

Decision for dispute CAC-UDRP-103666

Case number	CAC-UDRP-103666
Time of filing	2021-11-10 09:30:21
Domain names	ikeaqshop.com, ikealiving.com, ikeazara.com

Case administrator

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

Organization	Inter IKEA Systems B.V.
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Complainant representative

Organization	Convey srl
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Respondent

Organization	Time Wanner Co.,Ltd
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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 names.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of several trademarks containing the term "IKEA" in numerous countries, such as:

- German Trademark Reg. No. DE867152 registered on March 12, 1970 in class 20;
- U.S.A. Trademark Reg. No. 1118706 registered on May 22, 1979 in classes 11, 20, 21, 24, 27;
- U.S.A. Trademark Reg. No. 1661360 registered on October 22, 1991 in classes 2, 18, 25, 29, 30, 31, 35, 36, 39, 41;
- EU Trademark Reg. No. 000109652 registered on October 1, 1998 in classes 2, 8, 11, 16, 18, 20, 21, 24, 25, 27, 28, 29, 30, 31, 35, 36, 39, 41, 42;
- EU Trademark Reg. No. 000109637 registered on October 8, 1998 in classes 2, 8, 11, 16, 18, 20, 21, 24, 25, 27, 28, 29, 30, 31, 35, 26, 39, 41, 42;

- IR Trademark Reg. No. 926155 registered on April 24, 2007 in class 16, 20, 35, 43 designating also China;
- Italian Trademark Reg. No. 0001257211 registered on March 12, 2010 in class 20; and
- Italian Trademark Reg. No. 0001300174 registered on June 3, 2010 in class 21.

Also, the Complainant uses several domain names including the term "IKEA", such as <IKEA.COM>, <IKEA.NET> or <IKEA.DE>.

FACTUAL BACKGROUND

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

The Complainant is the worldwide "IKEA" franchisor and responsible for developing and supplying the global "IKEA" range. "IKEA" is one of the most well-known home furnishing brands in the world with more than four hundred stores and all the "IKEA" Group has roughly 220,000 employees worldwide reaching more than fifty markets and almost a billion of visitors per year. The trademark "IKEA" is extensively used in the major social networks where the Complainant has multiple accounts on the same platform for each country.

"IKEA" was founded in 1943 and is named after the initials of its founder Ingvar Kamprad, Elmtaryd, the farm on which he grew up, and Agunnaryd, the nearby village. Therefore, this acronym has no other meaning and is completely original and creative.

Furthermore, the Complainant holds trademark registrations in more than 80 countries and the "IKEA" trademark has been extensively promoted, in print advertisements, promotional materials, Internet forums acquiring a high international recognition.

The Complainant has also registered more than 441 Domain Names under generic Top-Level Domains ("gTLDs") and 294 Domain Names under country code Top-Level Domains ("ccTLDs") – among which are <IKEA.COM>, <IKEA.NET>, <IKEA.US>, <IKEA.CN>, <IKEA.DE>, <IKEA.IT>, or <IKEA.CO.UK>.

The disputed domain names <IKEAQSHOP.COM>, <IKEALIVING.COM> and <IKEAZARA.COM> were registered on May 17, 2021 and point to parking pages respectively – in case of <IKEAQSHOP.COM> – to a webshop, where clocks, storage boxes and photo frames are offered for sale.

When the Complainant became aware of the registration and use of the disputed domain names, it served cease and desist letters on September 28, 2021 on the Respondent, formally notifying of the infringement of the Complainant's trademark rights, requesting the immediate cease of any use, and the transfer of the disputed domain name to the Complainant. The Respondent did not reply. As concerns the disputed domain names <IKEAZARA.COM> and <IKEALIVING.COM>, upon receipt of a cease and desist letter by the Complainant, the Respondent has subsequently deleted the resolving websites.

Furthermore, in the case of the <IKEAQSHOP.COM>, the Respondent receives profits by offering for sale items bearing third party trademarks, exploiting the domain name that contains the well-known trademark "IKEA" in the name itself. Particularly, it offers for sale household products, home furnishing products and accessories in direct competition with the Complainant.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain names are 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 names (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 names have been registered and are being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

PROCEDURAL FACTORS

Paragraph 3(c) of the UDRP Rules provides that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder. Also, Paragraph 10(e) of the UDRP Rules grants a panel the power to consolidate multiple domain name disputes.

In the present case a number of factors can be taken into account:

- a) all the Domain Names have .com extensions;
- b) all the Domain Names share the same shields as registrants;
- c) all the Domain Names share the same date of registrations: 2021-05-17;
- d) all the Domain Names share the same hosting provider: CloudFlare Inc. and;
- e) all the Domain Names share the same registrar: NameSilo, LLC.

The Panel relies on paragraph 14(b) of the Rules regarding the contentions of Complainant with respect to the procedural factors of the dispute as well, and, thus accepts the contentions as admitted by the Respondent.

Consequently, the Panel finds that the disputed domain names are subject to common control and therefore it is appropriate to consolidate the disputed domain names in a single dispute. In addition, the Panel finds that the consolidation of multiple domain name disputes under paragraph 10(e) of the Rules is procedurally efficient, since doing so promotes the shared interests of the parties in avoiding unnecessary duplication of time, effort and expense, and generally furthers the fundamental objectives of the Policy. Also, under the circumstances in the present case, this will not unfairly favor or disadvantage any party.

In summary, the Panel finds that the consolidation of the multiple domain name disputes asserted by the Complainant against the Respondent is consistent with the Policy and Rules.

PRINCIPAL REASONS FOR THE DECISION

As the Respondent did not file an administratively compliant Response, pursuant to paragraph 14(b) of the Rules, the Panel may draw such inferences therefrom as it considers appropriate. Thus, the Panel accepts the contentions of the Complainant as admitted by the Respondent.

A. The disputed domain names are confusingly similar to the trademark "IKEA" of the Complainant.

The Complainant has, to the satisfaction of the Panel, shown that it has valid rights for the trademark "IKEA".

The disputed domain names <IKEAQSHOP.COM>, <IKEALIVING.COM> and <IKEAZARA.COM> include the Complainant's trademark in its entirety.

Also, the addition of the mainly descriptive terms "QSHOP", "LIVING" and "ZARA" is not sufficient to distinguish the domain names from the trademark. In fact, the words "LIVING" and "SHOP" accurately describe the business operated by the Complainant. Regarding "QSHOP", at least "shop" is descriptive and the mere adding of the letter "Q" does not render the domain name non-confusing to the trademark "IKEA".

Furthermore, the addition of the gTLD suffix ".COM" is not sufficient to escape the finding that the domain names are confusingly similar to the Complainant's trademark and do not change the overall impression of the designation as being connected to the trademark of the Complainant.

B. The Respondent has no rights or legitimate interests in respect of the disputed domain names within the meaning of the Policy.

The Complainant has established a prima facie proof that the Respondent has no rights or legitimate interests in the disputed domain names, since the Respondent is not a licensee of the Complainant nor has the Complainant granted any permission or consent to use its trademark in a domain name. Also, the domain names at stake do not correspond to the name of the Respondent and it is not commonly known as "IKEA".

As concerns the disputed domain names <IKEAZARA.COM> and <IKEALIVING.COM>, upon receipt of a cease and desist letter by the Complainant, the Respondent has subsequently deleted the resolving websites. This deletion procedure and the now passive holding of these domain names indicate that the Respondent lacks rights and legitimate interests in it.

Furthermore, in the case of the <IKEAQSHOP.COM>, the Respondent receives profits by offering for sale items bearing third party trademarks, exploiting the domain name that contains the well-known trademark "IKEA" in the name itself. This creates a likelihood of confusion as to the affiliation of its website for the purpose of confusing consumers and diverting customers to its own website where it offers for sale household products, home furnishing products and accessories in direct competition with the Complainant. Such use of the disputed domain name cannot be considered legitimate non-commercial or fair use without intent for commercial gain since the Respondent is obviously attempting to illegitimately trade on the Complainant's fame for commercial gain.

Summarised, there is no evidence for a use of the disputed domain names for any bona fide offer of goods or services or a legitimate non-commercial or fair use.

C. The disputed domain names have been registered and are being used in bad faith within the meaning of the policy.

The Complainant's trademark "IKEA" is widely known. Given the distinctiveness of the Complainant's trademark and reputation, it can be concluded that the Respondent has registered the disputed domain names with full knowledge of the Complainant's trademark. This is also indicated by the fact that the trademark "IKEA" is an acronym invented by the founder of the Complainant, which is meaningless from another point of view, so that it is unlikely that the Respondent came up with this word creation by chance.

Also, the deletion of the linked websites after receipt of the cease and desist letter and the subsequent passive holding of the disputed domain names <IKEAZARA.COM> and <IKEALIVING.COM> also suggests knowledge of the Complainant's relevant trademark rights, from which it can be concluded that the Respondent used the disputed domain names at least in bad faith.

Lastly, in case of the disputed domain name <IKEAQSHOP.COM>, the use for the webshop indicates that its purpose in

registering the disputed domain name was solely to capitalize on the reputation of the mark by diverting Internet users seeking products of the Complainant to its own commercial website. In other words, the Respondent has intentionally attempted to attract for commercial gain internet users to its website by creating a likelihood of confusion with the Complainant's trademark. Such likelihood of confusion is also evidence of bad faith registration and use.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **IKEAQSHOP.COM**: Transferred
 2. **IKEALIVING.COM**: Transferred
 3. **IKEAZARA.COM**: Transferred
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PANELLISTS

Name	Dominik Eickemeier
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DATE OF PANEL DECISION **2021-12-07**

Publish the Decision
