

Decision for dispute CAC-UDRP-104159

Case number	CAC-UDRP-104159
Time of filing	2021-11-15 09:42:43
Domain names	justikea.com, justikea.xyz, justikea.org, justikea.info, theikea.com

Case administrator

Organization	Denisa Bilík (CAC) (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

Name	Zain Hyderi
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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 - among others - the owner of the German trademark registration n. DE867152 "IKEA" since 1970 and has registered the wording "IKEA" at a national and international level in the last decades.

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.

The Respondent has registered the disputed domain names <justikea.com, justikea.xyz, justikea.org, justikea.info and theikea.com> between March 10, 2019 and December 22, 2020. Such domains consist of the name IKEA together with the generic words "just" and "the".

According to the Complainant, the Respondent has no rights or legitimate interests in respect of the disputed domain names and is not related in any way with the Complainant's business. The Respondent is not affiliated with IKEA, nor authorized by

such company in any way. In addition, the Complainant affirms it currently does not carry out any activity for, nor has any business with the Respondent. Neither license nor authorization has been granted to the Respondent to make any use, or apply for registration of the disputed domain names by the Complainant.

The Complainant contends that the disputed domain names have been registered and being used in bad faith, in order to attract Internet users to Respondent's website <https://www.justikea.com/>

The disputed domain names point to the above cited website which - according to the Complainant - is hosting at the beginning IKEA related content passing off as the official website of INTER IKEA SYTEMS B.V.'s franchisee in Pakistan.

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

The Complainant requested to consolidate the cases, because the Respondent would be one and the same. The consensus view of UDRP panels is expressed in WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"), section 4.11.2: "Where a complaint is filed against multiple respondents, panels look at whether (i) the domain names or corresponding websites are subject to common control, and (ii) the consolidation would be fair and equitable to all parties. Procedural efficiency would also underpin panel consideration of such a consolidation scenario."

The Panel is satisfied that the Complainant submitted convincing and adequate evidence showing that the disputed domain names are under common control.

In absence of arguments from the Respondents, the Panel allows the consolidation of the Respondents.

The Panel is therefore 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

1. The Complainant has, to the satisfaction of the Panel, shown that the disputed domain names are identical or confusingly similar to the Complainant's trademarks (within the meaning of paragraph 4(a)(i) of the Policy). In particular, the Panel finds that the disputed domain names are almost identical to the Complainant's trademark IKEA.

In this regard, it shall be reminded how several previous UDRP panels have held that the addition of generic words such as "just" or "the" before a well-known trademark does not reduce the high degree of similarity between a disputed Domain Name and a prior trademark.

In this regard, it has been stated that "... confusing similarity is generally established when the domain name incorporates the complainant's trademark in its entirety, and the addition of descriptive prefixes and suffixes does not avoid confusing similarity. [...]" (see Fendi S.r.l. v. Federico Porcedda, Case No. D2018-1265).

In the present case, the Panel believes <justikea.com, justikea.xyz, justikea.org, justikea.info and theikea.com> are definitely confusingly similar to the trademark IKEA.

2. 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).

The Panel finds that the Complainant successfully submitted prima facie evidence that the Respondent has made no use of, or demonstrable preparations to use, neither of the disputed domain names in connection with a bona fide offering of goods or services, nor is making a legitimate non-commercial or fair use of the disputed domain names, nor is commonly known under the disputed domain names. This prima facie evidence was not challenged by the Respondent, which did not file any Response to the complaint of Ikea.

As a matter of fact, there are no arguments why the Respondent could have own rights or legitimate interests in the disputed domain names. IKEA definitely is a distinctive sign used by the Complainant as business name and trademark in order to denote its products and services. Therefore, the Panel accepts the contentions of the Complainant that the Respondent has no such rights or legitimate interests in the disputed domain names.

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

As stated above, the Panel finds that the Complainant successfully submitted prima facie evidence that the Respondent has made no use of, or demonstrable preparations to use, neither of the disputed domain names in connection with a bona fide offering of goods or services, nor is making a legitimate non-commercial or fair use of the disputed domain names, nor is commonly known under the disputed domain names. This prima facie evidence was not challenged by the Respondent.

In the absence of a Response and given the reputation of the Complainant and its trademarks, the Panel infers that the Respondent had the Complainant's trademarks IKEA in mind when registering the disputed domain names, especially considering that they are connected to the website <https://www.justikea.com/> which is using the trademark IKEA without any authorization from the Complainant.

Consequently, the Panel believes that< justikea.com, justikea.xyz, justikea.org, justikea.info and theikea.com> were registered and are used in bad faith by Zain Hyderi.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **JUSTIKEA.COM**: Transferred
2. **JUSTIKEA.XYZ**: Transferred
3. **JUSTIKEA.ORG**: Transferred
4. **JUSTIKEA.INFO**: Transferred
5. **THEIKEA.COM**: Transferred

PANELLISTS

Name	Tommaso La Scala
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DATE OF PANEL DECISION 2021 12 00

Publish the Decision
