

Complaint

On-line ADR Center of the Czech Arbitration Court (CAC)

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



Authorized representative

ORGANIZATION PF MUNI

FIRST NAME MIDDLE NAME LAST NAME MUNI

E-MAIL pfmuni@law.com TELEPHONE FAX

Address of the seat/residence

ADDRESS U zeměpisného ústavu 508/12

CITY Brno ZIP / POSTAL CODE 000000 COUNTRY Czech Republic

Complainant

ORGANIZATION International Olympic Committee (IOC)

E-MAIL international.olympic@committe.com TELEPHONE FAX

Address of the seat/residence

ADDRESS Maison Olympique, 1007 Lausanne, Switzerland

CITY Lausanne ZIP / POSTAL CODE 1007 COUNTRY Switzerland

Respondent

ORGANIZATION Star Travel LLC.

E-MAIL star@travel.com TELEPHONE FAX

Address of the seat/residence

ADDRESS Berkshire House, 252-256 Kings Road, Reading RG1
CITY ZIP / POSTAL CODE 252-256 COUNTRY United Kingdom

Domain names

DOMAIN NAME 2024.com REGISTRAR NAME Network Solutions, LLC
NAME Linda Shutterly
REGISTRAR URL www.networksolutions.com
E-MAIL udrp@web.com
ADDRESS
COUNTRY
PHONES +1 8886429675,

Communication

COMMUNICATION WILL BE DIRECTED TO Complainant representative FORM OF COMMUNICATION E-mail
E-MAIL pfmuni@law.com

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.



If you wish to have your Complaint checked preliminarily for administrative compliance, please check here.
no

Panellists

PANEL TYPE Single Panel

Fees

Fees payable for filing your Complaint and for additional services (if any) are as follows

Complaint filing fee:	800 EUR
Total amount payable at the moment:	0 EUR

Payment information

PAYMENT TYPE Bank transfer

PAYMENT COPY

Mutual Jurisdiction

Mutual Jurisdiction is at least one court jurisdiction to which any Complainant has to submit himself in his Complaint with respect to any challenges to a decision in a UDRP proceeding; according to the UDRP Rules, the Complainant must submit to:

- The principal office of the Registrar (provided the domain name holder has submitted to that jurisdiction for court adjudication of disputes concerning or arising from the use of the domain name in its Registration Agreement); or

Other proceedings

OTHER PROCEEDINGS

Remedies sought

REMEDIES SOUGHT Transfer of the domain name to IOC

Factual and Legal Grounds

Factual Grounds

- I. Protected rights relied on by the Complainant
 - a. Registered trade/service mark
 - iii. Registered in several countries
 - vi. Registered combined/figurative trade/service mark
 - b. Well-known/famous mark
 - d. Unregistered trade mark/service mark
 - i. Common law trade mark — rights based on use by public
 - iii. In jurisdiction that does not recognise unregistered trade marks — rights based on use by public
- II. Complainant's Rights
 - a. Owner
 - e. Are Complainant's rights valid in the territory where domain name holder is established?
 - i. Yes
 - f. Validity of rights relied on by the Complainant
 - ii. Registration subsequent to registration of domain name

The Complainant is the International Olympic Committee (IOC), an organization responsible for overseeing the Olympic Games, based in Switzerland. The IOC's primary role is to promote the Olympic movement and ensure the successful organization and execution of the Olympic Games, both the Summer and Winter editions. It works closely with National Olympic Committees (NOCs) from various countries, as well as with international sports federations, to coordinate the Games. Additionally, the IOC is involved in promoting Olympic values such as friendship, respect, and excellence worldwide. The IOC is an owner of hundreds of trademarks related to Olympic Games, such as "Olympic Games", "Paris 2024", etc. More importantly, the Olympic Games are universally recognized concept, with each edition linked to a combination of hosting city/country and year (eg. Paris 2024), which is being widely used as a term to refer to the respective Olympic Games.

The Respondent is a legal entity, specializing in "event tourism", cooperating with foreign travel agents to organize trips to sports and cultural events in Paris and French cities especially concerts and event tourism games. The Respondent has purchased a domain name 2024.com, and is currently using subdomains such as: france.2024, sog.2024, olympicgames.2024.com, travel.2024.com and hotels.2024.com. They have previously registered 2012.com domain to offer event tourism at London SOG and domains 2014.com where he used subdomains sochi.2014.com, among other subdomains such as wog.2014.com and bought a domain 2021.com where he operated subdomain tokyo.2021.com. The website linked to the domain name in question offers basic tourist information about France, along with online tools for booking hotels near match locations, links to taxi and car rental services, and numerous advertisements. The site also reserves space for contextual advertising, resulting in some users being shown ads for escort and sexual services. Additionally, it features several sports-themed video commercials sponsored by Pepsi Ltd.

Legal Grounds

- I. Domain name is
 - b. confusingly similar to the protected mark
 - ii. Phonetically similar
 - iii. Optical similarity
 - iv. Conceptual/intellectual similarity

The Complainant is the rightful owner of hundreds of registered trademarks related to the Olympic Games, as the Complainant is the body responsible for the organization of this worldwide event with incalculable historical and cultural value. Furthermore, it is a common knowledge, that the terms used to refer to a specific instance of Olympic Games taking place, is a combination of a host city/country and a year. This is so deeply rooted into the global culture, that it would be hard to find anyone in the civilized world,

who wouldn't know, that when someone says eg. Sochi 2014, they mean the 2014 Olympic Games in Sochi. The Complainant therefore argues, that they have successfully asserted an unregistered (and/or common law) trademark, while its mark has become a distinctive identifier which consumers associate with the Complainant's goods and/or services. Furthermore, the Complainant is the rightful owner of hundreds of registered trademarks related to the Olympic Games, as the Complainant is the body responsible for the organization of this worldwide event with incalculable historical and cultural value.

The Respondent is exploiting this association, by having domain names registered and using the subdomains such as paris.2024.com, to advertise hospitality and other services in the proximity of the Olympic Games, that are currently taking place. The Complainant argues that the domain name and subdomains used by the Respondent are confusingly similar to his registered and unregistered trademarks. That is, in a phonetical and optical manner, and in the conceptual/intellectual similarity, as was explained above.

- II. The Respondent does not have any rights or legitimate interest in the domain name(s)
 - g. Diversion of consumers/trade mark tarnishment
 - h. Adult content

The Respondent's use of the domain name 2024.com and related subdomains, such as paris.2024.com, lacks any legitimate interest and is devoid of authenticity. Despite offering hospitality services purportedly related to the upcoming Olympic Games in Paris, the Respondent fails to demonstrate any genuine connection or legitimate interest in using these domains. The Respondent has never been in any way associated with the Olympic Games, nor does he registered a trademark relevant to the Olympic Games.

The Complainant admits, that Olympic Games taking place attract tourists into that particular destination, presenting a profitable opportunity for the local business. To take advantage of this opportunity could constitute a legitimate interest, but not in a manner, that is being demonstrated by the Respondent. The business opportunity itself could constitute a legitimate interest, but there is no legitimate interest in making it seem, that the Respondent is officially associated with the Olympic Games. The Respondent's utilization of the domain name primarily serves to mislead consumers by creating a false impression of affiliation with the Olympic Games. This misleading representation diverts consumers from authentic Olympic Games sponsors and officially associated companies, thereby disrupting the integrity of the Olympic brand and the trust of consumers seeking genuine Olympic-related services.

The lack of Respondent's transparency and accountability further erodes any legitimate interest in using the domain name. Without clear evidence of genuine intent to serve the public interest or contribute positively to the Olympic Games experience, the Respondent's actions appear opportunistic and exploitative.

- III. The domain name(s) has been registered and is being used in bad faith
 - a. Cumulative requirement
 - iii. Registration in bad faith, use in bad faith
 - b. Meaning of registration
 - i. Acquisition
 - c. Registration of a well-known/famous trade mark
 - e. Bad faith trade mark/business name registration
 - r. Other commercial gain
 - w. Adult content
 - ac. Disrupting the business of a competitor
 - ad. Attracting internet users for commercial gain by creating a likelihood of confusion with the Complainant
 - ae. Substantial similarity between website associated with disputed domain name and website associated with right holder's domain name(s)
 - ag. Pattern of conduct

The Complainant argues that by having the domain name 2024.com registered and using the subdomains such as paris.2024.com, the Respondent is intentionally leveraging the reputation of the Complainant and deceiving the consumers for his own commercial gain. The use of the respective domains creates a perception among consumers, that the Respondent is somewhat affiliated with the Olympic Games, while he is not, nor has he ever been. By being seemingly associated with Olympic Games, the Respondent fabricates a sense of legitimacy, while there is no legitimacy to be found. He is diverting the consumers from the official Olympic Games sponsors and officially associated companies and other undertakings.

The Complainant chooses very carefully who to cooperate with and he holds high standards with respect to this matter, as to maintain good reputation of Olympic Games among the public. On the other hand, the Complainant cannot guarantee that the services provided by the Respondent are held to the standard needed to maintain the reputation. As the Respondent is, among other goods and services, advertising sexual services, the Complainant argues, that his reputation is already being compromised. The pattern of conduct of the Respondent can be seen clearly, as the Respondent has been for several years registering domain names to be used with subdomains confusingly similar (or identical) to the respective terms used to reference particular Olympic Games taking place at that time (e.g. domain name 2021.com and the use of subdomain wog.2021.com). The Complainant argues that such conduct cannot be deemed as using the domain name in a good faith.

Please explain your arguments in detail below.

FACTUAL AND LEGAL GROUNDS (i)

The domain name and subdomains used by the respondent are undeniably confusingly similar to the trademarks registered, and to the unregistered (and/or common law) trademark asserted by the Complainant. This similarity is primarily rooted in the combination of the host country and the year, which is a universally recognized and commonly used format to refer to specific Olympic Games taking place in a particular location and year.

The inclusion of "2024" in the domain name directly corresponds to the year in which the Olympic Games are scheduled to occur in Paris. This combination of the host country (Paris) and the year (2024) is not only descriptive but also serves as a distinctive identifier for the upcoming Olympic Games event. It is a widely acknowledged convention in the context of Olympic Games branding and communication.

Moreover, the format of combining the host country and the year to refer to Olympic Games events is deeply ingrained in pop-culture and media coverage surrounding the Olympic Games. This makes it a universally known concept among the general public, further contributing to the potential for confusion between the respondent's domain/subdomains and the trademarks held by the Complainant.

The registration and utilization of the domain name 2024.com, along with subdomains like paris.2024.com, by the Respondent, are clear instances of bad faith. By associating these domains with the upcoming Olympic Games in Paris, the Respondent is capitalizing on the esteemed reputation and global recognition of the Olympic Games to deceive consumers for personal commercial gain.

The use of such domains creates a misleading impression among consumers that the Respondent is somehow officially affiliated with the Olympic Games, despite lacking any legitimate association. This deception is compounded by the fact that the Respondent has never been associated with the Olympic Games in any capacity.

(ii)

By exploiting the prestige of the Olympic Games, the Respondent fabricates a sense of legitimacy around the services they are advertising, which diverts consumers away from official Olympic Games sponsors and legitimate associated companies. This diversion not only undermines the integrity of the Olympic Games but also compromises the trust and expectations of consumers seeking authentic Olympic Games related services.

The Complainant, in contrast, carefully selects partners and sponsors, adhering to stringent standards to uphold the integrity and reputation of the Olympic Games among the public. Any association with the Olympic Games is carefully vetted to ensure alignment with the values and principles of the Games.

Furthermore, the Complainant cannot guarantee that the services provided by the Respondent meet the necessary standards to uphold the reputation of the Olympic Games. The lack of oversight and accountability from the Respondent poses a risk of tarnishing the Olympic brand and diminishing the overall experience for consumers.

The Respondent's use of the domain name 2024.com and related subdomains, such as paris.2024.com, lacks any legitimate interest and is devoid of authenticity. Despite advertising hospitality services purportedly related to the upcoming Olympic Games in Paris, the Respondent fails to demonstrate any genuine connection or legitimate interest in using these domains.

Firstly, the Respondent has no prior association or history of involvement with the Olympic Games, either as an official sponsor, partner, or affiliated entity. This absence of prior engagement undermines

any claim to a legitimate interest in using the domain name and associated subdomains for commercial purposes.

(iii)

Furthermore, the Respondent's utilization of the domain name primarily serves to mislead consumers by creating a false impression of affiliation with the Olympic Games. This misleading representation diverts consumers from authentic Olympic Games sponsors and officially associated companies, thereby disrupting the integrity of the Olympic brand and the trust of consumers seeking genuine Olympic-related services.

Additionally, the Respondent's lack of transparency and accountability further erodes any semblance of legitimate interest in using the domain name. Without clear evidence of genuine intent to serve the public interest or contribute positively to the Olympic Games experience, the Respondent's actions appear opportunistic and exploitative, and cannot be viewed as a use in good faith.

Ultimately, the Respondent's registration and use of the domain name 2024.com and related subdomains lack legitimacy, as they serve to deceive consumers and exploit the reputation of the Olympic Games without any genuine association or interest in upholding the values and integrity of the Olympic Games.

The Complainant therefore argues, that (i) the domain name 2024.com is confusingly similar to the registered and unregistered trademarks of the Complainant, (ii) the Respondent does not have any rights or legitimate interest in the domain name, and (iii) the domain name has been registered and is being used in bad faith, and proposes the domain name to be transferred to the Complainant.

Complaint Signature Page

Case No. : CAC-UDRP-106324

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 PANELLISTS, 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.

COMPLAINT SIGNER Tomáš Hofman