Panel Decision for dispute CAC-ADREU-005681

Case number	CAC-ADREU-005681
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Domain names	gecredit.eu

Case administrator

Name	Tereza Bartošková

Complainant

Organization / Name	General Electric Company, GE Capital EMEA Services Limited

Respondent

Organization / Name	GeCredit Group, Olaf Ericsson

INSERT INFORMATION ABOUT OTHER LEGAL PROCEEDINGS THE PANEL IS AWARE OF WHICH ARE PENDING OR DECIDED AND WHICH RELATE TO THE DISPUTED DOMAIN NAME

None

FACTUAL BACKGROUND

In the absence of a Response, the Panel accepts the following assertions in the Compliant as established.

The Complainants are General Electric Company, a New York corporation which traces its origins to the year 1878 when the inventor Thomas Edison created the Edison Electric Light Company, and GE Capital EMEA Services Limited, a wholly owned subsidiary of General Electric Company registered in England and Wales. General Electric Company is the proprietor of numerous registrations for the world famous trademark GE, first used in 1899, including Community Trade Mark No. 005920781, registered on May 19, 2008 and Austrian trade mark No. 77947, registered on August 1, 1974. GE Capital EMEA Services Limited uses the GE mark in Europe in connection with financial products and services under authorization and supervision of General Electric Company. The Complainants are hereinafter collectively referred to as “the Complainant.”

The disputed domain name was registered on June 22, 2009, since when it has been used for an online scheme that purports to offer to consumers “easy online loans” or “quick loans” for small amounts with no collateral. Consumers are asked to fill out an online application, which when approved requires the applicant to sign a contract, following which funds are allegedly paid out to the consumer within an hour. These loan services have been promoted through the Domain Name and a number of country-specific web sites for consumers in Latvia, Estonia, Lithuania, and the Czech Republic. On the web site located at GECREDIT.EU there have been links to these country-specific web sites at Gecredit.lv, Gecredit.cz, Gecredit.lt, and Gecredit.co.ee that each, in turn, have provided the same “easy online loans.”

A. COMPLAINANT

The disputed domain name is confusingly similar to the Complainant’s well-known GE mark. The word “credit” suggests to Internet users that the domain name is related to the Complainant’s financial or credit card services.

The Respondents have no legitimate interests in the domain name. WIPO panels have previously found the GE brand to be so famous that, when coupled with rights dating back over 100 years, it is “near impossible that Respondents could put forth any circumstances that might establish a right or legitimate interest in Respondents in respect of the Domain Names”: General Electric Company v. LaPorte Holdings, Inc., D2005-0076 (citing General Electric Company v. Momm Amed la, WIPO Case No. D2000-1727).

There is no relationship between the Complainant and the Respondents giving rise to any licence, permission, or other right by which the Respondents could own or use any domain name incorporating Complainant’s GE mark. The services that the Respondents purportedly

offer on their web site at <gecredit.eu>, are services that the Complainant has offered under its GE mark for many years.

The Respondents have registered and used the domain name in bad faith for commercial gain and to benefit from the goodwill associated with the Complainant's GE mark, and from the likelihood that Internet users will mistakenly believe the domain name and associated web site are connected with Complainant. It is inconceivable that the Respondents were unaware of the GE mark: British Sky Broadcasting Group plc v. Mr. Pablo Merino and Sky Services S.A., WIPO Case No. D2004-0131 ("It is reasonable to conclude that only someone who was familiar with the Complainant's mark would have registered identical domain names").

The Respondents' offering of competitive services establishes the Respondents' clear intention to attract, for commercial gain, Internet users to the Respondents' web site by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondents' products. This is clear evidence of bad faith. The Respondents could only have registered a domain name so confusingly similar to the Complainant's GE mark to capitalize on the valuable goodwill associated with the Complainant's mark: Kraft Foods (Norway) v. Fredrik Wide and Japp Fredrik Wide, WIPO Case No. D2000-0911 ("the fact that Respondent [chose] to register a well known mark to which he has no connections or rights indicates that he was in bad faith when registering the domain name").

The Complainant requests that the Administrative Panel issue a decision transferring the domain name to the Complainant's subsidiary and co-Complainant GE Capital EMEA Service Limited. In the alternative, the Complainant requests that the domain name be revoked.

B. RESPONDENT

The Respondents filed no Response.

DISCUSSION AND FINDINGS

In the absence of a Response, the Panel accepts as established the facts asserted by the Complainant and draws all reasonable inferences therefrom.

Under Article 21 of Commission Regulation (EC) No 874/2004, the Complainant must prove that the challenged domain name is identical or confusingly similar to a name in respect of which a right is recognised or established by national and/or Community law and that either (a) the domain name has been registered by its holder without rights or legitimate interests in the name; or (b) the domain name has been registered or is being used in bad faith.

Both of the Complainants have established rights recognised by both national and Community law in the world-famous GE trademark. The Panel finds the domain name GECREDIT to be confusingly similar to that mark. Given the fame of the Complainants' mark and its use in connection with financial services, the conclusion is inescapable that the domain name was not only registered by the Respondents without rights or legitimate interests in the domain name but that it has also been registered in bad faith and is being used in bad faith.

The Panel finds that the second Complainant, GE Capital EMEA Services Limited, satisfies the general eligibility criteria for registration set out in Paragraph 4(2)(b) of Regulation (EC) No 733/2002.

DECISION

For all the foregoing reasons, in accordance with Paragraphs B12 (b) and (c) of the Rules, the Panel orders that the domain name GECREDIT be transferred to the second Complainant, GE Capital EMEA Services Limited.

PANELISTS

Name	**Mr Alan Lawrence Limbury**

DATE OF PANEL DECISION 2010-07-23

Summary

ENGLISH SUMMARY OF THIS DECISION IS HEREBY ATTACHED AS ANNEX 1

The Complainants have long held rights in the famous trademark GE, which they use, inter alia, in the field of financial services. The domain name GECREDIT was registered on June 22, 2009 and has been used for an online scheme that purports to offer to consumers "easy online loans" or "quick loans" for small amounts with no collateral.

Given the fame of the Complainants' mark and its use in connection with financial services, the conclusion is inescapable that the

domain name was not only registered by the Respondent without rights or legitimate interests in the domain name but that it has also been registered in bad faith and is being used in bad faith.

The Panel orders that the domain name GECREDIT be transferred to the second Complainant.