

## **ADMINISTRATIVE PANEL DECISION**

Citya Immobilier v. Thu Thao Nguyen, Profimobility S.R.O.  
Case No. D2023-1184

### **1. The Parties**

The Complainant is Citya Immobilier, France, represented by Cabinet Bouchara, France.

The Respondent is Thu Thao Nguyen, Profimobility S.R.O. Czech Republic.

### **2. The Domain Names and Registrar**

The disputed domain names <citya.app> and <citya.dev> are registered with Name.com, Inc. Name.com, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 16, 2023. On March 16, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On March 20, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on March 20, 2023, 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 March 20, 2023.

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 27, 2023. In accordance with the Rules, paragraph 5, the due date for Response was April 16, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 17, 2023.

The Center appointed Ian Lowe as the sole panelist in this matter on April 26, 2023. 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 French real estate agency network founded in 1990. For over 30 years, it has provided services in the fields of sale, purchase and rental management, co-ownership management and commercial real estate under the CITYA mark. It has a network of 236 real estate agencies and more than 3,500 employees throughout France.

The founder of the Complainant is the proprietor of a number of registered trademarks comprising CITYA, including France trademark number 3186328 CITYA and device registered on March 7, 2003, and France trademark number 4649914 CITYA registered on November 27, 2020. The Complainant has the exclusive rights to exploit the CITYA trademarks registered in the name of its founder.

The Complainant operates a website at the domain name <citya.com> offering and marketing its services.

The disputed domain names were both registered on December 8, 2021. Attempts to access the disputed domain names presently fail, with the web browser reporting that it is unable to establish a secure connection to the server. At the time of preparation of the Complaint, the disputed domain names both resolved to a parking page comprising links to webpages of pay-per-click links to a number of third-party websites, including competitors of the Complainant.

The Respondent was the respondent in a successful complaint brought against it by the Complainant in a case also concerning the CITYA mark (*Citya Immobilier v. Whois Agent, Domain Protection Services, Inc. / Thu Thao Nguyen, Profimobility s.r.o.*, WIPO Case No. [D2021-1631](#) (<citya.net> and citya.org)). The decision was dated July 14, 2021.

#### 5. Parties' Contentions

##### A. Complainant

The Complainant contends that the disputed domain names are confusingly similar to its CITYA trademark, that the Respondent has no rights or legitimate interests in respect of the disputed domain names, and that the Respondent registered and is using the disputed domain names 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 disputed domain names are 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 disputed domain names; and
- (iii) the disputed domain names have been registered and are being used in bad faith.

### **A. Identical or Confusingly Similar**

The Complainant has uncontested rights in its CITYA trademark, both by virtue of its exclusivity in respect of the trademark registrations and as a result of its widespread use of the mark over a number of years. Ignoring the generic Top-Level Domains (“gTLDs”) “.app” and “.dev”, the disputed domain names are identical to the Complainant’s CITYA trademark. Accordingly, the Panel finds that the disputed domain names are identical 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 disputed domain names. The disputed domain names are not being used for active websites but to resolve to webpages of links comprising in turn click through links to third party websites including the websites of competitors of the Complainant. In the Panel’s view, it is difficult to conceive a legitimate purpose for registering a domain name identical to the Complainant’s CITYA trademark or any possible justification for the Respondent having registered the disputed domain names. They could only have been registered to deceive Internet users into believing that they had been registered by or operated on behalf of the Complainant.

The Respondent has chosen not to respond to the Complaint to explain its registration or use of the disputed domain names, or to take any other 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 disputed domain names.

### **C. Registered and Used in Bad Faith**

In light of the nature of the disputed domain names and the Respondent having been the losing respondent in WIPO Case No. 2021-1631, there is no doubt that the Respondent had the Complainant and its rights in the CITYA mark in mind when it registered the disputed domain names. As set out above, the only possible inference is that the Respondent registered the disputed domain names for commercial gain with a view to taking unfair advantage of the Complainant’s rights in the mark and to confuse Internet users into believing that the disputed domain names were being operated by or authorized by the Complainant.

In the Panel’s view, using the disputed domain names for websites comprising pay-per-click links to third party websites amounts to paradigm bad faith registration and use for the purposes of paragraph 4(a) of the Policy.

Accordingly, the Panel finds that the disputed domain names have been registered and are 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 names, <citya.app> and <citya.dev> be transferred to the Complainant.

/Ian Lowe/

**Ian Lowe**

Sole Panelist

Date: May 10, 2023