



NATIONAL ARBITRATION FORUM

DECISION

Target Brands, Inc. v. Domains Ventures
Claim Number: FA0603000671035

PARTIES

Complainant is **Target Brands, Inc.** ("Complainant"), represented by **Deborah Shinbein**, of **Faegre & Benson, LLP**, 1700 Lincoln St., Suite 3200, Denver, CO 80206-4532. Respondent is **Domains Ventures** ("Respondent"), 136 Xiaoxue Road, Xiamen, Fujian 361001, CN.

REGISTRAR AND DISPUTED DOMAIN NAME

The domain name at issue is <**targetcreditcards.com**>, registered with **Moniker Online Services, Inc.**

PANEL

The undersigned certifies that he or she has acted independently and impartially and to the best of his or her knowledge has no known conflict in serving as Panelist in this proceeding.

Houston Putnam Lowry, Chartered Arbitrator, as Panelist.

PROCEDURAL HISTORY

Complainant submitted a Complaint to the National Arbitration Forum electronically on March 31, 2006; the National Arbitration Forum received a hard copy of the Complaint on April 3, 2006.

On March 31, 2006, Moniker Online Services, Inc. confirmed by e-mail to the National Arbitration Forum that the <**targetcreditcards.com**> domain name is registered with Moniker Online Services, Inc. and that Respondent is the current registrant of the name. Moniker Online Services, Inc. has verified that Respondent is bound by the Moniker Online Services, Inc. registration agreement and has thereby agreed to resolve domain-name disputes brought by third parties in accordance with ICANN's Uniform Domain Name Dispute Resolution Policy (the "Policy").

On April 3, 2006, a Notification of Complaint and Commencement of Administrative Proceeding (the "Commencement Notification"), setting a deadline of April 24, 2006 by which Respondent could file a response to the Complaint, was transmitted to Respondent via e-mail, post and fax, to all entities and persons listed on Respondent's registration as technical, administrative and billing contacts, and to postmaster@targetcreditcards.com by e-mail.

Having received no response from Respondent, the National Arbitration Forum transmitted to the parties a Notification of Respondent Default.

On May 1, 2006, pursuant to Complainant's request to have the dispute decided by a single-member Panel, the National Arbitration Forum appointed Houston Putnam Lowry, Chartered Arbitrator, as Panelist.

Having reviewed the communications records, the Administrative Panel (the "Panel") finds that the National Arbitration Forum has discharged its responsibility under Paragraph 2(a) of the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules") "to employ reasonably available means calculated to achieve actual notice to Respondent." Therefore, the Panel may issue its decision based on the documents submitted and in accordance with the ICANN Policy, ICANN Rules, the National Arbitration Forum's Supplemental Rules and any rules and principles of law that the Panel deems applicable, without the benefit of any response from Respondent.

RELIEF SOUGHT

Complainant requests that the domain name be transferred from Respondent to Complainant.

PARTIES' CONTENTIONS

A. Complainant makes the following assertions:

Complainant's Trademark Rights and Factual Background

1. The Target Stores division of Target Corporation ("Target"), a licensee of Complainant, has since 1962 operated a chain of TARGET retail discount department stores, now numbering more than 1,300 stores in 47 states.

2. Over the years, Target, TARGET stores, and Target's other commercial undertakings have developed a national reputation for quality and value. This well-deserved and hard-earned reputation is reflected in the substantial and valuable body of goodwill symbolized by the well-known TARGET mark.

3. Complainant holds numerous valid United States trademark registrations for the word TARGET alone and the word TARGET together with a Bullseye Design.

4. In particular, Complainant's registrations include Registration No. 845,193 for the mark TARGET, registered February 27, 1968 and Registration Nos. 845,615 and 1,386,318 for the mark TARGET and the Bullseye Design, all for use in connection with, among other things, retail department store sales services.

5. Complainant is also the owner of U.S. Trademark Registration No. 2,793,901 for the TARGET mark and U.S. Trademark Registration No. 2,755,538 for the TARGET and the Bullseye Design mark specifically for use in connection with on-line

retail store services featuring a wide variety of consumer goods, which have been in use in connection with the on-line services since at least as early as 1998 and 1999 respectively. Additionally, Complainant offers consumer credit card services on its on-line shopping site under various trademarks that include the TARGET mark, including the Target REDcards™ (consisting of the Target® Visa® Card and the Target® Card) as well as the Target Business Card™.

6. Internationally, Complainant holds valid registrations or has pending trademark applications for the TARGET mark in the following countries: Argentina, Brazil, Canada, China, Costa Rica, European Union (which includes Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Morocco, The Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden, and the United Kingdom), Hong Kong, India, Mexico, Norway, Poland, Singapore, South Africa, South Korea, Switzerland, and Taiwan.

7. Complainant is very active in electronic commerce, operating an informational and on-line shopping site at *target.com*. Forbes Magazine recognizes that “Target has solved the mystery of how to make the Web work for a mass retailer” and that Target is “one of e-tailing’s savviest players.”

8. The TARGET mark is a commercial icon that has for many years been extensively used and advertised. As a result, the TARGET mark enjoys a high degree of recognition with the public in the United States. For the last five years, an on-line survey by Brandchannel.com showed that the TARGET brand was one of the brands having the most impact on our lives in the United States and Canada in 2001, 2002, 2003, 2004, and 2005 (ranking in the one of the top four spots in each year).

9. As a result of, among other things, Complainant’s continuous use and extensive advertising promotion, including nationwide television campaigns, the TARGET mark is known, among other places, throughout the United States as identifying Complainant’s exclusive licensee as a source of quality retail services.

10. In fact, in light of the distinctiveness of the marks, the duration and extent of the use of the marks in connection with retail department store sales services, the duration and extent of advertising and publicity of the marks, and the high degree of recognition of the marks, the TARGET marks is a famous mark as defined in 15 U.S.C. § 1125(c).

11. The well-known TARGET mark is of great and incalculable value to Complainant. Complainant closely controls the use and reproduction of the TARGET mark to ensure that all of Target Stores’ current and potential customers can rely upon the mark as a symbol of high quality products and services.

12. Upon information and belief, Respondent registered the Domain Name on June 19, 2004. Currently, Respondent is using the Domain Name to host multiple links to websites soliciting consumers to apply for various credit cards and services related to credit cards. The Domain Name even hosts a link to Complainant's website, **www.target.com**.

13. On February 8, 2006, after discovery of Respondent's registration and use of the Domain Name, Complainant sent Respondent a cease and desist letter via Federal Express and email advising Respondent that Respondent's use of the Domain Name may violate Complainant's rights in the TARGET mark and demanding that Respondent cease its use of the Domain Name. Complainant never received a response from Respondent. However, on February 20, 2006, Federal Express notified Complainant by facsimile that the February 8 letter to Respondent was undeliverable due to an incorrect address. Complainant is unaware of the identity of Respondent's authorized representative in this proceeding as Respondent has not responded to Complainant's correspondence.

Similarity of the Domain Name to Complainant's Trademarks

14. The Domain Name entirely appropriates Complainant's well-known TARGET mark. The Domain Name is otherwise identical to Complainant's TARGET mark except for the addition of the generic phrase "credit cards." The generic words "credit cards" are therefore irrelevant distinctions, which does not change the likelihood of confusion. See, Space Imaging LLC v. Brownwell, AF-0298 (eResolution Sept. 22, 2000) (finding confusing similarity where Respondent's domain name combines Complainant's mark with a generic term that has an obvious relationship to Complainant's business); Arthur Guinness Son & Co. (Dublin) Ltd. v. Healy/BOSTH, D2001-0026 (WIPO Mar. 23, 2001) (finding confusing similarity where the domain name in dispute contains the identical mark of the Complainant combined with a generic word or term); See also, Smartbargains.com, L.P. v. Universal Banner, FA 373634 (Nat. Arb. Forum January 13, 2005) (finding that merely adding various generic marketing "buzzwords," such as "direct," "shop," "buy," and "online" does not negate the confusing similarity between Respondent's domain names and Complainant's mark pursuant to Policy ¶4(a)(i).)

15. Previous panel decision have found that other domains names which incorporated TARGET with a generic word relating to retail sales were confusingly similar to Complainant's famous TARGET mark. See e.g. Target Brands, Inc. v. Bealo Group, S.A., FA 128684 (Nat. Arb. Forum December 17, 2002) (finding targetstore.net confusingly similar to the TARGET mark); Target Brands, Inc. v. Dmitri Romanov, FA 156249 (Nat. Arb. Forum June 3, 2003) (finding targetstore.biz confusingly similar to the TARGET mark); Target Brands, Inc. v. Webmaster, FA 250003 (Nat. Arb. Forum May 11, 2004) (finding shoptarget.com confusingly similar to the TARGET mark); Target Brands, Inc. v. N/A c/o Anthony Hardy, FA 505367 (Nat. Arb. Forum Aug. 2, 2005) (finding targetoutlet.net confusingly similar to the TARGET mark); Target Brands, Inc. v. Wincer Song, FA 510909 (Nat. Arb. Forum Aug. 26, 2005) (finding

targetstoreonline.com and *target-store-online.com* confusingly similar to the TARGET mark); Target Brands, Inc. v. Ideal Products, FA 525199 (Nat. Arb. Forum Sept. 19, 2005) (finding *targetbargains.com* confusingly similar to the TARGET mark); Target Brands, Inc. v. Jin Sub Lee and Baronis, FA 536860 (Nat. Arb. Forum Sept. 27, 2005)(finding *target-mall.com* confusingly similar to the TARGET mark); Target Brands, Inc. v. Universal Banner Network, Inc., FA 584873 (Nat. Arb. Forum Dec. 6, 2005) (finding *etargetshop.com*, *shopsontarget.com*, *target-deals.com*, *dealtarget.com*, and *dealtarget.net* confusingly similar to the TARGET mark).

16. Given that the Domain Name wholly encompasses the well-known TARGET mark with the addition of a generic term intimately related to Complainant's services, the domain names are confusingly similar to Complainant's mark under ICANN Policy ¶4(a)(i).

Absence of Trademark Rights in Respondent

17. Upon information and belief, at the time Respondent registered the Domain Name, it had no trademark or intellectual property rights in the domain name. RMO, Inc. v. Burbridge, FA 96949 (Nat. Arb. Forum May 16, 2001) (interpreting Policy ¶4(c)(ii) "to require a showing that one has been commonly known by the domain name prior to registration of the domain name to prevail"); See also, Gallup Inc. v. Amish Country Store, FA 96209 (Nat. Arb. Forum Jan. 23, 2001) (finding that when a respondent was not known by a mark it did not have rights in a domain name incorporating that mark). The domain name registration in this matter is in the name of Domains Ventures.

18. In addition, Respondent is not, and has never been, a licensee of Complainant or its predecessors in interest. Compagnie de Saint Gobain v. Com-Union Corp., D2000-0020 (WIPO Mar. 14, 2000) (finding that a respondent had no rights or legitimate interest in the disputed domain name where it was not commonly known by the mark and never applied for a license or permission to use the mark).

19. Respondent is not using the Domain Name in connection with the bona fide offering of goods and services. When an Internet user inputs the Domain Name into a web browser, the user is immediately transferred to a website listing upwards of 20 links, some of which link directly to destination websites, but many of which link to websites that merely contain additional lists of links to other commercial websites. Upon information and belief, Respondent or a third party is paid advertising or click through fees when users visit or purchase products from the "sponsored" links on the website located at the Domain Name. Misdirecting consumers through the use of Complainant's mark does not qualify as a bona fide offering of goods and services under ICANN Policy § 4(c)(i). Ticketmaster Corp. v. DiscoverNet, Inc., D2001-0252 (WIPO Apr. 9, 2001) (finding no rights or legitimate interests where Respondent generated commercial gain by intentionally and misleadingly diverting users away from Complainant's site to a competing web site); Vapor Blast Mfg. Co. v. R & S Tech., Inc., FA 96577 (Nat. Arb.

Forum Feb. 27, 2001) (finding that Respondent's commercial use of the domain name to confuse and divert Internet traffic is not a legitimate use of the domain name).

20. Respondent is also not making any legitimate noncommercial or fair use of the Domain Name. Upon information and belief, Respondent or a third party receives commercial gain by featuring "sponsored" links on its website located at the Domain Name. However, even if Respondent did not receive financial gain from its use of the Domain Name, Respondent is not making any legitimate noncommercial or fair use of the Domain Name. See, American Century Proprietary Holdings, Inc. v. Spiral Matrix, FA 584708 (Nat. Arb. Forum Dec. 1, 2005) ("appropriating Complainant's mark to link to competitors is neither a *bona fide* offering of a good or service pursuant to Policy ¶4(c)(i) nor a legitimate noncommercial or fair use of the domain name pursuant to Policy ¶4(c)(iii). See also, Alta Vista v. Krotov, D2000-1091 (WIPO Oct. 25, 2000) (finding that using the domain name to direct user to other, unconnected web sites does not constitute a legitimate interest in the domain name); Big Dog Holdings, Inc. v. Day, FA 93554 (Nat. Arb. Forum Mar. 9, 2000) (finding no legitimate use when Respondent was diverting consumers to its own web site by using Complainant's trademarks); Am. Online, Inc. v. Tencent Comm. Corp., FA 93668 (Nat. Arb. Forum Mar. 21, 2000) (finding that use of Complainant's mark "as a portal to suck surfers into a site sponsored by Respondent hardly seems legitimate.")

21. Under these circumstances, Respondent lacks any valid rights or legitimate interests in the Domain Name under ICANN Policy ¶4(a)(ii).

Bad Faith Registration and Use of Domain Name

22. At the time Respondent registered the Domain Name, the TARGET mark was sufficiently distinctive or famous to give constructive notice to Respondent that the registration of the Domain Name would violate Complainant's rights. See, Samsonite Corp. v. Colony Holding, FA 94313 (Nat. Arb. Forum April 17, 2000) (evidence of bad faith includes actual or constructive knowledge of commonly known mark at time of registration); Sony Kabushiki Kaisha v. Inja, Kil, D2000-1409 (WIPO Dec. 9, 2000) (finding that bad faith registration and use where it is "inconceivable that the respondent could make any active use of the disputed domain names without creating a false impression of association with the Complainant").

23. Complainant has not authorized or had control over Respondent's use of the Domain Name or any activities associated with the Domain Name.

24. Respondent registered the Domain Name to intentionally attract, for commercial gain, Internet users to its web site by creating a likelihood of confusion with Complainant's well-established TARGET mark as to the source, sponsorship, affiliation and endorsement of Respondent's web site. See, Luck's Music Library v. Stellar Artist Mgmt., FA 95650 (Nat. Arb. Forum Oct. 30, 2000) (finding that the Respondent had engaged in bad faith use and registration by linking the domain name to a web site that

offers services similar to Complainant's services); see also, Perot Sys. Corp. v. Perot.net, FA 95312 (Nat. Arb. Forum Aug. 29, 2000) (finding bad faith where the domain name in question is obviously connected with the Complainant's well known marks, thus creating a likelihood of confusion strictly for commercial gain).

25. In light of these circumstances, Respondent has registered and used the Domain Name in bad faith under ICANN Policy § 4(a)(iii).

26. Respondent's bad faith registration and use of the Domain Name meet the standards for transfer of the domain names to Complainant under the Anticybersquatting Consumer Protection Act of 1999, 15 U.S.C.A. § 1125(d)(1)(A).

B. Respondent failed to submit a Response in this proceeding.

FINDINGS

Complainant, Target Brands, Inc., holds numerous registrations of the TARGET mark with the United States Patent and Trademark Office ("USPTO") (Reg. No. 845,193 issued February 27, 1968; Reg. No. 845,615 issued March 5, 1968; Reg. No. 1,368,318 issued March 11, 1986), and has registered the TARGET mark in several other countries as well, such as India and Taiwan. Complainant licenses the TARGET mark to Target Corporation, which since 1962 has operated a chain of discount department stores that now includes more than 1,300 stores in forty-seven states. Additionally, Complainant offers consumer credit card services under various trademarks that include the TARGET mark on its online shopping site at the <target.com> domain name.

Respondent registered the <targetcreditcards.com> domain name on June 19, 2004. Internet users who access this domain name are directed to a website featuring links to websites offering credit card services. Respondent's website includes a link to Complainant's own website located at the <target.com> domain name.

DISCUSSION

Paragraph 15(a) of the Rules instructs this Panel to "decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable."

In view of Respondent's failure to submit a response, the Panel shall decide this administrative proceeding on the basis of Complainant's undisputed representations pursuant to paragraphs 5(e), 14(a) and 15(a) of the Rules and draw such inferences it considers appropriate pursuant to paragraph 14(b) of the Rules. The Panel is entitled to accept all reasonable allegations and inferences set forth in the Complaint as true unless the evidence is clearly contradictory. *See Vertical Solutions Mgmt., Inc. v. webnet-marketing, inc.*, FA 95095 (Nat. Arb. Forum July 31, 2000) (holding that the respondent's failure to respond allows all reasonable inferences of fact in the allegations of the complaint to be deemed true); *see also Talk City, Inc. v. Robertson*, D2000-0009 (WIPO Feb. 29, 2000) ("In the absence of a response, it is appropriate to accept as true all allegations of the Complaint.").

Paragraph 4(a) of the Policy requires that Complainant must prove each of the following three elements to obtain an order that a domain name should be cancelled or transferred:

- (1) the domain name registered by Respondent is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (2) Respondent has no rights or legitimate interests in respect of the domain name; and
- (3) the domain name has been registered and is being used in bad faith.

Identical and/or Confusingly Similar

Registration of the TARGET mark with the USPTO is sufficient to establish Complainant's rights in the mark, pursuant to Policy ¶4(a)(i). *See Vivendi Universal Games v. XBNetVentures Inc.*, FA 198803 (Nat. Arb. Forum Nov. 11, 2003) ("Complainant's federal trademark registrations establish Complainant's rights in the BLIZZARD mark."); *see also Koninklijke KPN N.V. v. Telepathy Inc.*, D2001-0217 (WIPO May 7, 2001) (finding that the Policy does not require that the mark be registered in the country in which the respondent operates; therefore it is sufficient that the complainant can demonstrate a mark in some jurisdiction).

Respondent's <targetcreditcards.com> domain name incorporates Complainant's TARGET mark along with the generic term, "credit cards", that relates to Complainant's business. Adding the generic term "credit cards" to Complainant's mark does not negate the confusing similarity of Respondent's <targetcreditcards.com> domain name to Complainant's mark pursuant to Policy ¶4(a)(i), especially since the phrase "credit cards" is related to Complainant's business. *See Brown & Bigelow, Inc. v. Rodela*, FA 96466 (Nat. Arb. Forum Mar. 5, 2001) (finding that the <hoylecasino.net> domain name is confusingly similar to the complainant's HOYLE mark, and that the addition of "casino," a generic word describing the type of business in which the complainant is engaged, does not take the disputed domain name out of the realm of confusing similarity); *see also Brambles Indus. Ltd. v. Geelong Car Co. Pty. Ltd.*, D2000-1153 (WIPO Oct. 17, 2000) (finding that the domain name <bramblesequipment.com> is confusingly similar because the combination of the two words "brambles" and "equipment" in the domain name implies that there is an association with the complainant's business).

The Panel finds Policy ¶4(a)(i) satisfied.

Rights or Legitimate Interests

Under Policy ¶4(a)(ii), once Complainant has made a *prima facie* case Respondent does not have rights or legitimate interests in the disputed domain name, the burden shifts to Respondent to prove it does have rights or legitimate interests. Respondent has failed to respond to the Complaint, and the Panel will evaluate the evidence on record to determine whether Respondent has rights or legitimate interests. *See Do The Hustle, LLC v. Tropic Web*, D2000-0624 (WIPO Aug. 21, 2000) (holding that, where the complainant

has asserted that the respondent has no rights or legitimate interests with respect to the domain name, it is incumbent on the respondent to come forward with concrete evidence rebutting this assertion because this information is “uniquely within the knowledge and control of the respondent”); *see also Desotec N.V. v. Jacobi Carbons AB*, D2000-1398 (WIPO Dec. 21, 2000) (finding that failing to respond allows a presumption that the complainant’s allegations are true unless clearly contradicted by the evidence). Complainant has presented a *prima facie* case. The Panel will consider whether an evaluation of the evidence demonstrates rights or legitimate interests under Policy ¶4(c).

Respondent is using the <**targetcreditcards.com**> domain name, which is confusingly similar to Complainant’s TARGET mark, to divert Internet users to a website that features links to other websites offering credit card services, including Complainant’s own website. Respondent presumably receives click-through fees in exchange for diverting Internet users to these sites. Respondent’s use of the disputed domain name in this manner is not a use in connection with a *bona fide* offering of goods and services pursuant to Policy ¶4(c)(i), or a legitimate noncommercial or fair use of the domain name pursuant to Policy ¶4(c)(iii). *See Bank of Am. Corp. v. Nw. Free Cmty. Access*, FA 180704 (Nat. Arb. Forum Sept. 30, 2003) (“Respondent’s demonstrated intent to divert Internet users seeking Complainant’s website to a website of Respondent and for Respondent’s benefit is not a bona fide offering of goods or services under Policy ¶4(c)(i) and it is not a legitimate noncommercial or fair use under Policy ¶4(c)(iii).”); *see Nike, Inc. v. Dias*, FA 135016 (Nat. Arb. Forum Jan. 7, 2002) (finding no *bona fide* offering of goods or services where the respondent used the complainant’s mark without authorization to attract Internet users to its website, which offered both the complainant’s products and those of the complainant’s competitors).

The WHOIS database entry for <**targetcreditcards.com**> currently contains no information implying that Respondent is commonly known by this name. Complainant asserts Respondent is not and has never been a licensee of Complainant. Additionally, there is no other evidence Respondent is commonly known by the <**targetcreditcards.com**> domain name. Respondent has failed to respond to the Complaint and provide any evidence it has rights or legitimate interests in the <**targetcreditcards.com**> domain name under Policy ¶4(c)(ii). *See Tercent Inc. v. Lee Yi*, FA 139720 (Nat. Arb. Forum Feb. 10, 2003) (stating “nothing in Respondent’s WHOIS information implies that Respondent is ‘commonly known by’ the disputed domain name” as one factor in determining that Policy ¶4(c)(ii) does not apply); *see also RMO, Inc. v. Burbridge*, FA 96949 (Nat. Arb. Forum May 16, 2001) (interpreting Policy ¶4(c)(ii) “to require a showing that one has been commonly known by the domain name prior to registration of the domain name to prevail”).

The Panel finds Policy ¶4(a)(ii) satisfied.

Registration and Use in Bad Faith

Respondent is using the <**targetcreditcards.com**> domain name, which is confusingly similar to Complainant's TARGET mark, to direct Internet users to websites that offer the services of Complainant's competitors. The Panel infers Respondent receives payment in return for directing Internet users to these websites and assumes that Respondent is benefiting financially from the likelihood of confusion between the <**targetcreditcards.com**> domain name and Complainant's TARGET mark. Such use amounts to bad faith registration and use pursuant to Policy ¶4(b)(iv). *See G.D. Searle & Co. v. Celebrix Drugstore*, FA 123933 (Nat. Arb. Forum Nov. 21, 2002) (finding that the respondent registered and used the domain name in bad faith pursuant to Policy ¶4(b)(iv) because the respondent was using the confusingly similar domain name to attract Internet users to its commercial website); *see also Am. Online, Inc. v. Tencent Commc'ns Corp.*, FA 93668 (Nat. Arb. Forum Mar. 21, 2000) (finding bad faith where the respondent registered and used a domain name confusingly similar to the complainant's mark to attract users to a website sponsored by the respondent).

Complainant offers credit card services to its customers, under various trademarks that use the TARGET mark, in order to enhance its customers' shopping experience. Respondent's website at the <**targetcreditcards.com**> domain name, which incorporates Complainant's mark in its entirety, contains several links to websites offering services in competition with Complainant. The Panel determines Respondent's use of Complainant's mark to divert Internet users to Complainant's competitors is disruption of Complainant's business under Policy ¶4(b)(iii). *See EBAY, Inc. v. MEODesigns*, D2000-1368 (Dec. 15, 2000) (finding that the respondent registered and used the domain name <eabay.com> in bad faith where the respondent has used the domain name to promote competing auction sites); *see also Puckett v. Miller*, D2000-0297 (WIPO June 12, 2000) (finding that the respondent has diverted business from the complainant to a competitor's website in violation of Policy ¶4(b)(iii)).

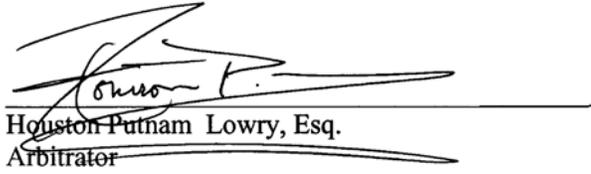
The Panel also suspects the WHOIS contact information is false, giving rise to the presumption the registration and use of the domain name is in bad faith. *See Agent Host v. Host Dot Com Investments*, AF-0343 (eResolution Oct. 6, 2000); *see also The Procter & Gamble Co. v. Dong*, FA 572962 (Nov. 10, 2005); *see also Mattel, Inc. v. RanComp Ltd.*, FA 579563 (Nat. Arb. Forum Nov. 17, 2005); *see also Delta Corp. Identity, Inc. v. Li*, FA 576550 (Nat. Arb. Forum Nov. 21, 2005); *see also Ulysses Learning Corp. v. G. Sone and Assoc., Inc.* FA 645878 (Nat. Arb. Forum Mar. 27, 2006); *see also Microsoft Corp. v. Marine Safety Network Weather*, FA 655480 (Nat. Arb. Forum Apr. 26, 2006).

The Panel finds Policy ¶4(a)(iii) satisfied.

DECISION

Having established all three elements required under the ICANN Policy, the Panel concludes that relief shall be **GRANTED**.

Accordingly, it is Ordered that the <**targetcreditcards.com**> domain name be **TRANSFERRED** from Respondent to Complainant.



Houston Putnam Lowry, Esq.
Arbitrator

Houston Putnam Lowry, Chartered Arbitrator, Panelist
Dated: May 15, 2006

[Click Here](#) to return to the main Domain Decisions Page.

[Click Here](#) to return to our Home Page

NATIONAL ARBITRATION FORUM