

ADMINISTRATIVE PANEL DECISION

**Euomaster Services et Management v. Super Privacy Service LTD
c/o Dynadot / Wu Yu
Case No. D2022-0626**

1. The Parties

The Complainant is Euomaster Services et Management, France, represented by Dreyfus & associés, France.

The Respondent is Super Privacy Service LTD c/o Dynadot, United States of America (“United States”) / Wu Yu, China.

2. The Domain Name and Registrar

The disputed domain name <euomastertrading.com> (the “Domain Name”) is registered with Dynadot, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 22, 2022. On February 23, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On February 24, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on February 24, 2022 providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on February 25, 2022.

The Center verified that the Complaint together with the amended 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 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on March 2, 2022. In accordance with the Rules, paragraph 5, the due date for Response was March 22, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 23, 2022.

The Center appointed Ian Lowe as the sole panelist in this matter on March 25, 2022. 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 a subsidiary of the Michelin group, established in France in 1889. Michelin is one of the top selling tyre brands in the world. Under the Euromaster brand, it operates over 2,460 maintenance centers for both light and industrial vehicles in some 17 countries in Europe. The Complainant sells over 10 million tyres each year.

The Complainant is the proprietor of a number of registered trade marks comprising EUROMASTER including France trademark number 1624667 EUROMASTER registered as of July 25, 1990 and United Kingdom trademark number 1455074 EUROMASTER registered on June 25, 1993. The Complainant also operates a website at the domain name <euromaster.com> registered on March 29, 1996.

The Domain Name was registered on September 20, 2021 and dynamically redirects to different websites, including a web portal of links to other webpages with pay-per-click hyperlinks to third party websites. The Domain Name is also associated with an email server.

5. Parties' Contentions

A. Complainant

The Complainant contends that the Domain Name is confusingly similar to its EUROMASTER trademark (the "Mark"), that the Respondent has no rights or legitimate interests in respect of the Domain Name, and that the Respondent registered and is using the Domain Name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

B. Respondent

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

6. Discussion and Findings

For this Complaint to succeed in relation to the Domain Name, the Complainant must prove that:

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

A. Identical or Confusingly Similar

The Complainant has uncontested rights in the Mark, both by virtue of its trademark registrations and as a result of the goodwill and reputation acquired through its use of the Mark for many years.

Ignoring the generic Top-Level Domain ("gTLD") ".com", the Domain Name comprises the entirety of the EUROMASTER mark together with the dictionary word "trading". In the Panel's view, the addition of this word does not prevent a finding of confusing similarity.

Accordingly, the Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

The Complainant has made out a strong *prima facie* case that the Respondent could have no rights or legitimate interests in respect of the Domain Name. The Respondent has used the Domain Name not in connection with a *bona fide* offering of goods or services, but for dynamic redirections including a website with links to other webpages featuring pay-per-click links to third party websites. There is no suggestion that the Respondent has ever been commonly known by the Domain Name. In light of the notoriety of the Mark, the Panel considers that an Internet user would be most likely to assume that the Domain Name is associated with the Complainant, and cannot conceive of a legitimate use to which the Respondent could put the Domain Name.

The Respondent has chosen not to respond to the Complaint or to take any steps to counter the *prima facie* case established by the Complainant.

In the circumstances, the Panel finds that the Respondent does not have any rights or legitimate interests in respect of the Domain Name.

C. Registered and Used in Bad Faith

Given the notoriety of the Mark as noted above, and the use of the Mark in the Domain Name together with the word “trading”, the Panel is satisfied on balance that the Respondent had the Complainant and its rights in the Mark in mind when he registered the Domain Name.

The Respondent has used the Domain Name for dynamic redirections including a website with pay-per-click links to third party websites. In the Panel’s view, the legitimate inference is that the Respondent undertook such activity with a view to commercial gain, intending to attract Internet users to the webpage to which the Domain Name resolves by creating a likelihood of confusion with the Mark, and as to the affiliation or endorsement of that webpage.

Accordingly, the Panel considers that this amounts to paradigm bad faith registration and use for the purposes of the Policy.

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 Domain Name, <euromastertrading.com>, be transferred to the Complainant.

/Ian Lowe/

Ian Lowe

Sole Panelist

Date: April 8, 2022