

Complaint

§ 3 UDRP Rules (Rules); §4 CAC's Supplemental Rules (Supplemental Rules)

Case No. 000425

Language of administrative proceeding English

Complainant

Organization VOLVO Trademark Holding AB

E-mail 455686@mail.muni.cz

Physical Address / Address of the Seat Gropegårdsgatan 2
417 15 Göteborg
Sweden

Telephone +420456123789

Authorized representative

Organization AB Volvo

E-mail loutocky@gmail.com

Physical Address / Address of the Seat Gropegårdsgatan 2
417 15 Göteborg
Sweden

Mailing Address / Address for correspondence Gropegårdsgatan 2
417 15 Göteborg
Sweden

Telephone +420123456789

Communication

Communication will be directed to Complainant.

Form of communication

Electronic form (via the On-line Platform with notifications by e-mail)

E-mail

455686@mail.muni.cz

Preliminary control of the Complaint

Preliminary control of your Complaint enables you to have your Complaint preliminarily checked for administrative compliance by the CAC before the official filing of your Complaint. This can aid in your adherence to the time limits prescribed by the UDRP for the correction of administrative deficiencies in Complaints (5 days). This service may be particularly useful for parties who are not familiar with the UDRP procedure and/or parties not represented by specialized attorneys. In conducting the Preliminary Control, the CAC will check whether the Complaint complies with administrative requirements of the UDRP.

IMPORTANT: The CAC will only check the administrative compliance according to the checklist above. The CAC will not review the factual and legal grounds on which your Complaint is based. In addition, the CAC cannot preliminarily check whether the Whois data of the Respondent are correct or not – this will be verified with the Registrar(s) concerned immediately after the Complaint is formally filed and if any inconsistencies are discovered in the Whois data, you will be asked to correct them.

FEES: The CAC will charge a fee in the amount of EUR each time your Complaint is checked for administrative Compliance. This fee will be added to the administrative fee for filing the Complaint. See the “Fees” section below.

If you wish to have your Complaint checked preliminarily for administrative compliance, please click here:

Preliminary control: no

Respondent

Respondent type: Domain holder (Registrant)

First Name	Richard
Last Name	Scott
E-mail	richardscott@vegas.com
Physical Address / Address of the Seat	3000 Random Boulevard Las Vegas United States
Telephone	+420987654321

Registrar(s) and Disputed domain name(s)

You may file a Complaint dealing with multiple disputed domain names only if the Respondent is the same for all the disputed domain names and if the same language of administrative proceeding is applicable.

You will be required to fill in the identification of the Registrar first and then you can fill in the domain name/s.

Organization	GoDaddy.com, LLC
E-mail	UDRPdisputes@godaddy.com
Physical Address / Address of the Seat	14455 North Hayden Rd Suite 219 Scottsdale AZ 85260
	United States
Telephone	1-480-505-8800
Fax	1-480-505-8002
Disputed domain name(s)	volvoforum.com

Panellists

Select the Panel type you prefer. Please note that there are higher fees for a three-member Panel than for a single-member Panel.

If you choose a three-member Panel, you will be asked to provide the names of three candidates who you would like to have serve as one of the Panellists. The CAC will attempt to appoint one Panellist from your list of candidates below.

Panel type	Single Panel
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Fees

Fees payable for filing your Complaint and for additional services (if any) are as follows (please be aware that if you ask for a single member panel, the Complaint filing fee below is only initial and you might be asked to provide additional fee under circumstances described in the Fee schedule):

Complaint initial filing fee:	800 EUR
Total amount payable at the moment:	800 EUR

Payment information

Important: any payment of fees will be considered complete as follows:

1. Payment by bank transfer: the paid amount is deposited on the CAC's account;
- Pay by bank order - Payment copy

Mutual Jurisdiction

Mutual Jurisdiction:

Other proceedings

Insert any information you have regarding other legal proceedings, pending or decided, which relate to the disputed domain name.

Remedies sought

Indicate the remedies sought for each disputed domain name:

The transfer of the domain name "volvoforum.com" to the complainant "VOLVO Trademark Holding AB".

Factual and Legal Grounds

Factual Grounds

Protected rights relied on by the Complainant

- a. Registered trade/service mark
 - i. Registered in several countries
- b. Well-known/famous mark
- c. Family of marks
- d. Trade name/business identifier
- e. Company name

Complainant's Rights

- a. Owner
- b. Are Complainant's rights valid in the territory where domain name holder is established?
 - i. Yes
- c. Validity of rights relied on by the Complainant
 - i. Registration subsequent to registration of domain name

ADDITIONAL EXPLANATIONS:

As the Holder of a number of trademarks including "VolvoTM", the Volvo Trademark Holding AB hereby declares the operator of the website is maintaining his web forum unlawfully. As we further describe, in this case, the perpetrator is strongly infringing the Volvo trade mark.

The Registrant has been using the Volvo trademark in several cases. First, the domain name itself consists of two words, one of them being the "Volvo" trade mark and the second one a generic word "forum".

The Claimant states there is no lawful reason, such as licence or expressed permission, for the Registrant to use this trade mark of any kind. This usage is therefore in contradiction to the Rules of the domain names and corresponding Laws in relevant states.

Second, the Respondent has been consuming the logo and the Volvo typeface unlawfully. As in the first case, the Volvo Company has

not licensed the Registrant to any intellectual property rights in general. The logo of the web forum, and/or the typeface appearing in the left upper corner is either authentic or very close to the original. Therefore, the Volvo Company claims its rights and the domain name shall be revoked.

The Claimant is informed about the possibilities of the UDRP Procedure. The outcome of the procedure shall be held within the purview of the Dispute Resolution Process.

Nevertheless, the Volvo Company states the results of the operating of the volvoforum.com web site. The forum has brought has caused both pecuniary damage and harm to the Volvo brand we represent.

As we further inform in this claim, the volvoforum.com has arranged distributing of non-original spare parts for Volvo cars. This case could have severely harmed the Volvo Company and its car dealers and other retailers.

Another aspect to be stated hereby, the Site has been displaying car related advertisements online. In conclusion, there might be any other car or other product brand connected to the image of the Volvo logo (in the web site heading) leading the customer to presume a non-existing connection between the Volvo and non-Volvo brand.

Legal Grounds

Domain name is

- a. confusingly similar to the protected mark

The manner in which the domain name is confusingly similar to the protected mark:

- i. Mark combined with generic term

ADDITIONAL EXPLANATIONS:

As described above the domain name itself consists of two words, one of them being the "Volvo" trade mark and the second one a generic word "forum".

Secondly the Respondent has been consuming the logo and the Volvo typeface unlawfully. As in the first case, the Volvo Company has not licensed the Registrant to any intellectual property rights in general. The logo of the web forum, and/or the typeface appearing in the left upper corner is either authentic or very close to the original.

The Respondent does not have any rights or legitimate interest in the domain name(s)

Categories of issues involved:

- a. Diversion of consumers/trade mark tarnishment

ADDITIONAL EXPLANATIONS:

The domain name(s) has been registered and is being used in bad faith

Categories of issues involved:

- a. Cumulative requirement
- b. Meaning of registration
 - i. Acquisition
- c. Registration of a well-known/famous trade mark
- d. Bad faith trade mark/business name registration
- e. Attracting internet users for commercial gain by creating a likelihood of confusion with the Complainant

ADDITIONAL EXPLANATIONS:

The registrant has registered the domain name containing the worldwide known company name and trademark of Volvo AB (Volvo Trademark Holding AB is equally owned by AB Volvo and Volvo Car Corporation). The registrant must have known he is violating the rights of the complainant not only, because of the worldwide popularity of the company, but also because he uses its products as the background of the webpage.

The respondent uses the domain name to attract, for commercial gain, Internet users to his web.

As we hereby declare, the Operator of the web forum has been using the intellectual property of the Volvo Company and by such an action, the Operator has gained not an insignificant sum of money.

The Volvo Company, by having the same or similar advertising system on its own car web forum, would have gained, as it has been estimated, approximately 10,000 USD per month.

The web also serves as a marketplace for spare parts used in Volvo cars. This marketplace is not well moderated, therefore the sold parts are not only original made by Volvo AB but also non original copies made by other producers.

According to the WIPO decision - Case No. D2001-0903 - can an authorized reseller (Although the respondent is not an AUTHORIZED reseller the conditions apply for his lower status as well.) be in good faith when he meets these conditions (among others):

"the respondent must use the site to sell only the trademarked goods; otherwise, it could be using the trademark to bait Internet users and then switch them to other goods;

The site must accurately disclose the registrant's relationship with the trademark owner; it may not, for example, falsely suggest that it is the trademark owner, or that the website is the official site, if, in fact, it is only one of many sales agents."

None of these conditions is fulfilled:

The respondent allows others than trademarked goods to be sold on his webpage.

As described above the webpage and the domain name is confusingly similar to the complainant's trademarks.

On the basis of the conditions we declare that the respondent is using the domain name in bad faith.

Please explain your arguments in detail below.

The complainant has proved that the respondent violates all three rules of UDRP art. 4 a), and therefore suggests the transfer of the rights to use the domain name "volvoforum.com" to the company VOLVO Trademark Holding AB.

Annexes attached to the Complaint

Complaint Signature Page

Case No. : 000425

Covenants

Complainant submits itself to the applicable Mutual Jurisdiction as specified above. The Complainant is aware that if it has chosen the Mutual Jurisdiction of the principal office of the Registrar although the domain name holder has not submitted to that jurisdiction in its Registration Agreement, the Mutual Jurisdiction of the domain name holder's address applies instead.

Statements

COMPLAINANT AGREES THAT ITS CLAIMS AND REMEDIES CONCERNING THE REGISTRATION OF THE DOMAIN NAME, THE DISPUTE, OR THE DISPUTE'S RESOLUTION SHALL BE SOLELY AGAINST THE DOMAIN-NAME HOLDER AND WAIVES ALL SUCH CLAIMS AND REMEDIES AGAINST (A) THE DISPUTE-RESOLUTION PROVIDER AND PANNELLISTS, EXCEPT IN THE CASE OF

DELIBERATE WRONGDOING, (B) THE REGISTRAR, (C) THE REGISTRY ADMINISTRATOR, AND (D) THE INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS (ICANN), AS WELL AS THEIR DIRECTORS, OFFICERS, EMPLOYEES, AND AGENTS.

Complainant certifies that the information contained in this Complaint is to the best of Complainant's knowledge complete and accurate, that this Complaint is not being presented for any improper purpose, such as to harass, and that the assertions in this Complaint are warranted under these Rules and under applicable law, as it now exists or as it may be extended by a good-faith and reasonable argument.

List of Annexes:

On behalf of AB Volvo :

Jan Hrbek

Signature

By:

Date: