



WIPO Arbitration and Mediation Center

ADMINISTRATIVE PANEL DECISION

Christian Dior Couture v. Alex Roché

Case No. DTV2007-0004

1. The Parties

The Complainant is Christian Dior Couture, Paris, France, represented by Cabinet Marc Sabatier, France.

The Respondent is Alex Roché, Toronto, Ontario, Canada

2. The Disputed Domain Name and Registrar

The disputed domain name <dior.tv> is registered with eNom.tv.

3. Procedural History

The Complaint was brought pursuant to the Uniform Domain Name Dispute Resolution Policy (the “Policy”), which was adopted by the Internet Corporation for Assigned Names and Numbers (ICANN) on August 26, 1999, and approved on October 24, 1999, and in accordance with the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”) as approved on October 24, 1999, and the World Intellectual Property Organization Supplemental Rules for Uniform Domain Name Dispute Resolution Policy in effect as of December 1, 1999, (the “Supplemental Rules”).

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) in email form on March 16, 2007, and in hard copy form, along with accompanying Annexes 1-7, on March 22, 2007.

Pursuant to paragraph 4(d) of the Policy, the Complainant selected the Center as the ICANN approved administrative dispute resolution service provider to administer this proceeding. Through the Complaint, the Complainant requested a three-member panel.

After receiving the Complaint, the Center, in accordance with paragraph 5 of the Supplemental Rules, verified that the Complaint complied with the formal requirements of the Rules and the Supplemental Rules. In that regard, on March 20, 2007, the Center requested confirmation from the Registrar as to whether the Registrar received a copy of the Complaint from the Complainant and to confirm contact and registrant information set forth in the Complaint relative to the disputed domain name. The Center also requested the Registrar to specify, for the domain name: (a) whether the Policy applies to that name, (b) whether the registrant has submitted, in its registration agreement, to the jurisdiction at the location of the principal office of the registrar for court adjudication of disputes concerning or arising from the use of that name, (c) the language of the registration agreement, and (d) whether that name will remain “locked” during the proceeding.

Subsequently, on March 23, 2007, the Registrar provided its response to the Center through which the Registrar specified name and contact information pertinent to the disputed domain name to the extent present in its Whois database, and confirmed that the Respondent is listed as the registrant for the name. The response also confirmed that eNom.tv is the registrar of the disputed domain name, and stated that the Policy applied to the disputed domain name and the domain name was then held in a “locked” status. The Registrar also indicated, through the response, that the Respondent has submitted, for court adjudication, to the jurisdiction at the location of the principal office of the Registrar, and the registration agreement is in English.

The Center verified that the Complaint satisfied the formal requirements of the Policy, the Rules, and the Supplemental Rules.

On April 2, 2007, the Center formally notified the Respondent, by email letter, of the filing of the Complaint, including an indication that the Center was forwarding a complete copy of the Complaint to the Respondent, together with all its Annexes, by courier and without the Annexes by email. The Complaint and its accompanying documents, and all subsequent communications associated therewith, were provided in the preferred manners and to the addresses as mandated by paragraphs 2(a), 2(b) and 4(a) of the Rules.

Hence, the notification to the Respondent having occurred on April 2, 2007, under paragraph 4(c) of the Rules, this administrative proceeding is deemed to have commenced on that date.

Having reviewed the Complaint and all preceding and succeeding correspondence between the Center and the Registrar, the Panel agrees with the determination of the Center that the Complaint and its handling met the requirements of the Rules and the Supplemental Rules.

The Respondent was then provided with a 20 calendar day period, expiring on April 22, 2007, to file its Response with the Center and serve a copy of the Response on

the Complainant.

The Respondent timely filed its Response, in email form on March 26, 2007, and subsequently on April 4, 2007, in hard copy form together with accompanying Annexes 1-5.

On May 22, 2007, the Center appointed Peter L. Michaelson, André R. Bertrand and Ross Carson as panelists in this matter. The Panel finds that it was properly constituted. Each member of the Panel has submitted a Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with paragraph 7 of the Rules.

Based on the deadline set forth in paragraph 15 of the Rules, a decision is to be issued by the Panel to the Center on or before June 5, 2007. Owing to unexpected time conflicts experienced by the Panel all of which constituted unforeseen circumstances, the Center, at the request of the Panel, extended this due date to June 15, 2007

This dispute concerns one domain name, specifically: <dior.tv>.

The language of this proceeding is English.

4. Factual Background

A copy of the Whois registration records for the disputed domain name appears in Annex 1 to the Complaint. As indicated on these records, the Respondent registered that domain name on January 9, 2003.

A. The Complainant's DIOR Marks

The Complainant owns numerous trademark registrations throughout the world for the mark DIOR in either block letters or stylized form (the "marks"). The Complainant has provided, in Annex 3 to the Complaint, a listing of its registrations delineating each such mark, its country of registration, registration number and date, international class, application serial number and filing date. Details of a small sample of particularly pertinent registrations - for which the Complainant has provided copies of its registration certificates in Annex 4 to the Complaint - are as follows:

- (1) Mark: DIOR
Country: Tuvalu
Registration 230; registered: December 6, 1982

This mark was registered for use in connection with "clothing" in international class 25.

- (2) Mark: DIOR
Country: Canada

Registration 449,265; registered: October 20, 1995
Filed: January 13, 1995

This mark was registered for use in connection with “(1) Precious metals and their alloys, precious stones, jewelry and imitation jewelry, namely necklaces, bracelets, rings, earrings and brooches” and “(2) Articles made of leather and imitation of leather, namely suitcases, bags, handbags, purses, travel bags; animals hides, trunks and suitcases, other luggage, namely, briefcases, cases for beauty products, bags, cases, vanity cases, pouches and make-up kits, pocketbooks, wallets, belts, gloves and key-holders”. This registration states that use in Canada of the mark in connection with goods listed as (1) commenced as of December 1957, and with goods listed as (2) commenced as of January 1992.

(3) Mark: DIOR
Country: France
Registration 1,316,850; filed and registered as of: December 27, 1984

This mark was registered for use in connection with a wide variety of goods spanning international classes 6-33, and specifically including leather wares in international class 18.

B. The Complainant

The Complainant, Christian Dior Couture, uses its DIOR Marks on a worldwide basis to designate its goods, specifically its leather goods, clothing, headgear, footwear, horological and chronometric instruments, printed matter, spectacles and smokers' articles.

The Complainant is widely known throughout the world for the various goods it sells under its DIOR Marks.

C. The Respondent

The Respondent's web site, currently resolvable through the disputed domain name, contains various links which re-direct an Internet user to a third-party site, "www.branded.net", through which handbags and other goods that bear the DIOR Marks are offered for sale.

The Respondent owns several .tv domain names, each of which solely contains (apart from the country code top level domain ".tv") the name of a widely known, third-party fashion designer, namely <jeanpaulgaultier.tv>, <givenchy.tv>, <giorgioarmani.tv> and <dolcegabbana.tv>, - all as shown by the registration records appearing in Annex 6 to the Complaint.

D. Interactions between the parties

Through a registered letter dated February 20, 2007 (a copy of which appears in Annex 1 to the Response), the Complainant's counsel contacted the Respondent informing the latter of the DIOR Marks; stating that the Respondent's use of the disputed domain name, to

re-direct Internet users to a site through which DIOR-branded goods were sold, was very likely to cause consumer confusion; and then demanding that the latter cease and desist from any further use of the DIOR Marks, and also transfer the disputed domain name to the Complainant.

In a responding email message dated March 5, 2007 (a copy of which appears in Annex 5 to the Complaint) to the Complainant's counsel, the Respondent proposed to sell the disputed domain name to the Complainant for US \$ 300,000.

Subsequently, through a facsimile letter dated March 6, 2007, to the Complainant's counsel (a copy of this letter appears in Annex 2 to the Response), the Respondent increased the sales price to 310,000 Euros but also offered to pay that counsel a 3% commission ostensibly as an inducement to successfully conclude the transaction. In that letter, the Respondent indicated that he registered the disputed domain name in good faith for his design organization's (Design Chapel's) client "Holt Renfrew, and never had any intention to compromise" the Complainant. The Respondent also stated that the redirection at its web site was a mistake by the Registrar, due to a negligent DNS (domain name system) address assignment, and stated that "our management will clarify it in a matter of days." Holt Renfrew is a widely-known, luxury department store, similar to Galeries Lafayette in Paris or Harrods in London, and which sells the Complainant's DIOR-branded goods.

By an email message dated March 8, 2007 (a copy of which also appears in Annex 5 to the Complaint), the Respondent offered to increase the commission to 5% if the sale would be consummated within no more than 2-3 weeks. The Respondent stated that the <dior.tv> name was part of his "fashion portfolio" as was apparently ".tv domains for Givenchy, Jean Paul Gaultier, Giorgio Armani and Dolce Gabbana".

Through subsequent email correspondence dated March 23, 2007, to the Complainant's counsel (a copy of which appears in Annex 3 to the Response), the Respondent stated that in January 2003, he and his colleagues decided to create a "private de-centralized interactive network of streaming media .tv portals in the area of fashion design", "featuring dedicated e-channels for each portal" and, to his surprise, learned that the <dior.tv> was then available for purchase from a third party. The Respondent further stated, along those lines, "it took lots of time and money to finalize the purchase of this domain and find a suitable business model for dior.tv, including analysis and design of streaming media solutions". The Respondent stated that he purchased that domain name in good faith without any intent to trade on the Complainant's DIOR-branded goods.

The Respondent's asserted goal, as evidenced by various email messages he sent to the Complainant's counsel in late March 2007 (copies of which were provided by the Center to the Panel, but which were not part of either the Complaint or the Response) was to provide the Complainant, through Design Chapel, with an "innovative .tv digital storefront to distribute fashion shows and digital media content directly to consumers over both branded web-based storefront and branded web media player". This purported storefront, as the Respondent proposed, was to be an "end-to-end solution" but one which could only be offered to the Complainant "as a second step, after the ownership for <dior.tv> domain

name is transferred to Christian Dior Couture, since digital media content requires licensing and subsequent agreements”.

5. Parties’ Contentions

A. The Complainant

(i) Identical or Confusingly Similar

The Complainant contends that the disputed domain name, by virtue of its inclusion of the mark DIOR, is identical to the Complainant’s DIOR Marks.

Hence, the Complainant believes that it has satisfied the confusing similarity/identity requirement in paragraph 4(a)(i) of the Policy for the disputed domain name.

(ii) Rights or Legitimate Interests

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name pursuant to paragraph 4(a)(ii) of the Policy.

Specifically, the Complainant alleges that the Respondent has no trademark rights in the term DIOR nor is the Respondent commonly known by the disputed domain name <dior.tv>.

(iii) Registered and Used in Bad Faith

The Complainant contends that the Respondent registered and is now using the disputed domain name in bad faith under paragraph 4(a)(iii) of the Policy.

First, the Complainant alleges that, given the substantial worldwide recognition which the DIOR Marks have attained, it is simply impossible for the Respondent not to have known of those marks and their reputation when he registered the disputed domain name; hence reflecting bad faith registration.

Second, bad faith registration is also reflected by the Respondent having registered the domain name for his organization’s client, Holt Renfrew, which also sells the Complainant’s DIOR-branded goods, hence precluding the Respondent from plausibly contending that he and his organization, Design Chapel, had no knowledge of the Complainant and its DIOR Marks when he registered the name.

Third, the Respondent offered to sell the name to the Complainant for 300,000 Euros - which is well in excess of his costs of registration. Further, the Respondent admitted that the disputed domain name is part of his fashion portfolio and wanted to do “a couple of deals in France and Italy” relating to it. He even proposed paying a commission of 5% to the Complainant’s counsel to consummate the sale of the name to the Complainant. All of

this conduct evidences bad faith use.

Last, the Respondent's web site, reached through the disputed domain name, re-directs Internet users to a third-party site which sells the Complainant's DIOR-branded goods, thus likely causing source confusion among those users and hence further evidencing bad faith use.

B. The Respondent

(i) Identical or Confusingly Similar

In essence, the Respondent contends that the Complainant has no trademark rights in the term DIOR which encompass the specific services which the Respondent intends to provide under the disputed domain name. In the absence of such rights, the question of whether the name is identical to the DIOR Marks becomes moot.

Specifically, the Respondent takes the position that inasmuch as the Complainant has registered its marks for use with tangible goods, such as those in international classes 18 and 25, then, in some jurisdictions, that by itself is insufficient to prevent the Respondent from using the same marks in other jurisdictions (such as Tuvalu and Canada) for unrelated intangible goods and services, i.e., delivery of interactive services over a privately managed network of .tv domains which provide entertainment and streaming media, as well as for ordinary geographically descriptive uses. In that regard, the Complainant has provided no evidence of having acquired any trademark rights in its DIOR Marks when used in conjunction with such intangible services, specifically any valid current trademarks in either Tuvalu or Canada for both tangible and intangible goods and services. Hence, in the absence of having any enforceable trademark rights that extend to the services of interest, then any question as to whether the disputed domain name is identical to the Complainant's DIOR Marks is apparently misplaced.

(ii) Rights or Legitimate Interests

The Respondent apparently contends, contrary to the Complainant's view, that he does have rights or legitimate interests in the disputed domain name.

First, as best understood, the Respondent states that he offered a settlement agreement in good faith to the Complainant's counsel through which the Respondent, as owner of the domain name <giorgioarmani.tv>, wanted to propose the sale of that name as well as the disputed domain name to the Complainant ostensibly for the latter's use in forming an e-marketing alliance between the fashion houses of Armani and the Complainant.

Second, the Respondent stated that he never used his web site, resolvable through the disputed domain name, to "exploit any benefit from the claimed association with the Complainant's mark".

(iii) Registered and Used in Bad Faith

Further, the Respondent contends, again contrary to the Complainant's view, that, for several reasons, he did not register or use the disputed domain name in bad faith.

First, the Respondent states that he never provided any content for the third-party web site, "www.branded.net", and whatever re-direction occurred in his web site to that third-party site was solely the mistake of the Registrar, namely, through a negligent assignment of an erroneous DNS address. Hence, the Respondent contends that he did not commit any deliberate misconduct associated with such re-direction.

Second, the Respondent states that he innocently offered to sell the disputed domain name to the Complainant to quickly settle the dispute and thereby avoid further legal action and accompanying legal costs. The Respondent further states that the 300,000 Euro sale price was based on a price analysis of comparable "premium .tv domains" and his desire to recover the substantial costs associated with media streaming technology and to "provide his well-known business client [i.e. Complainant] a rare opportunity to create new revenue streams for their creative business". The Respondent attempts to justify the legitimacy of the 5% commission offered to the Complainant's counsel by stating:

"A commission of 5% to Mr. Sabatier was business-oriented proposition and was made with good intentions [sic]. I constantly receive various proposals from innovative business people and my assumption was that Mr. Sabatier, due to his extensive connections both in France and Italy, is looking to expand his business practice for his clientele."

Lastly, the Respondent states that no evidence exists which indicates that he sought to pass himself off as having any connection or association with the Complainant, or that any actual confusion or damage to the Complainant would result from the Respondent's use of the disputed domain name for his future interactive services.

6. Discussion and Findings

A. Identical or Confusingly Similar

The Panel finds that the disputed domain name is identical to the Complainant's DIOR Marks.

From a simple comparison of the name and the mark, no doubt exists that the disputed domain name is, for all practical purposes, identical to that mark. The only difference between the name and that mark are merely the appending of a ccTLD ".tv" to the mark. Well-established UDRP precedent holds that the addition of a gTLD (generic top level domain), or in this case a ccTLD, is completely irrelevant in assessing identity/confusing similarity and thus totally ignored. Even other changes of slightly more substance, such as adding a short letter or number group or even a generic word, to a mark are, in the vast majority of instances, each insufficient in and of itself, when used in

forming a domain name that results from modifying the mark, to confer requisite and sufficient distinctiveness to that name to avoid user confusion. See, e.g., *Gerber Childrenswear Inc. v. David Webb*, WIPO Case No. D2007-0317 (April 24, 2007); *SPX Corp. v. Hevun Diversified Corp.*, NAF Case No. FA791657 (November 13, 2006); *Google Inc. v. Burns*, NAF Case No. FA 726096 (August 16, 2006); *The Cheesecake Factory Inc. and The Cheesecake Factory Assets Co., LLC v. Say Cheesecake*, WIPO Case No. D2005-0766 (September 12, 2005); *Napster, Inc. v. Vinscani*, WIPO Case No. D2005-0531 (July 19, 2005); *Caesars Entertainment Inc. v. Nova Internet Inc.*, WIPO Case No. D2005-0411 (June 22, 2005); *Lockheed Martin Corporation v. The Skunkworx Custom Cycle*, WIPO Case No. D2004-0824 (January 18, 2005); *Lockheed Martin Corp. v. Deborah Teramani*, WIPO Case No. D2004-0836 (December 1, 2004); and *National Collegiate Athletic Assoc. v. Dusty Brown*, WIPO Case No. D2004-0491 (August 30, 2004); and *Lane-Labs USA, Inc. v. Powell Productions*, NAF Case No. FA 155896 (July 1, 2003).

Further, the Respondent's position that the Complainant's trademark registrations are limited to tangible goods in international classes 18 and 25 is correct with respect to certain countries. However, in other countries, the Complainant's registrations for its mark DIOR are for or include services in international classes 35, 38 and 42. Fashion shows and media promotion associated with fashion shows are an integral part of the promotion of the Complainant's fashions and its fashion house. The Respondent states in the Response that he was fascinated with the Complainant's "fashionable models and fashion business" since childhood. The Respondent's business proposal is to allegedly improve on the Complainant's distribution of its fashion shows and fashions. The organization, promotion and distribution of the Complainant's new fashions, through fashion shows supported by visual and print media, are elemental aspects of the Complainant's business. Consequently, the Panel rejects the Respondent's position that Complainant's trademark rights in its mark DIOR are limited to tangible goods. The Panel finds that the Respondent's proposed services relate to advertising and promotional activities of the same nature which the Complainant currently performs.

Moreover, the Panel categorically rejects the Respondent's argument that media content about fashion, whether about fashion goods or fashion shows, sufficiently differs from fashion articles themselves such that concurrent use of the identical mark by both parties will not cause confusion of Internet users. Particularly in light of the substantial worldwide recognition and fame which the Complainant's DIOR Marks have achieved, there can be no doubt whatsoever that confusion will certainly arise from concurrent use of the term "dior" for both media content concerning fashion goods and fashion shows, as the Respondent proposes to use that term, and the DIOR-branded fashion articles currently and then to be offered by the Complainant.

Therefore, the Panel finds that the disputed domain name <dior.tv> sufficiently resembles the Complainant's DIOR Marks as to cause confusion. Hence, the Complainant has shown identity between the Complainant's mark and the disputed domain name under paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Panel believes that the Respondent has not provided any basis that, in the circumstances here, would legitimize a claim to the disputed domain name under paragraph 4(c) of the Policy.

There is absolutely no evidence of record that the Respondent has ever been commonly known by the disputed domain name. Nor could the Respondent ever become so known, at least in conjunction with offering fashion articles and similar merchandise identical or similar to those offered by the Complainant under its DIOR Marks, in light the Complainant's continuous use of its marks commencing well before the January 9, 2003 date on which the Respondent registered the domain name, without infringing on the exclusive trademark rights of the Complainant.

Further, no evidence exists that the Complainant has ever authorized the Respondent to utilize its mark DIOR or any mark confusingly similar thereto in conjunction with the fashion articles which the Complainant provides under its DIOR Marks, nor does the Complainant apparently have any relationship or association whatsoever with the Respondent. As such, any use to which the Respondent were to put the mark DIOR or one confusingly similar thereto, in connection with those particular articles or even goods or services similar thereto (the latter including media content related to fashion goods and fashion shows), would directly violate the exclusive rights now residing in the Complainant. See, e.g., *Gerber Childrenswear, cited supra*; *Citgo Petroleum Corporation v. Richard Antinore*, WIPO Case No. D2006-1576 (March 14, 2007); *New Destiny Internet Group, LLC and Xplor Media, Inc. v. SouthNetworks*, WIPO Case No. D2005-0884 (October 14, 2005); *The Cheesecake Factory Inc. and The Cheesecake Factory Assets Co., LLC v. Say Cheesecake*, WIPO Case No. D2005-0766 (September 12, 2005); *Napster, Inc. v. Giovanni Vinscani*, WIPO Case No. D2005-0531 (July 19, 2005); *Caesars Entertainment, Inc. v. Nova Internet Inc.*, WIPO Case No. D2005-0411 (June 22, 2005); *Pelmorex Communications Inc. v. weathernetwork*, WIPO Case No. D2004-0898 (December 28, 2004); *Sybase, Inc. v. Analytical Systems*, WIPO Case No. D2004-0360 (June 24, 2004); *Caesars World, Inc. and Park Place Entertainment Corporation v. Japan Nippon*, WIPO Case No. D2003-0615 (September 30, 2003); *Leiner Health Services Corp. v. ESJ Nutritional Products*, NAF Case No. FA 173362 (September 16, 2003); *AT&T Corp. v. Roman Abreu d/b/a Smartalk Wireless, cited supra*; *MPL Communications, Limited et al v. IWebAddress.com*, NAF Case No. FA 97092 (June 4, 2001); *America Online, Inc. v. Xianfeng Fu*, WIPO Case No. D2000-1374 (December 11, 2000); and *Treeforms, Inc. v. Cayne Industrial Sales, Corp.*, NAF Case No. FA 95856 (December 18, 2000). Consequently, the Respondent could not legally acquire any public association between it and the mark DIOR or one similar thereto, at least for the branded goods rendered by the Complainant or goods or services similar thereto. Hence, the Respondent could not be commonly known or recognized by that mark and thus could not fall within paragraph 4(c)(ii) of the Policy.

Moreover, there is no evidence of record that the Respondent has used the domain name, since its registration, in any manner other than to re-direct Internet users to a third-party

site “www.branded.net” which, without any apparent authorization from the Complainant, offered goods bearing the Complainant’s DIOR Marks. Such use of a domain name is not valid, hence precluding the Respondent from ever having acquired rights and legitimate interests in the name.

Accordingly, the Panel is not persuaded that the Respondent has any rights or legitimate interests in the disputed domain name under paragraph 4(c) and hence the requirements under paragraph 4(a)(ii) of the Policy are satisfied.

C. Registered and Used in Bad Faith

The Panel believes that the Respondent’s actions constitute bad faith registration and use of the disputed domain name.

The Panel finds that, from the Respondent’s statements of record, the Respondent was well aware of the Complainant, its DIOR Marks and the substantial worldwide reputation both had achieved when he registered the disputed domain name. Yet, in spite of that knowledge, the Respondent intentionally chose and registered the disputed domain name to opportunistically exploit its potential, through parasitic use, to generate user confusion, for the Respondent’s eventual pecuniary benefit and to the Complainant’s ultimate detriment.

First, while the Respondent argues that, through his web site resolvable through the disputed domain name, <dior.tv>, he provides media content and not fashion articles themselves and thus, in light of that functional difference, his registration and use of the name were in good faith, the Panel categorically rejects that argument. To this Panel, the proper perspective is not how the parties perceive themselves but rather what Internet users are likely to perceive.

Given well-known naming conventions in use on the Internet, where users who seek information on a branded product or service reflexively form a domain name by appending an appropriate gTLD, usually “.com” but also other TLDs, including, e.g., “.tv”, to a trademark associated with the good or service of interest and then enter the resulting domain name into the browser, it stands to reason that such users who seek information on the Complainant’s DIOR-branded goods will, in the first instance, form a domain name <dior.com> or <dior.tv>. Those users will then enter that name into the browser in order to access a website that provides the desired information. Doing so here will lead those users not to the Complainant’s website, but rather to the Respondent’s site where links are provided to a third-party site, “www.branded.net”, through which, though not authorized by the Complainant, DIOR-branded goods are offered for sale.

Nothing exists on the Respondent’s website which would lead any Internet user to reasonably infer other than that a connection, affiliation or relationship of some sort likely exists between the Respondent’s website and the Complainant - when, in actuality, none exists. Thus, the Respondent’s use of the name is highly likely to confuse, if not deceive, Internet users who visit that site but do so with the intention of visiting the Complainant’s site instead. See *Gerber Childrenswear*, cited *supra*.

Second, the Respondent offered to sell the disputed domain name for a sum - in one instance specified as 300,00 Euros and in another as US \$ 300,000, which either way is grossly in excess of the Respondent's costs of registration. Moreover, the Respondent further used his possession of the name, coupled with his willingness to transfer it to the Complainant let alone for an exorbitant sum, as purported leverage to induce the Complainant to enter into an advertising contract with the Respondent's design organization (Design Chapel), at presumably added cost to the Complainant and further pecuniary benefit to the Respondent - a contract over which the Respondent, but for his possession of the name, would have had absolutely no power to coerce the Complainant to enter.

The Panel further finds that by registering the disputed domain name, the Respondent prevented the Complainant from reflecting its mark DIOR in a corresponding domain name, here being <dior.tv>.

Moreover, the Panel finds the Respondent's purported explanation of the Registrar having negligently associated a mistaken DNS address to a domain name associated with a link(s) on the Respondent's web site, hence causing erroneous mis-direction from the Respondent's site to the "www.direct.net" web site, to be highly unlikely. It strains all reasonable credibility to contemplate that of all possible DNS addresses to third-party sites which the Registrar could have inadvertently chosen, it just happened to randomly select an address associated with the "www.branded.net" site which just, by sheer coincidence, happened to sell the Complainant's DIOR-branded goods. The likelihood of a causal connection between the Respondent's selection of the disputed name <dior.tv> and its ultimate use in re-directing Internet users to the "www.branded.net" site is simply far too great for any relationship between the two to merely be the result of nothing more than a negligent co-incidence. In all likelihood, the Respondent intentionally selected the disputed domain name to mirror the Complainant's mark DIOR and then established the re-direction, in an effort to opportunistically exploit, to his own pecuniary advantage, the inevitable user confusion that would arise when Internet users accessed his web site and were redirected to a site selling the Complainant's DIOR-branded goods.

When viewed in their entirety, the Respondent's actions completely negate any possible finding by this Panel that he acted in good faith to register and use the disputed domain name, and in fact undeniably show that the Respondent violated paragraph 4(a)(iii) of the Policy and specifically paragraphs 4(b)(i), (ii) and (iv) thereof.

Thus, the Panel concludes that the Complainant has provided sufficient proof of its allegations to establish a case under paragraph 4(a) of the Policy upon which the relief it now seeks can be granted.

7. Decision

Accordingly, under paragraphs 4(i) of the Policy and 15 of the Rules, the Panel now grants

the relief sought by the Complainant.

The disputed domain name <dior.tv> is ordered transferred to the Complainant.

Peter L. Michaelson
Presiding Panelist

André R. Bertrand
Panelist

Ross Carson
Panelist

Dated: June 15, 2007