

ADMINISTRATIVE PANEL DECISION

Arnold Clark Automobiles Limited v. Sarah Foote, Outsourced process LTD
Case No. D2024-3419

1. The Parties

The Complainant is Arnold Clark Automobiles Limited, United Kingdom, represented by Demys Limited, United Kingdom.

The Respondent is Sarah Foote, Outsourced process LTD, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <arnoldclarkclaims.com> is registered with Hostinger Operations, UAB (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 21, 2024. On August 21, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 22, 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 (Domain Admin Privacy Protect, LLC (PrivacyProtect.org)) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 22, 2024 providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Center received an email from the Respondent on August 23, 2024. The Complainant filed an amended Complaint on August 23, 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 August 27, 2024. In accordance with the Rules, paragraph 5, the due date for Response was September 16, 2024. The Respondent did not submit any formal response. Accordingly, the Center notified the commencement of panel appointment process on September 17, 2024.

The Center appointed George R. F. Souter as the sole panelist in this matter on September 20, 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, a British company, is one of the Europe's largest independently-owned family-run car dealerships, with around 200 new and used car dealerships, and 160 service centres throughout the United Kingdom. It now sells more than 300,000 vehicles per year, and generates an annual turnover of over GBP 30 billion. The Complainant also offers, inter alia, vehicle finance and insurance services.

The Complainant is the proprietor of a number of trademark registrations in respect of its ARNOLD CLARK, including United Kingdom trademark registration number 00002300325, registered on December 13, 2002.

The disputed domain name was registered on October 2, 2023, and resolves to a website which appears to be designed to attract users to enter data to check if they are entitled to compensation related to finance options related to the Complainant's business.

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.

Notably, the Complainant contends that there is no evidence that the Respondent is generally known by the disputed domain name, and the Complainant has never granted permission to the Respondent to use its ARNOLD CLARK trademark in connection with the registration of a domain name, or otherwise.

B. Respondent

The Respondent did not formally reply to the Complainant's contentions. The Respondent sent an email on August 23, 2024 stating: "Hi, I own this domain. What is the complaint regarding. I have received no information and I intend to renew this domain."

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant has shown rights in respect of a trademark 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. The addition of the element "claims" in the disputed domain name does not detract from this finding.

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

B. Rights or Legitimate Interests

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 the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel is convinced that the disputed domain name was deliberately chosen with the intention of using the Complainant's ARNOLD CLARK trademark to divert business unfairly from the Complainant, which clearly calls for a finding of registration in bad faith, and the Panel so finds.

Using the disputed domain name, which is confusingly similar to the Complainant's ARNOLD CLARK trademark to run a website offering similar services to the Complainant, is a clear indication that the Respondent intentionally attempted to attract, for commercial gain, Internet users to its own website by creating a likelihood of confusion with the Complainant's ARNOLD CLARK trademark as to the source, sponsorship, affiliation or endorsement of the Respondent's website. Is clear evidence of registration and use of the disputed domain name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy, and the Panel so finds.

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 <arnoldclarkclaims.com> be transferred to the Complainant.

/George R. F. Souter/

George R. F. Souter

Sole Panelist

Date: October 4, 2024