

Société Nationale des Chemins de Fer Français

v. yves Mw Invest

Case No. D2009-0358

1. The Parties

The Complainant is Société Nationale des Chemins de Fer Français, Paris, France represented by Cabinet Santarelli, France.

The Respondent is yves Mw Invest, Kontich, Belgium.

2. The Domain Name and Registrar

The disputed domain name <tg-v.net> is registered with Gandi SARL.

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) in French on March 18, 2009. On March 19, 2009, the Center transmitted by email to Gandi SARL a request for registrar verification in connection with the disputed domain name. On March 20, 2009, Gandi SARL transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details. By letter of March 23, 2009, the Complainant was informed by the Center that the language of the registration agreement was English, and the Complainant sent an English version of the Complaint to the Center on March 26, 2009. The Center verified that the 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(a) and 4(a), the Center formally notified the Respondent of the Complaint, and the proceedings commenced on March 31, 2009. In accordance with the Rules, paragraph 5(a), the due date for Response was April 20, 2009. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 21, 2009.

The Center appointed Tobias Zuberbühler as the sole panelist in this matter on April 30, 2009. 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 the French State railway company which operates France’s entire passenger railway system.

The Complainant has registered trademarks for the word TGV. TGV is the name of a high-speed train and related transport and travel services used by the Complainant mainly in France. The various French and International “TGV” trademark registrations date back to August 17, 1978. The Complainant has also registered various domain names including the term TGV, e.g. <tg.com>, <tg.net>, etc.

The disputed domain name was registered by the Respondent on July 29, 2008.

5. Parties’ Contentions

A. Complainant

The Complaint is based on the following grounds:

- The disputed domain name reproduces the well-known TGV mark of the Complainant and is therefore confusingly similar to this mark. The addition of a hyphen between “tg” and “v” has no significant effect and does not prevent a finding of confusing similarity.
- The Respondent has not been licensed, contracted or otherwise permitted by the Complainant in any way to use the “TGV” marks or to register for any domain name incorporating the “TGV” marks, nor has the Complainant acquiesced in any way to such use or registration of the “TGV” marks by the Respondent. To the knowledge of the Complainant, the Respondent has no rights or legitimate interests in the disputed domain name.
- The reason for registering the disputed domain name is to take advantage of the confusion that may arise among Internet users between the disputed domain name and the Complainant’s trademarks and domain names, and thus to redirect Internet traffic to the Complainant’s website connected to the disputed domain name. The Complainant has therefore registered the disputed domain name in bad faith.

Based on these grounds, the Complainant requests the Administrative Panel to issue a decision that the disputed domain name be transferred to the Complainant.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

Except for a hyphen between “tg” and “v” and the “.net” suffix, the disputed domain name is identical to the Complainant’s well-known TGV trademarks. The Complainant has thus fulfilled paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

Under the circumstances of this case, there are no indications before the Panel of any rights or legitimate interests of the Respondent in respect of the domain name at issue.

The Complainant, having made a *prima facie* case which remains un rebutted, has fulfilled the requirements of paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

It seems apparent that the Respondent was aware of the existence of the Complainant's well-known trademarks as well as of the fact that the Respondent was not authorized to use such trademarks in order to register and use the disputed domain name.

Moreover, the disputed domain name is obviously being used for the benefit of the Respondent's business, in order to attract Internet users who are looking for the Complainant's services to the Respondent's website.

Under the circumstances, the Panel finds that the Respondent's conduct constitutes bad faith registration and use, thus fulfilling paragraph 4(a)(iii) of the Policy.

7. Decision

For all the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the domain name <tg-v.net> be transferred to the Complainant.

Tobias Zuberbühler
Sole Panelist

Dated: May 13, 2009