

ADMINISTRATIVE PANEL DECISION

Cintas Corporation v. Contact Privacy Inc. Customer 12410753473 /
Christian Bareng
Case No. D2022-1543

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 Contact Privacy Inc. Customer 12410753473, Canada / Christian Bareng, United States.

2. The Domain Name and Registrar

The disputed domain name <cintascorp.net> (the “Domain Name”) is registered with Google 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 29, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On April 29, 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 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 May 2, 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 May 20, 2022. In accordance with the Rules, paragraph 5, the due date for Response was June 9, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 14, 2022.

The Center appointed Michelle Brownlee as the sole panelist in this matter on June 24, 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 Complainant¹ has rights in the following United States trademark registrations for the CINTAS and CINTAS (stylized) (see below) trademarks:

The logo for CINTAS, featuring the word "CINTAS" in a bold, sans-serif font. The letter "I" is stylized with a dot above it, and the letter "A" has a unique shape with a pointed top.

United States Trademark Registration Number 985550 for CINTAS (stylized), registered on June 4, 1974, for goods in International class 25;

United States Trademark Registration Number 1003590 for CINTAS (stylized), registered on January 28, 1975, for services in International class 37;

United States Trademark Registration Number 4052718 for CINTAS, registered on November 8, 2011, for services in International class 41;

United States Trademark Registration Number 4070080 for CINTAS, registered on December 13, 2011, for goods in International class 5;

United States Trademark Registration Number 5124224 for CINTAS, registered on January 17, 2017, for services in International class 35;

United States Trademark Registration Number 5124225 for CINTAS (stylized), registered on January 17, 2017, for services in International class 35;

United States Trademark Registration Number 5124226 for CINTAS, registered on January 17, 2017, for services in International class 37;

United States Trademark Registration Number 5124228 for CINTAS, registered on January 17, 2017, for services in International class 40;

United States Trademark Registration Number 5124229 for CINTAS (stylized), registered on January 17, 2017, for services in International class 40;

United States Trademark Registration Number 5124230 for CINTAS (stylized), registered on January 17, 2017, for services in International class 41;

United States Trademark Registration Number 5124232 for CINTAS, registered on January 17, 2017, for services in International class 45; and

United States Trademark Registration Number 5124233 for CINTAS (stylized), registered on January 17, 2017, for services in International class 45.

¹ The registrations listed herein are owned by Cintas Holdings LLC, a limited liability company with the same mailing address as the Complainant. The Panel presumes this is an affiliated company of the Complainant.

The Domain Name was registered on July 31, 2021. The Domain Name resolves to the Complainant's website at "www.cintas.com".

5. Parties' Contentions

A. Complainant

The Complainant states that it designs, manufactures, and implements corporate identity uniform programs, and provides entrance mats, restroom supplies, tile and carpet cleaning products, promotional products, first aid, safety, and fire protection products and services for more than 1,000,000 businesses throughout North America. The Complainant states that it was founded in 1968, and became a publicly traded company on the NASDAQ Global Market in 1983. The Complainant states that as of May 31, 2021, its annual revenue was over USD 7 billion, and it had 460 operational facilities, 5 manufacturing facilities, 13 distribution centers and approximately 11,000 local delivery routes in North America. The Complainant contends that because CINTAS is its house trademark, all of its revenue is attributable to the CINTAS trademark. The Complainant states that it joined the list of Fortune 500 companies in 2018, and in 2021, it was ranked number 410 on the list.

The Complainant describes ways in which it has engaged in strategies to increase visibility and recognition of the CINTAS brand, including sponsorship of the Ryder Cup golf tournament and a partnership with Dress For Success Worldwide, an international non-profit that promotes the independence of disadvantaged women by providing professional attire and a network of support and career development tools. The Complainant states that it also promotes the CINTAS brand through the printing of a large CINTAS logo on the sides of the trucks that it owns and leases, which number over 20,000. The Complainant states that it owns and operates websites using the domain names <cintas.com>, <mycintas.com>, <shopcintas.com>, and <cintasvip.com>.

The Complainant argues that the Domain Name is confusingly similar to its CINTAS mark, and suggests that pairing the CINTAS mark with the term "corp" is particularly confusing because the Complainant's company name is Cintas Corporation and "corp" is an abbreviation of "corporation." The Complainant also argues 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. The Complainant presented evidence that the Domain Name redirects to the Complainant's website.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy provides that in order to be entitled to a transfer of a domain name, a complainant must prove the following three elements:

- (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 demonstrated that it has rights in the CINTAS trademark. The addition of “corp” in the Domain Name does not prevent a finding of confusing similarity between the Domain Name and the Complainant’s trademark. Under these circumstances, the Panel finds that the Domain Name is confusingly similar to the Complainant’s CINTAS trademark.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides that a respondent can demonstrate rights to or legitimate interests in a domain name by demonstrating one of the following facts:

- (i) before receiving any notice of the dispute, the respondent used or made demonstrable preparations to use the domain name at issue in connection with a *bona fide* offering of goods or services; or
- (ii) the respondent has been commonly known by the domain name; or
- (iii) the respondent is making a legitimate noncommercial or fair use of the domain name without intent for commercial gain, to misleadingly divert consumers, or to tarnish the trademark at issue.

In this case, the Complainant has put forward a *prima facie* case and no evidence has been presented that the Respondent used or made demonstrable preparations to use the Domain Name in connection with a *bona fide* offering of goods or services; that the Respondent is commonly known by the Domain Name; that the Respondent is making a legitimate noncommercial or fair use of the Domain Name; or in any other way refuted the Complainant’s *prima facie* case. The Complainant has alleged and provided evidence that the Domain Name resolves to the Complainant’s website. The Respondent has not refuted these allegations and evidence. Under the circumstances, there is no basis to find that the Respondent has rights or legitimate interests in the Domain Name. See *Ann Summers Limited v. Domains by Proxy, LLC / Mingchun Chen*, WIPO Case No. [D2018-0625](#); *Skyscanner Limited v. Domain Administrator, Fundacion Privacy Services LTD*, WIPO Case No. [D2019-2974](#) (“Use of the disputed domain name to redirect Internet users to Complainant’s own websites cannot confer any rights or legitimate interests in the disputed domain name to Respondent.”).

Accordingly, the Panel finds that the Complainant has established this element of the Policy.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy states that the following circumstances are evidence of registration and use of a domain name in bad faith:

- (i) circumstances indicating that the respondent has registered or acquired the domain name at issue primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of documented out-of-pocket costs directly related to the domain name; or
- (ii) the respondent registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or
- (iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of its website or location or of a

product or service on its website or location.

The registration of the CINTAS trademarks predate the registration of the Domain Name by more than 47 years, and the Complainant has presented evidence regarding the well-known nature of the CINTAS trademark. The Respondent has not refuted the Complainant's allegations and evidence. Panels have consistently found that 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. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 3.1.4. The Panel finds that the Complainant has established that the Respondent registered the Domain Name in bad faith.

The Domain Name resolves to the Complainant's website. Use of the Domain Name to redirect users to the Complainant's website supports a finding of bad faith under paragraph 4(b)(iv) of the Policy. [WIPO Overview 3.0](#), section 3.1.4 ("Panels have moreover found the following types of evidence to support a finding that a respondent has registered a domain name to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the complainant's mark: [...] redirecting the domain name to the complainant's (or a competitor's) website [...]"). See *Skyscanner Limited v. Domain Administrator, Fundacion Privacy Services LTD*, WIPO Case No. [D2019-2974](#). The Respondent has not offered any arguments or provided any evidence to support a finding of actual or contemplated good faith use.

In addition, the Panel finds that, noting the composition of the Domain Name, by such redirection the Respondent could easily build an appearance that the Domain Name is connected or associated to the Complainant. Retaining control over the redirection would allow the Respondent to divert Internet users to competing or other sort of web sites at any time. See *Safran v. Privacy Service Provided by Withheld for Privacy ehf / Amanda Ferrari*, WIPO Case No. [D2022-0697](#).

Accordingly, the Panel finds that the Complainant has met its burden of demonstrating bad faith registration and use in this case.

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, <cintascorp.net>, be transferred to the Complainant.

/Michelle Brownlee/

Michelle Brownlee

Sole Panelist

Date: July 8, 2022