COMPLAINANT
FOLSOM LAKE TOYOTA, INC.
12755 Folsom Boulevard
Folsom, CA
95630
Telephone (916) 353-2000 ext. 461
Fax (916) 353-2080
E-mail steveh@folsomlakeford.com
Contact: Christopher W. Ewing
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4210 Douglas Boulevard, Suite 100
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File Number: CPR0307
Date of Commencement: March 10, 2003
Domain Name: www.folsomlakescion.com

Registrar: Verisign, Inc./Network Solutions, Inc.
Arbitrator: Robert Weil

vs.

RESPONDENT
MICHAEL LITTLE
5712 Morningside Drive
San Jose, CA 95138
Telephone: n/a
Fax: n/a
Email: n/a
Contact:
Michael Little
 Telephone: (408) 531-1460
Fax: n/a
email: mike@lionking.com

Before Robert Weil, Arbitrator

PROCEDURAL HISTORY

The Complaint was filed with CPR on March 10, 2003 and, after review for administrative compliance, served on the Respondent on March 10, 2003. The Respondent did not file a Response on or before April 4, 2003. 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, folsomlakescion.com, was registered with Verisign, Inc./Network Solutions, Inc. on June 11, 2002. 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 folsomlakescion.com is identical or confusingly similar to Complainant’s tradename, scion and folsom lake scion which applies to automobiles. 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 folsomlakescion.com is hereby GRANTED. The domain name shall be transferred to Complainant Folsom Lake Toyota, Inc.

Robert Weil
Signature of Arbitrator
Date: April 9, 2003