

ADMINISTRATIVE PANEL DECISION

CAPSTAN France v. bygr consultor
Case No. DCC2024-0039

1. The Parties

The Complainant is CAPSTAN France, France, represented by Legi-Mark, France.

The Respondent is bygr consultor, Netherlands (Kingdom of the)

2. The Domain Name and Registrar

The disputed domain name <capstan-capital.cc> is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 17, 2024. On December 17, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 17, 2024, 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 (Unknown Respondent) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 18, 2024, 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 December 19, 2024.

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 December 24, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 13, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 21, 2025.

The Center appointed Benoit Van Asbroeck as the sole panelist in this matter on January 23, 2025. 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 law firm with offices in France. The Complainant is the owner of registered trademarks in the mark CAPSTAN, amongst which:

French Trademark No. 3466422 for CAPSTAN, registered on May 4, 2007, in International Classes 16, 41, 42, and 45; and

European Union Trademark No. 005933271 for CAPSTAN, registered on June 19, 2008, in International Classes 16, 41, and 45.

The disputed domain name was registered on July 30, 2024, well after the Complainant secured rights in the mark CAPSTAN. According to the evidence submitted by the Complainant, the disputed domain name currently resolves to a parking page containing Pay-Per-Click (“PPC”) links to other law firms in France, i.e. competitors of the Complainant.

5. Parties’ Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

With respect to the first element, the Complainant contends that it has rights in the mark CAPSTAN and that the disputed domain name is identical to such mark insofar as it reproduces it identically. Moreover, the Complainant points to the use of the disputed domain name for a parking page containing PPC links to other law firms in France. The Complainant claims that this may confuse visitors into believing that the page belongs to the Complainant or that the law firms mentioned on the page are associated to the Complainant.

Regarding the second element, the Complainant claims that the Respondent lacks rights or legitimate interests in the disputed domain name. The Complainant contends that, since its registration, the disputed domain name has only been used for a parking page containing PPC links to other law firms in France, which cannot be considered legitimate use. Moreover, the Complainant points out that the Respondent has not demonstrated that they are making preparations to use the disputed domain name as part of a good faith offer of goods and/or or services.

As to bad faith registration and use, the Complainant claims that the Respondent should have known about the Complainant and its rights in the mark CAPSTAN since the Google results for the name “CAPSTAN” are directly linked to the Complainant and its activities. The Complainant contends that the Respondent intentionally attempted to attract Internet users to its web site for commercial gain by creating a likelihood of confusion with the Complainant’s marks.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in the mark CAPSTAN for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here 'capital' and a hyphen, may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Finally, as for the applicable country code Top-Level Domain ccTLD ".cc", the Panel holds that this can be disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

The disputed domain name, which is confusingly similar to the Complainant's CAPSTAN mark, resolves to a parked page containing PPC links to other law firms in France. The Respondent is therefore capitalizing on the reputation and goodwill of the CAPSTAN trademark to direct visitors to its web page offering services that may be competitive to those of the Complainant. Moreover, the content of the web page that the disputed domain name resolves to may confuse visitors to believe the law firms mentioned there are associated with or endorsed by the Complainant. This use of the disputed domain name does not represent a bona fide offering. [WIPO Overview 3.0](#), section 2.9.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

As the Panel found above under the first element, the entirety of the CAPSTAN mark is reproduced within the disputed domain name, and it is confusingly similar to the Complainant's CAPSTAN trademarks. In addition, the disputed domain name is used to promote other law firms in France, which also indicates that the Respondent was aware of the Complainant and its business. The Panel therefore finds that the registration of the disputed domain name has clearly been done to attract Internet users by creating a likelihood of confusion with the Complainant's CAPSTAN trademarks (paragraph 4(b)(iv) of the Policy).

Furthermore, it should be noted that paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may also be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

The Complainant's evidence shows that the CAPSTAN trademarks were registered many years before registration of the disputed domain name and that they also cover the Respondent's registered country of residence, Netherlands (Kingdom of the). In addition, the evidence on record shows that a Google search would have shown that the Complainant has rights in the mark CAPSTAN. The Respondent's knowledge of the Complainant and its trademarks and therefore its registration in bad faith of the disputed domain name, may accordingly also be inferred from these circumstances. [WIPO Overview 3.0](#), sections 3.2.2 and 3.2.3.

Finally, the Panel notes the Respondent's use of a privacy service to conceal its identity in the Whois data in combination with the abovementioned use of the disputed domain name for a page containing PPC links to potential competitors of the Complainant as well as the Respondent's failure to submit a response to the Complaint. In this context, the use of a privacy service is another indicator of bad faith. [WIPO Overview 3.0](#), section 3.6.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy. The Panel finds that the Complainant has established the third element 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 disputed domain name <capstan-capital.cc> be transferred to the Complainant.

/Benoit Van Asbroeck/

Benoit Van Asbroeck

Sole Panelist

Date: February 6, 2025