

ADMINISTRATIVE PANEL DECISION

Computacenter Plc v. xiang ping fu
Case No. D2024-0533

1. The Parties

The Complainant is Computacenter Plc, United Kingdom, represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is xiang ping fu, China.

2. The Domain Name and Registrar

The disputed domain name <computacenterblogs.com> is registered with DropCatch.com 800 LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 5, 2024. On February 6, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 6, 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 (Redacted for GDPR privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 9, 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 February 12, 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 February 16, 2024. In accordance with the Rules, paragraph 5, the due date for Response was March 7, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 8, 2024.

The Center appointed Pablo A. Palazzi as the sole panelist in this matter on March 14, 2024. 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 has been in operation for more than 40 years since its founding in 1981 in the United Kingdom. The Complainant is a leading independent technology and services provider, trusted by large corporate and public sector organizations. The Complainant is a public company quoted on the London FTSE 250 (CCC.L) and employs more than 20,000 people across 23 countries.

The Complainant helps customers in over 70 countries to source, transform, and manage their technology infrastructure to deliver digital transformation. The Complainant offers solutions for the workplace, cloud and applications, data centers, networking, and security. The Complainant currently support 3.7 million users in 30 different languages.

The Complainant is the owner of several trademarks COMPUTACENTER, among others:

- the International registration No. 1541625 for COMPUTACENTER (figurative), registered on January 9, 2020, in classes 9, 35 to 42, and 45, designating in particular Australia, Japan, Switzerland, China, and the United States of America;
- the United Kingdom registration No. UK00003412735 for COMPUTACENTER (figurative), registered on October 4, 2019, in classes 9, 35 to 42, and 45; and
- the European Union trade mark No. 000551598 for COMPUTACENTER (figurative), registered on February 25, 2000, in classes 9, 16, 38, and 42.

The Complainant uses the domain name <computacenter.com>, registered by a subsidiary of it on March 3, 1997.

The disputed domain name was registered on June 21, 2023. The disputed domain name resolves to a website of the that features gambling advertisements and sexually explicit content.

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.

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 respect of a trademark or service mark 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 like "blogs" may bear on assessment of the second and third elements, the Panel finds the addition of such term 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.

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 Panel finds that the use of the disputed domain name to direct Internet users to a website that features adult content and gambling advertisements does not confer any rights or legitimate interests on the Respondent. Furthermore, the Panel finds that the composition of the disputed domain name carries a risk of implied affiliation with the Complainant. [WIPO Overview 3.0](#), section 2.5.1.

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.

In the present case, the Panel notes that:

- the Complainant has been in operation for more than 40 years since its founding in 1981 in the United Kingdom;
- the Respondent registered the disputed domain name in 2023; and

- the website of the disputed domain name features gambling advertisements and sexually-explicit, pornographic content.

The Panel finds that the registration of the disputed domain name, which is confusingly similar to the Complainant's trademark for COMPUTACENTER, to direct unsuspecting Internet users to gambling and adult content, is evidence of bad faith registration.

As to use of the disputed domain name in bad faith, the website linked to the disputed domain name displays gambling and pornographic content and links, which shows that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website.

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 <computacenterblogs.com> be transferred to the Complainant.

/Pablo A. Palazzi/

Pablo A. Palazzi

Sole Panelist

Date: March 19, 2024.