COMPLAINANT
MUSICIANS FRIEND
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Medford, OR 97504
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fax
E-mail
Contact:
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5795 Lindero Canyon Road
Westlake Village, CA 91362
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vs.

RESPONDENTS
VLADIMIR SNEZKO
P.O. Box 97
Moscow, RU 111538
or Euostar
c/o Alex Storm
Klenoviy Bulvar 4-12
Moscow, Russian Federation 115470
Telephone: 330-2216
Email:domnet6@mail.ru

SEOCHO
1336 Seocho-Zdong, Seocho-Ku
Seoul 137-072, Korea

Before Robert Weil, Arbitrator

PROCEDURAL HISTORY

The Complaint was filed with CPR on July 19, 2002 and, after review for administrative compliance, served on the Respondent on July 21, 2002. The Respondent did not file a Response on or before August 8, 2002. I was appointed Arbitrator pursuant to the Uniform Domain Name Dispute Resolution Policy (“UDRP”) and Rules promulgated by the Internet Corporation for Domain Names and Numbers (ICANN). Upon the written submitted record including the Complaint, the attachments and the procedural history, I find as follows:

FINDINGS

Respondent’s registered domain name, musiciansfriend.com, was registered with BulkRegister.com on April 16, 2001, registering the name, Respondent agreed to submit to this forum to resolve any dispute concerning the domain name, pursuant to the UDRP.

The UDRP provides, at Paragraph 4(a), that each of three findings must be made in order for a Complainant to
prevail:

i. Respondent’s 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 domain name; and

iii. Respondent’s domain name has been registered and is being used in bad faith.

IDENTITY/CONFUSING SIMILARITY: Complainant alleges that musicansfriend.com is identical or confusingly similar to Complainant’s trademark, 1,812,560; 2,388,700; 2,412,387; and 2,492,090, which applies to guitar repair.
I therefore conclude that the registered domain name is identical or confusingly similar to Complainant’s protected mark.

RIGHTS AND LEGITIMATE INTERESTS: Complainant alleges that Respondent has no rights or legitimate interests with respect to the domain name at issue. In support for this allegation, Complainant notes that there is no response.

UDRP Paragraph 4(c) provides that Respondent’s rights or legitimate interests in a domain name may be demonstrated, without limitation, by showing that (a) before notice to Respondent of the dispute, Respondent has used, or made demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or (b) Respondent has been commonly known by the domain name; or (c) Respondent is making legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.
I therefore conclude that Respondent does not have rights or legitimate interests with respect to the domain name at issue.

BAD FAITH: In support of the contention of Respondent’s bad faith registration and use, Complainant notes that Respondents have not filed any opposition to the Complaint.

Paragraph 4(b) of the UDRP provides that indications of bad faith include, without limitation, (a) registration for the purposes of selling, renting or transferring the domain name to the Complainant for value in excess of Respondent’s cost; (b) a pattern of registration in order to prevent Complainant from reflecting the mark in a corresponding domain name; (c) registration for the primary purpose of disrupting the business of a competitor; or (d) an intentional attempt to attract, for commercial gain, Internet users to Respondent’s web site by creating a likelihood of confusion with Complainant’s mark as to the source, sponsorship, affiliation or endorsement of Respondent’s web site or location, or of a product or service on Respondent’s web site or location.
I therefore conclude that Respondent did register and use the domain name in bad faith, as that term is defined in the ICANN Policy.
CONCLUSION

In light of my findings above that (a) the registered domain name is identical or confusingly similar to Complainant’s protected mark; (b) Respondent does not have rights or legitimate interests with respect to the domain name at issue; and (c) Respondent did register and use the domain name in bad faith, as that term is defined in the ICANN Policy, I find in favor of the Complainant.

REMEDY

Complainant’s request to transfer the domain name musiciansfriend.com is hereby GRANTED. The domain name shall be transferred to Complainant Musician’s Friend.

Robert Weil
Signature of Arbitrator
Date: August 14, 2002