

ADMINISTRATIVE PANEL DECISION

Micromania Group v. Host Master, Transure Enterprise Ltd
Case No. DCO2023-0103

1. The Parties

The Complainant is Micromania Group, France, represented by Scan Avocats AARPI, France.

The Respondent is Host Master, Transure Enterprise Ltd, United States of America.

2. The Domain Name and Registrar

The disputed domain name <micomania.co> is registered with Above.com, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 4, 2023. On December 5, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 6, 2023, 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 Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 8, 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 January 2, 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 January 9, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 29, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 7, 2024.

The Center appointed Emre Kerim Yardimci as the sole panelist in this matter on February 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 is Micromania Group, a French company operating video games retailer with more than 1,500 employees, over-500 million euros turnover, and 400 stores throughout France. It has been acquired by GameStop, an American group headquartered in the state of Texas, in the United States of America, and a video game retailer.

The Complainant's e-commerce website is by far the group's largest gaming marketplace in France. MICROMANIA GROUP has nearly 2.9 million loyal customers. The brand is known and appreciated by more than 85% of French people and registered as a trademark in:

- French Trademark Registration No. 3452198 for MICROMANIA, registered on March 2, 2007;
- French Trademark Registration No. 3453569 for MICROMANIA, registered on March 2, 2007;
- International Trademark Registration No. 933880 for MICROMANIA, registered on March 16, 2007.

The Complainant operates also on the Internet at the main website "www.micromania.fr", and owns several domain name registrations for MICROMANIA, among which:

- <micromania.fr> registered on March 27, 2009;
- <micromania.com> registered on December 30, 1996;
- <micromania.eu> registered on August 29, 2006;
- <micromania.net> registered on July 29 2006.

The well-known character of the trademark MICROMANIA has been also recognized in the context of decisions rendered under the UDRP.

The Respondent registered the disputed domain name on September 13, 2023. The disputed domain name was subject to a dynamic redirection and redirected at different points to a website that generated on the Internet user's computer untimely pop-up windows faking a virus attack. Alternatively, the disputed domain name redirected to the Complainant's official website "www.micromania.fr". Currently, it resolves to a parking page.

5. Parties' Contentions

A. Complainant

The Complainant submits that the disputed domain name is confusingly similar to the Complainant's MICROMANIA trademark in which it has rights. The letter "r" is missing in the disputed domain name <micomania.co>. This is a case of typosquatting, where the missing "r" is intentional.

According to the Complainant, the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent has not been authorized or licensed by the Complainant to use the MICROMANIA trademark in any manner. To the best of the Complainant's knowledge, the Respondent has never been commonly known by the disputed domain name nor acquired any trademark rights in MICOMANIA. There has been no bona fide offering of goods or services by the Respondent in its manner of use of the disputed domain name.

The Complainant observes that in 108 UDRP complaints the Respondent were filed in the years between 2009 and 2023, which resulted in the 107 transfers of the domain names to the complainants which is an indication that the Respondent's use cannot be considered as bona fide offering of goods or services.

Lastly, in addressing the question of registration and use of the disputed domain name in bad faith, the Complainant contends that the Respondent is well aware of the Complainant's trademark considering their trademark is so widely well known that it is inconceivable that the Respondent ignored the Complainant or its earlier rights.

As to the bad faith use, the disputed domain name generated random redirection and redirected to a website which generated on the Internet user's computer untimely pop-up windows faking a virus attack thus encouraging users to download antivirus software which in turn is likely to be real viruses (malware/spyware). Alternatively, the disputed domain name redirected to the Complainant's official website "www.micromania.fr", which indicates that the Respondent was trying to impersonate the Complainant.

Finally, the Complainant further submits that Mail Exchange ("MX") servers are activated in relation with the disputed domain name emails, suggesting that the Respondent has the intention to use the disputed domain name to support an email account.

B. Respondent

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

6. Discussion and Findings

In accordance with paragraph 4(a) of the Policy, for this Complaint to succeed in relation to the disputed domain name, the Complainant must prove the followings:

- (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that the disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires the Complainant to show that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights.

A registered trademark provides a clear indication that the rights in the mark shown on the trademark certificate belong to its respective owner. As indicated above, the Complainant holds multiple trademark registrations for MICROMANIA.

The Panel further finds that the disputed domain name is almost identical to the MICROMANIA trademark insofar as only the letter "r" is omitted in the disputed domain name. The Panel finds the trademark is recognizable within the disputed domain name and this consists of an obvious typosquatting case. See sections 1.7 and 1.9 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"). Accordingly, the Panel finds that the disputed domain name is confusingly similar for the purposes of the Policy with a trademark in which the Complainant has rights.

As such the Panel holds that paragraph 4(a)(i) of the Policy has been satisfied.

B. Rights or Legitimate Interests

The onus is on the Complainant to make out at least a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name, and it is then for the Respondent to rebut this case. [WIPO Overview 3.0](#), section 2.1.

The Complainant has made a prima facie showing of a lack of the Respondent's rights or legitimate interests in the disputed domain name.

The Respondent did not file a Response. Therefore, the Respondent made no effort to demonstrate any rights or legitimate interests in the disputed domain name.

The Complainant has also claimed in support of its contentions that the Respondent has configured MX servers for the disputed domain name suggesting an intention to use it for illegal purposes, such as phishing. In addition, the Panel notes that the disputed domain name was used for dynamic redirection to third-party websites associated with malware and at one point, redirected to the Complainant's official website. In these circumstances, the Panel considers that the Respondent is not commonly known by the disputed domain name and the use of a domain name for illegal activity such as distributing malware and impersonation as in this case can neither a bona fide offering of goods or services, nor a legitimate noncommercial or fair use. [WIPO Overview 3.0](#), section 2.13.

Accordingly, the Panel determines the Complainant has demonstrated that the Respondent lacks rights or legitimate interests in disputed domain name and finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel accepts the Complainant's assertions and the prior UDRP decision that the trademark MICROMANIA is a well-known trademark. The incorporation of a well-known trademark into a domain name by a registrant having no plausible explanation for doing so may be, in and of itself, an indication of bad faith. As the Complainant submits, it is inconceivable that the Respondent would not have known of the Complainant's trademark.

The Panel finds that the Respondent is using the disputed domain name to intentionally attempt to attract for commercial gain Internet users to its website by creating a likelihood of confusion with the Complainant's famous trademark. As a matter of fact, considering:

- the use of the disputed domain name for illegal activity by redirecting to websites faking a virus attack thus encouraging Internet users to download antivirus software.
- the alternative use of the disputed domain name by redirecting to the Complainant's official website.
- the MX servers are activated in relation with the disputed domain name emails, suggesting that the Respondent has the intention to likely use the disputed domain name to support email account.

The Panel further finds that the fact that 108 UDRP cases have been initiated against the Respondent further reinforces the bad faith.

It is clear that the Respondent has targeted the Complainant and its famous trademark to benefit its own commercial activities. Therefore, the only reason for the registration of the disputed domain name by the Respondent must have been with bad faith intent to attract Internet users to its website for commercial gain, by causing a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation or endorsement of its website, pursuant to paragraph 4(b)(iv) of the Policy. The fact that the disputed domain name is no longer in dynamic redirection does not alter the Panel's finding.

The Respondent's lack of participation in this proceeding, the lack of any credible good faith use to which the confusingly similar disputed domain name could be put, and the totality of above-mentioned circumstances support an inference of bad faith.

Therefore, in the view of cumulative circumstances, the Panel finds that the requirement of registration and use in bad faith is satisfied, according to the Policy, paragraph 4(a)(iii).

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 <micomania.co> be transferred to the Complainant.

/Emre Kerim Yardimci/

Emre Kerim Yardimci

Sole Panelist

Date: March 16, 2024