

Decision for dispute CAC-UDRP-103486

Case number CAC-UDRP-103486

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Domain names lovehooney.com

Case administrator

Organization Iveta Špiclová (Czech Arbitration Court) (Case admin)

Complainant

Organization Lovehoney Group Limited

Complainant representative

Organization BRANDIT GmbH

Respondent

Organization Carolina Rodrigues, Fundacion Comercio Electronico

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the Disputed Domain Name.

IDENTIFICATION OF RIGHTS

The Complainant, LOVEHONEY Group Limited (hereinafter "Lovehoney" or "the Complainant") is the owner of the LOVEHONEY domain names (actively used in the course of business) and trademarks, namely: <lovehoney.com> (<https://www.lovehoney.com>); <lovehoney.eu> (<https://www.lovehoney.eu>); <lovehoneygroup.com> (<https://www.lovehoneygroup.com>) and <lovehoney.co.uk> (<https://www.lovehoney.co.uk>).

The Complainant owns trademark registrations for LOVEHONEY registered in different classes of Nice Classification (thereafter the "Complainant's trademarks"), such as but not limited to:

- US trademark registration No. 3350209 LOVEHONEY registered on December 11, 2007;
- International trademark registration No. 1091529 LOVEHONEY registered on June 27, 2011 designating Australia, Switzerland, China, Iceland, Japan, Norway, New Zealand, Russian Federation and Singapore;
- EU trademark registration No. 003400298 LOVEHONEY, registered on January 17, 2005.

Complainant has registered a number of domain names under generic Top-Level Domains ("gTLD") and country-code Top-Level Domains ("ccTLD") containing the term "LOVEHONEY", for example, <lovehoney.com> (created on December 1, 1998),

<lovehoneygroup.com> (created on March 14, 2012) <lovehoney.co.uk> (created on April 30, 2006), <lovehoney.ca> (created on September 9, 2008) and others.

Complainant uses these domain names to connect to websites through which it informs potential customers about its LOVEHONEY mark and its products and services.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

(i) The Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights

Respondent is located in the USA where he registered the Disputed Domain Name <lovehooney.com> (hereinafter "Disputed Domain Name"), on April 6, 2020.

The Disputed Domain Name incorporates, in its second-level portion a misspelled form of the Complainant's trademark LOVEHONEY, by way of adding of the repetitive letter "o" to the word "honey" appearing as the word "hooney" which has no meaning.

Such addition seems to be intentional and is a typo, meaning that an Internet user can accidentally press the letter "o" twice when searching for "lovehoney". In fact, the Disputed Domain Name is also a misspelling version of the main page of the Complainant www.lovehoney.com.

(ii) The Respondent has no rights or legitimate interests in respect of the Disputed Domain Name

The Disputed Domain Name was registered on April 6, 2020, many years after the registration of the Complainant's LOVEHONEY trademarks.

The Complainant has never granted the Respondent any right or license to use LOVEHONEY trademarks within the Disputed Domain Name, nor is the Respondent affiliated to the Complainant in any form or has endorsed or sponsored the Respondent or the Respondent's website.

The Disputed Domain Name redirects to website with dynamic redirection displaying pay-per-click links. Namely, at the time the Complainant sent cease and desist letter (June 2020) the Disputed Domain Name redirected to the website ww1.lovehooney.com displaying pay per click websites with the links "Hello Life", "Honey Love", "Life Belt" and other.

(iii) The Disputed Domain Name was registered and is being used in bad faith

The Respondent registered the Disputed Domain Name many years after the first registrations of the Complainant's LOVEHONEY trademarks.

As previously stated by UDRP panels, in such circumstances, the Respondent would have learnt about the Complaint, its mark and activities (see *Intesa Sanpaolo S.p.A. v. Abayomi Ajileye*, CAC Case No. 102396) and "it is inconceivable that the Respondent was unaware of the existence of the Complainant when he registered the disputed domain name" (See, *Novartis AG v. Chenxinqi*, Case No. 101918).

Moreover, the Disputed Domain Name incorporates misspelled version of the Complainant's trademarks LOVEHONEY by way of adding of the repetitive letter "o" to the word "honey" appearing as the word "hooney" which has no meaning. This is a typosquatting situation: the Complainant's trademarks have been misspelled on purpose in the Disputed Domain Name in order to capitalize on errors (in typing or reading) made by Internet users searching for, or trying to communicate with, the Complainant on Internet.

Furthermore, by making Reverse WHOIS search corresponding to the name of Respondent "Carolina Rodrigues" it is evident that Respondent has engaged in a pattern of trademark-abusive domain name registrations. The results show 579 domain names associated with the name of the Respondent, among the domain names clear misspelling versions of other known brands and trademarks are identified, for example: <yahho.com.tw>, <yao0.com.tw> misspelling version of known search engine "yahoo" and corresponding trademark YAHOO®; or <samsung.at> misspelling version of the well-known brand SAMSUNG®; or misspelling versions of CHECKFELIX® – Austrian independent travel engine searching for cheap flights (checkfelix.com) - <chechfelix.at>, <wwwcheckfelix.at>, <ceckfelix.at>.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the Disputed Domain Name (within the meaning of paragraph 4(a)(ii) of the Policy).

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the Disputed Domain Name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

The Panel is satisfied with the arguments and evidence put forward by the Complainant and, also in the absence of any reply from the Respondent, believes this is a clear cut case of cybersquatting.

Given the reputation of the Lovehoney trademarks and the intense online presence, it is evident the only intention surrounding the registration and use of the Disputed Domain Name was to speculate on Complainant's trademark rights established all long more than 20 years of intense use.

The addition of the "o" letter is a clear confirmation of the "typosquatting" strategy adopted by the Respondent, who revealed to be involved in the business of massive domain name registration being however the owner of many miss-spelled domain versions of famous trademarks and also appearing in many UDRP cases where the domains have been ultimately transferred back to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. **LOVEHOONEY.COM**: Transferred

PANELLISTS

Name	Roberto Manno
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DATE OF PANEL DECISION 2021-03-02

Publish the Decision