

ADMINISTRATIVE PANEL DECISION

Cintas Corporation v. Domain Administrator, See PrivacyGuardian.org /
GRUPO SA, Grupo S.A.
Case No. D2022-1538

1. The Parties

The Complainant is Cintas Corporation, United States of America (“United States”), represented by Keating Muething & Klekamp PLL, United States.

The Respondent is Domain Administrator, See PrivacyGuardian.org, United States / GRUPO SA, Grupo S.A., United States.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 28, 2022. On April 28, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same date, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on May 2, 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 the same date.

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 June 2, 2022. In accordance with the Rules, paragraph 5, the due date for Response was June 22, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 28, 2022.

The Center appointed Anne Gundelfinger as the sole panelist in this matter on July 1, 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 was founded in 1968 by Richard T. Farmer when he left his family's industrial laundry business to develop uniform programs using an exclusive new fabric. Over the years, the Complainant developed additional products and services that complemented its core uniform business and broadened the scope of its products and service offerings. The Complainant became a publicly traded company in 1983, trading on the NASDAQ Global Market. In 2018, the Complainant was listed for the first time as a Fortune 500 company and remains on the Fortune 500 list today.

At present, the Complainant designs, manufactures and implements corporate identity uniform programs, and provides entrance mats, restroom supplies, cleaning products, promotional products, first aid, safety, and fire protection products and services for more than 1 million businesses throughout North America. The Complainant's customers include businesses of all types, from small service and manufacturing companies to major corporations. The Complainant employs approximately 41,000 employees and has approximately 460 operational facilities in North America, as well as 5 manufacturing facilities, 13 distribution centers and approximately 11,000 local delivery routes. During its fiscal year ending May 31, 2021, the Complainant generated nearly USD 7.12 billion in revenue. Because CINTAS ("Complainant's Mark" or "Mark") is the Complainant's house mark, it is used on and in connection with the entirety of its offering of goods and services. As a result, the entirety of the Complainant's multi-billion-dollar revenue is generated under the Complainant's Mark.

The Complainant first used the Mark as early as 1973 and owns a number of valid and subsisting U.S. federal trademark registrations for the Mark including U.S. Registration No. 0985550 dated June 4, 1974, and No. 1003590 dated January 28, 1975. These registrations cover, *inter alia*, shirts, pants, jackets and coveralls and furnishing clean uniforms, towels and linens on a periodic basis. The Complainant also owns registrations for the Mark in many major markets around the world including the European Union, Canada, Mexico, China, and Japan.

The domain name for the Complainant's corporate website is <cintas.com>, and was registered by the Complainant on August 19, 1995. The Complainant advertises and markets its jobs and career opportunities at the subdomains <careers.cintas.com> and <jobs.cintas.com>, as well as at <cintas.jobs>. The "careers" and "jobs" subdomains were activated by the Complainant on August 19, 1995. The <cintas.jobs> domain name was registered on July 23, 2010, and redirects to <careers.cintas.com>.

The disputed domain name <cintascareer.com> was registered on April 14, 2005. The registration is shielded by PrivacyGuardian.org. The disputed domain name resolves to a parking page that displays apparent pay-per-click ("PPC") sponsored links such as "Hiring Job", "Cintas Careers", and "Cintas Jobs" which in turn take the user to various third-party job recruitment sites and/or advertisements therefor.

5. Parties' Contentions

A. Complainant

The Complainant contends that its CINTAS Mark is well known due to its long and prominent use, its wide registration, and the Complainant's investment in sponsorships of sports events, such as the Ryder Cup and charitable organizations such as Dress for Success. The Complainant further contends that the disputed domain name is confusingly similar to its well-known CINTAS Mark because the disputed domain name wholly incorporates the Mark combined with the common English word "career".

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name, and that the disputed domain name was registered and is being used in bad faith. Specifically, the Complainant asserts *inter alia* that (a) the Complainant's Mark is well known and that the Respondent must therefore have known of and targeted the Complainant's Mark in registering and using the disputed domain name, (b) the Complainant has given no authorization or license for registration or use of the disputed domain name, (c) the Respondent is not commonly known by the disputed domain name, and (d) the Respondent's use of the disputed domain name for a parking page containing PPC links related to the Complainant fails to establish rights or legitimate interests and also demonstrates the Respondent's bad faith registration and use.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy requires that the Complainant prove the following three elements to be successful in this action: (i) the disputed domain name is identical or confusingly similar to trademarks or service marks in which the Complainant has rights; (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 wholly incorporates the Complainant's well-known CINTAS Mark along with the common English word "career". It is well-established that the addition of other terms (whether generic, descriptive, geographical, pejorative, meaningless, or otherwise) to a complainant's mark does not prevent a finding of confusing similarity between a domain name and that mark. See, section 1.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") and cases cited therein. See also, *Allianz SE v. IP Legal, Allianz Bank Limited*, WIPO Case No. [D2017-0287](#); and *Accor v. WhoisGuard, Inc. / Bill Bro*, WIPO Case No. [D2018-2329](#).

Similarly, the addition of the generic Top-Level Domain ("gTLD") ".com" is viewed as a standard registration requirement and as such is generally disregarded under the first element confusing similarity test.

Accordingly, the Panel finds that the disputed domain name is confusingly similar to the Complainant's Mark, and that the first element of the test is satisfied.

B. Rights or Legitimate Interests

It is well established that a complainant must present a *prima facie* case in relation to the second element of the Policy, not mere allegations. Once a *prima facie* showing is made, the burden of production shifts to the respondent to come forward with evidence of rights or legitimate interests in the disputed domain name. This burden-shifting is appropriate given that the respondent is often the only party with access to evidence of its own rights or legitimate interests. Accordingly, where a respondent fails to file a response, a UDRP panel may draw inferences from the failure to respond as appropriate under the circumstances of the case and while still weighing all available evidence irrespective of whether a response is filed. See, section 2.1 of the [WIPO Overview 3.0](#) and cases cited therein. See also, *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#).

Here, the Complainant has asserted that it has no connection or affiliation with the Respondent and has given no authorization for the Respondent's use of the disputed domain name. The Complainant has submitted evidence that the Respondent is using the disputed domain name for a parking page featuring PPC links relating to the Complainant and job recruiting. It is the consensus view that such a PPC use is

neither a fair use nor a *bona fide* offering of goods or services under the Policy and therefore does not establish rights or legitimate interests. See *e.g.*, *Virgin Enterprises Limited v. LINYANXIAO aka lin yanxiao*, WIPO Case No. [D2016-2302](#). See also section 2.9 of the [WIPO Overview 3.0](#) and cases cited therein.

Moreover, in this case, the Respondent uses the Complainant's CINTAS Mark in the text of its webpage, as well as the PPC links. The Complainant's evidence shows one PPC link referencing the CINTAS Mark, and the Panel's independent review of the Respondent's website finds two PPC links referencing the Mark. These links lead to recruitment websites other than the Complainant's recruiting webpages. Such a deceptive use of a complainant's mark does not form the basis for a finding of legitimate interest. See, section 2.9 of the [WIPO Overview 3.0](#) and cases cited therein.

In the absence of countervailing evidence from the Respondent the Panel concludes that the Respondent has no rights or legitimate interests in the disputed domain name, and that the second element of the test is satisfied.

C. Registered and Used in Bad Faith

The third element of the test requires a showing that the disputed domain name has been registered and is being used in bad faith.

The Complainant's Mark has been prominently used for nearly 50 years in the United States and internationally as the house mark of a multi-billion-dollar business and is widely registered around the world. Accordingly, the evidence supports the Complainant's contention that the Mark is well known. Given this and the Respondent's use of the Complainant's Mark in PPC links in the content of the Respondent's parking page, there can be little doubt that the Respondent knew of and is targeting the Complainant's Mark and is doing so for commercial gain. Moreover, as previously noted, the Respondent's PPC links are misleading in that they link users to sites other than the Complainant's recruiting webpages. Accordingly, the Panel concludes that the disputed domain name was registered and has been used in bad faith. See, paragraph 4(b)(iv) of the UDRP; sections 3.1, 3.1.4, and 3.5 of the [WIPO Overview 3.0](#); *Dr. Martens International Trading GmbH, Dr. Maertens Marketing GmbH v. Private Whois Service*, WIPO Case No. [D2011-1753](#). This conclusion is further bolstered by the fact that the Respondent used a privacy shield to hide its identity. See section 3.6 of the [WIPO Overview 3.0](#).

The Panel therefore concludes that the disputed domain name was registered and has been used in bad faith and that the third element of the test is satisfied.

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 <cintascareer.com> be transferred to the Complainant.

/Anne Gundelfinger/

Anne Gundelfinger

Sole Panelist

Date: July 15, 2022