

ADMINISTRATIVE PANEL DECISION

Lalique SA v. Albert Levy

Case No. D2014-1113

1. The Parties

The Complainant is Lalique SA of Paris, France, represented by SELAS Casalonga, France.

The Respondent is Albert Levy of Palm Beach, Florida, United States of America.

2. The Domain Name and Registrar

The disputed domain name <gotlalique.com> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 26, 2014. On June 27, 2014, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 27, 2014, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2(a) and 4(a), the Center formally notified the Respondent of the Complaint, and the proceedings commenced on July 3, 2014. In accordance with the Rules, paragraph 5(a), the due date for Response was July 23, 2014. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 25, 2014.

The Center appointed Adam Samuel as the sole panelist in this matter on August 11, 2014. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant is the owner of a French trademark registration for the name LALIQUE, number 1386389 registered on October 31, 1986. The Complainant markets its services, notably its crystal domestic ornaments through several domain names including the mark LALIQUE, notably <lalique.com> registered on October 26, 1998. The disputed domain name was registered on December 1, 2013.

5. Parties' Contentions

A. Complainant

The disputed domain name reproduces entirely the trademark LALIQUE. The generic word "got" is not enough to distract the consumer's attention since one short word formed by three letters is not capable on its own of deeply modifying the overall impression.

The Respondent has not filed or acquired any trademark in France, the European Union or any parties to the Madrid agreement or protocol. The Complainant is not affiliated with the Respondent and has not authorized, licensed or permitted the Respondent to register or use the dispute domain name or use its trademarks. The disputed domain name is used in connection with a parking site.

Clicking onto an advertisement on the parking page to which the disputed domain name resolves, leads the Internet user to a page which is two clicks away to an advertisement for the Complainant's products.

The fact that the domain name parking service has links to the Complainant's competitors shows that the Respondent was aware of the Complainant, its products and its trademark. The parking webpage concerned mentions the fact that the disputed domain name is for sale and contains links to websites to the Complainant's competitors in order to obtain revenue from such linking.

The Complainant's attorney wrote to the Respondent on January 27, 2013, asking the Respondent to transfer the disputed domain name and received no response in spite of several reminders. The Respondent's prior knowledge of the Complainant and its mark followed by the Respondent's passive holding of such a parking site constitutes bad faith use and registration.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

Under the Policy, the Complainant must prove that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which it has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The disputed domain name consists of the Complainant's world-renowned trademark preceded by the generic term "got" and followed the generic Top-Level Domain ("gTLD") ".com". The word "got" in this context may imply that the domain name owner has the Complainant's product to sell. In any event, the

addition of such a word in front of a distinctive trademark does not prevent the disputed domain name from being confusingly similar to the Complainant's trademark.

B. Rights or Legitimate Interests

The Respondent is not called "gotlalique" or anything similar and does not appear to engage in a legitimate trade under that or any related name. There is no evidence that the Complainant has ever authorized the Respondent to use its trademarks. For these reasons, and in the absence of any response on this point, notably one contradicting the Complainant's claim that the Respondent has never been connected to it in any way, the Panel concludes that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

C. Registered and Used in Bad Faith

The Complainant's trademark is world-famous and highly distinctive. It is highly likely that the Respondent registered the disputed domain name knowing of the Complainant's mark. It is impossible, at least without a Response to the Complaint, to identify the reason why the Respondent registered the disputed domain name other than to attract business or Internet users to his site who were looking for a site connected to the Complainant's trademark or business.

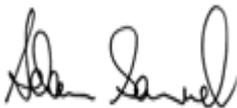
The Respondent's motive in registering and using the disputed domain name seems to have been either to disrupt the Complainant's relationship with its customers or potential customers, attempt to attract Internet users for potential gain or persuade the Complainant to buy the disputed domain name from him for an amount in excess of the Respondent's out-of-pocket expenses. These all constitute evidence of registration and use in bad faith. The Respondent's motivation may have been more than one of these and perhaps all three.

It is unnecessary in the circumstances to reach a conclusion about the parking site to which the disputed domain name resolves or the Respondent's failure to respond to the cease and desist letter.

For the above reasons, the Panel concludes that the disputed domain name was registered and is being used in bad faith.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <gotlalique.com> be transferred to the Complainant.



Adam Samuel

Sole Panelist

Date: August 25, 2014