).

In the present case the disputed domain name is identical to the Complainant's EUROSPORT word trademark. The Complainant provided evidence that its word trademarks are in use.

The domain zone .blog shall be disregarded under the identity or the confusing similarity test as it does not add anything to the distinctiveness of the disputed domain name.

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

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

The complainant is required to make out a prima facie case that the respondent lacks rights or legitimate interests; and once such prima facie case is made, the burden shifts to the respondent who has to demonstrate his rights or legitimate interests.

The Complainant made a prima facie case and the Respondent failed to respond and explain any rights or interests in respect of the disputed domain name. The web site under the disputed domain name is inactive.

No facts or evidence of this dispute indicate any legitimate rights or interests of the Respondent in respect of 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 requirements 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

While the disputed domain name has not been put into the active use, previous panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding (see par. 3.3 of WIPO Overview 3.0, see also URS DISPUTE NO. 01D047A5).

The totality of the circumstances has to be taken into account and the following factors of the present dispute are relevant:

(i) The degree of distinctiveness or reputation of the Complainant's mark -the Complainant's EUROSPORT trademark is highly distinctive and well - known. The Complainant's EUROSPORT trademark has been a target of cybersquatters

before and well - known nature of this trademark is confirmed by previous panels (see e.g. URS DISPUTE NO. 5FA36F3F - "the Complainant's trademark EUROSPOORT is distinctive and well known in most of the countries"; Eurosport v. Bernd Bindreiter WIPO Case No. D2018-2880 - "the Complainant has filed enough evidence to support its allegation that the trademark EUROSPOORT is well-known as found by previous panels"; see also Eurosport v. Jakub Tomczyk, WIPO Case No. D2005-0496 and Eurosport v. Belize Domain WHOIS Service Lt ,WIPO Case No. D2010-0077).

(ii) The failure of the Respondent to submit a response or to provide any evidence of actual or contemplated good-faith use of the disputed domain name and

(iii) The implausibility of any good faith use to which the disputed domain name may be put taking into account well-known character of the Complainant's trademark.

The disputed domain name is identical to the Complainant's trademark and as confirmed by WIPO Overview 3.0 the mere registration of a domain name that is identical or confusingly similar to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith (see par. 3.1.4).

From the evidence available in this case, it appears that the Respondent has intentionally attempted to attract for commercial gain Internet users to its website by creating a likelihood of confusion with the Complainant's mark by fully incorporating Complainant's trademark into the disputed domain name.

This conduct is considered by the URS as a demonstration of bad faith registration and use, under Paragraph 1.2.6.3 (d) of the URS Procedure.

Therefore, the Examiner finds that the requirements set forth under Paragraph 1.2.6.3. of the URS Procedure have 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

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

E. Publication

Publication

Publish the Determination

SIGNATURE

Name

Igor

Surname

Motsnyi