

## **ADMINISTRATIVE PANEL DECISION**

### **International Olympic Committee v. Mike**

### **Case No. D2022-0448**

#### **1. The Parties**

Complainant is the International Olympic Committee, Switzerland, represented by Bird & Bird LLP, Belgium.

Respondent is Mike, Canada.

#### **2. The Domain Name and Registrar**

The disputed domain name <olympics.com> is registered with Dynadot, LLC (the “Registrar”).

#### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 9, 2022. On February 9, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 10, 2022, 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 and contact information in the Complaint. The Center sent an email communication to Complainant on February 10, 2022 providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on February 15, 2022.

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 Respondent of the Complaint, and the proceedings commenced on February 18, 2022. In accordance with the Rules, paragraph 5, the due date for Response was March 10, 2022. Respondent did not submit any response. Accordingly, the Center notified the Parties of Respondent’s default on March 14, 2022.

The Center appointed Ingrida Kariņa-Bērziņa as the sole panelist in this matter on March 21, 2022. 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**

Complainant is the International Olympic Committee, the Swiss non-profit organization that supervises the organization of the Olympic Games. It is the proprietor of several registrations for its OLYMPIC mark, including the following:

- International Trademark No. 1128501 for OLYMPIC (word mark), registered on November 8, 2011 for goods and services in classes 1-45;
- Swiss Trademark No. 621700 for OLYMPIC (word mark), registered on October 21, 2011 for goods and services in classes 1-45.

Complainant operates its official website at the domain name <olympics.com>.

The disputed domain name was registered on July 4, 2021. It resolves to a website featuring pay-per-click ("PPC") links.

#### **5. Parties' Contentions**

##### **A. Complainant**

Complainant's contentions may be summarized as follows:

Under the first element, Complainant states that it was founded in 1894 and organized the first Olympic Games in 1896. Since that time, the Olympic Games have become the most widely broadcasted event in the world. For example, the 2016 Summer Games in Rio were watched by more than half the world's population. Complainant owns all rights to the OLYMPIC mark and the Olympic symbol. The disputed domain name is identical to Complainant's mark, except for the transposition of the letters "m" and "p", and the addition of the letter "s".

Under the second element, Complainant states that Respondent is neither affiliated with Complainant in any way, nor has Complainant permitted Respondent to use and register any domain name incorporating the OLYMPIC mark. The disputed domain name resolves to a website featuring pay-per-click links connected to goods and services in connection with the Olympic Games, and other services. The website displays Complainant's OLYMPIC mark. Respondent's Privacy Policy specifically mentions the use of cookies and pixels to serve ads through third-party advertisers. Respondent is using the disputed domain name for commercial gain.

Under the third element, Complainant states that, due to the well-known identity of Complainant's mark, Respondent would in all likelihood have been aware of Complainant's mark at the time the disputed domain name was registered. The practice of typosquatting is evidence of bad faith. Complainant is using the disputed domain name for commercial gain. Finally, Complainant has concealed its identity.

Complainant requests transfer of the disputed domain name.

##### **B. Respondent**

Respondent did not reply to Complainant's contentions.

## 6. Discussion and Findings

Paragraph 4(a) of the UDRP requires Complainant to make out all three of the following:

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

Under paragraph 15(a) of the Rules, “[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable”.

### A. Identical or Confusingly Similar

Complainant has provided evidence establishing that it has trademark rights in the OLYMPIC mark through registrations in several jurisdictions. Complainant thereby satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.2.

In comparing Complainant’s OLYMPIC mark with the disputed domain name, the Panel finds that the disputed domain name is confusingly similar to Complainant’s mark. The disputed domain name consists of an obvious misspelling of Complainant’s mark. It is the consensus view of UDRP panels that, in such cases, Complainant has standing to bring a case because Complainant’s mark is sufficiently recognizable within the disputed domain name. See, for example, *Wachovia Corporation v. Peter Carrington*, WIPO Case No. [D2002-0775](#); *LinkedIn Corporation v. Daphne Reynolds*, WIPO Case No. [D2015-1679](#).

It is the well-established view of UDRP panels that the generic Top-Level Domain (“gTLD”) “.com” is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test (see [WIPO Overview 3.0](#), section 1.11.1, and cases cited thereunder).

Accordingly, the Panel finds that Complainant has established the first element under paragraph 4(a) of the Policy.

### B. Rights or Legitimate Interests

The circumstances stated in the Complaint, the Amended Complaint, and evidence in support set forth in the annexes indicate that Respondent has no rights or legitimate interests in the disputed domain name.

The Panel finds that the evidence submitted by Complainant establishes a *prima facie* case that Respondent has no rights or legitimate interests in the disputed domain name. Respondent is not authorized by Complainant and is not commonly known by the disputed domain name. Furthermore, the disputed domain name comprises an obvious misspelling of Complainant’s mark, thereby creating a likely risk of connection with Complainant. Such holding of the disputed domain name cannot confer rights or legitimate interests.

Pursuant to [WIPO Overview 3.0](#), section 2.1, and cases thereunder, where Complainant makes out a *prima facie* case that Respondent lacks rights or legitimate interests, the burden of production on this element shifts to Respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the disputed domain name.

Respondent, in failing to file a Response, has not proved rights or legitimate interests. There is no evidence that Respondent is known by the disputed domain name. Rather, the disputed domain name was used to redirect to third-party websites and for a pay-per-click website with no evidence of any effort to mitigate an

inference of targeting Complainant. It is well-established that such use does not establish rights or legitimate interests. See, e.g., *Harpo, Inc. and Oprah's Farm, LLC v. Robert McDaniel*, WIPO Case No. [D2013-0585](#), and *The Knot, Inc. v. In Knot We Trust Ltd*, WIPO Case No. [D2006-0340](#), *Get Away Today.com., Inc. v. Warren Gilbert*, WIPO Case No. [DCO2010-0021](#). See also [WIPO Overview 3.0](#), section 2.4, and cases cited thereunder.

Accordingly, the Panel finds that Complainant has established the second element under paragraph 4(a) of the Policy.

### **C. Registered and Used in Bad Faith**

The Panel finds that Complainant has demonstrated Respondent's bad faith registration and use of the disputed domain name. Complainant has provided evidence of registered and unregistered trademark rights that predate the registration of the disputed domain name by more than a century. The OLYMPIC mark is clearly a well-known mark, and the disputed domain name is an obvious misspelling of it. Such a registration creates a presumption of bad faith. See [WIPO Overview 3.0](#), section 3.1.4.

The disputed domain name is a deliberate misspelling of Complainant's OLYMPIC mark, indicating bad faith on the part of Respondent. The use of the disputed domain name to redirect to third-party websites and to pay-per-click websites with keywords related to Complainant and its industry is further evidence of bad faith. Respondent has provided no evidence of actual or contemplated good-faith use of the disputed domain name and the Panel does not find any such use plausible. Such circumstances clearly indicate bad faith in the registration and use of the disputed domain name. See, for instance, *Shangri-La International Hotel Management Limited v. NetIncome Ventures Inc.*, WIPO Case No. [D2006-1315](#); *Villeroy & Boch AG v. Mario Pingerna*, WIPO Case No. [D2007-1912](#).

The Panel therefore finds that Complainant has established the third element under paragraph 4(a) of the Policy.

## **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 <olympics.com> be transferred to Complainant.

*/Ingrīda Kariņa-Bērziņa/*

**Ingrīda Kariņa-Bērziņa**

Sole Panelist

Date: March 26, 2022