

Decision for dispute CAC-UDRP-104165

Case number CAC-UDRP-104165

Time of filing 2021-11-19 11:34:49

Domain names support-sony.com

Case administrator

Organization Denisa Bilík (CAC) (Case admin)

Complainant

Organization Sony Group Corporation

Complainant representative

Organization Coöperatieve Vereniging SNB-REACT U.A.

Respondent

Name Alexander Kleshchin

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

Complainant has registered the "SONY" trademark(s) over a wide range of goods and services, in countries around the world (see the designated countries in the International Trademark registrations), including in Russia, the United States and in the European Union.

Complainant's trademark registrations date back at least to the early 1960's.

Panels have recognized that the SONY mark is a well-known mark throughout the world. See, e.g., Sony Kabushiki Kaisha v. sony.net, WIPO Case No. D2000-1074, and WIPO Case No. DME2013-0005, (Sony Corporation v. Pavlicevic Marko (sony.me)).

The trademark(s) on which the complaint is based can be found below:

Mark: SONY

Registration number: 0770275 - United States Patent and Trademark Office ("USPTO")

Entered on register: May 26, 1964

Registered in class 9 & 21

Mark: SONY

Registration number: 0777400 – USPTO

Entered on register: September 22, 1964

Registered in class 11 & 34

Mark: SONY

Registration number: 000000472 - European Union Intellectual Property Office ("EUIPO")

Entered on register: 05/05/1998

The trademark is well known for Complainant's many goods / services, and in particular in class 9 for "photographic, cinematographic apparatus and instruments; apparatus for recording, transmission or reproduction of sound or images"

Mark: SONY

Registration number: 005416243 - EUIPO

Entered on register: 17/08/2007

The trademark is well known for Complainant's large goods and services portfolio, in particular the goods in class 9: "Cellular phones; cradles for cellular phone; power supply connectors and adaptors for use with cellular phones; integrated circuit recording media readers; audio speakers;"

Mark: SONY (visual)

Registration number: 5836769 – USPTO

The trademark is well known for Complainant's large goods and services portfolio, in particular the goods in class 9: "Telecommunication machines and apparatus, namely, televisions and digital video players and recorders; Computer software for streaming audio visual and multimedia content via the internet and global communications networks".

Mark: SONY

Registration number: USPTO 3591609

Entered on register: 17/03/2009

The trademark is well known for Complainant's many goods / services, particularly in class 36 for "financial services in the field of electronic payment settlement services, namely, electronic processing and transmission of bill payment data; credit card services.".

FACTUAL BACKGROUND

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

Complainant is one of the world's largest and most successful companies. Complainant including its subsidiaries is engaged in several fields related to electronics, games and entertainment as well as operating in the financial sector. The Complainant is a leading manufacturer of consumer products such as audio and video products, computer games and mobile phones; professional products such as broadcasting, electronic components, professional solution and medical related equipment.

Respondent has no rights or legitimate interests to use the Complainant's trademark SONY in a confusingly similar way within the disputed domain name.

The Complainant holds trademark rights for the "SONY" trademark(s) since at least 1964. The disputed domain name appears to have been registered for commercial purposes, namely the advertising of repair services for goods originating from Complainant by one of the three alleged engineers "certified by SONY" and "regularly trained at SONY". On the disputed domain, visitors are immediately shown different repair services that have been categorized per product type.

Respondent was presented with a cease-and-desist letter from the Complainant; he did not answer. Respondent uses a privacy protection service – Whois Privacy Corp. - to hide its true identity.

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).

Complainant is the owner of various word and figurative “SONY” Trademarks. According to the available Whois data at the moment of filing, the domain name has a date of registration by Respondent of 20-11-2020. Thus, Complainant has exclusive trademark rights which predate the registration of the disputed domain.

The disputed domain name <support-sony.com> incorporates the “SONY” Trademark(s) in its entirety. Complainant notes that panels have held domain names to be confusingly similar if the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name. In that sense, Complainant refers to the Panel's resolution in Bayerische Motoren Werke AG (“BMW”) v. Registration Private, Domains By Proxy, LLC / Armands Piebalgs, Case No. D2017-0156:

“[...] Previous UDRP panels have consistently held that domain names are identical or confusingly similar to a trademark for purposes of the Policy, “when the domain name includes the trademark, or a confusingly similar approximation, regardless of the other terms in the domain name” (Wal-Mart Stores, Inc. v. Richard MacLeod d/b/a For Sale, WIPO Case No. D2000-0662).”

Aside from that, Respondent has added “support” and the dash sign “-” before the wordmark(s) “SONY” in the disputed domain name. However, the addition of such other elements cannot prevent a finding of confusing similarity under the first element, as the relevant “SONY” trademark(s) are fully recognizable within the disputed domain name. Complainant references CAC Case No. 103603 (Sony Corporation v. Franklin Bailey – US-Sony.com): “The disputed domain name fully reproduces the “SONY” trademark followed by the dash sign “-” and the two letters “us”, that are commonly used as the abbreviation of “United States”. Therefore, the disputed domain name consists of the Complainant's trademark followed by a geographical indication. The latter bears no distinctive character and is certainly not able to reduce the confusing similarity of the disputed domain name with the Complainant's trademark. According to section 1.8 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (“WIPO Overview 3.0”), “[w]here the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element”.

The panel also refers to WIPO Case No. D2006-0652 (Sony Kabushiki Kaisha aka Sony Corporation v. A. Smith - sonyoutlet.com): “The addition of generic words after a trademark does not remove the confusing similarity between a mark and the domain name. So, the addition of the word “outlet” to the Complainant's trademark has no effect in this respect. Complainant has registered trademark rights to the name SONY. The Panel finds that the domain name in issue is confusingly similar to that trademark.”

Based on the foregoing, the disputed domain name must be considered confusingly similar to a trademark or service mark in which Complainant has rights, pursuant to the Policy, Paragraph 4(a) (i), Rules, Paragraphs 3(b)(viii), (b)(ix)(1).

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).

(i) Respondent(s) are not making use of, or 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; and

It is the date that a respondent takes possession of the disputed domain name that is relevant in determining whether it had Rights or Legitimate Interest. Thus, the use of the disputed domain name was long after Complainant commenced its use of the Trademark(s).

As was held in WIPO Case No. D2004-1040 (Sony Kabushiki Kaisha also trading as Sony Corporation v. Admin - <sonysource.com>): "The Complainant's adoption and use of the SONY mark precedes the registration of the domain name by almost four decades. The fame and goodwill associated with the SONY mark is acknowledged worldwide. It is reasonable to conclude that the Respondent could not legitimately use the domain name without creating a false impression of association with the Complainant."

Complainant's trademarks have been held to be famous in numerous occasions:

WIPO Case No. D2008-0812 Sony Corporation v. John Stewart Last, Dragon Domains Limited (<sonypitcures.com>): "The Panel agrees with a previous decision which held that the word "sony", as a coined word, is a well-known mark and is it unlikely that traders would legitimately choose to use it; it is more likely that the purpose is to create an impression of an association with the Complainant (see Sony Kabushiki Kaisha a/t/a Sony Corporation v. A Lista Brasil – Internet Solutions Ltd WIPO Case No. D2005-0633)."

WIPO Case No. D2000-1409 Sony Kabushiki Kaisha (also trading as Sony Corporation) v. Inja, Kil: "(ii) On the evidence the trademark SONY is famous: it is the third most recognized and respected brand name in the Western world".

WIPO Case No. D2017-2341 Sony Corporation v. Domain Admin, Privatewhois.biz (sonyyetkiliservisi.com): "The Panel notes the reputation and wide recognition of the Complainant's trademark SONY. Due to its worldwide recognition (including in Turkey), the Panel accepts the SONY trademark as a well-known trademark. The Panel believes that the Respondent must have known this well-known trademark when registering the disputed domain name."

Respondent has no rights or legitimate interests to use the Complainant's trademark SONY in a confusingly similar way within the disputed domain name. Complainant references once again WIPO Case No. D2008-0812 Sony Corporation v. John Stewart Last, Dragon Domains Limited (<sonypitcures.com>): "The Panel agrees with a previous decision which held that the word "sony", as a coined word, is a well-known mark and is it unlikely that traders would legitimately choose to use it; it is more likely that the purpose is to create an impression of an association with Complainant (see Sony Kabushiki Kaisha a/t/a Sony Corporation v. A Lista Brasil – Internet Solutions Ltd WIPO Case No. D2005-0633)."

Complainant has no relationship whatsoever with Respondent and has never licensed or otherwise authorized Respondent to use the SONY mark, domain name <support-sony.com> or any other domain name. Respondent cannot demonstrate any legitimate offering of goods or services under the SONY mark. See also: WIPO Case No. D2008-0795 (Sony Corporation v. Domain Privacy Service and St. Kitts Registry - sonytelevision.com): "Accordingly, the Panel infers that the Respondent intentionally chose a domain name which contained the Complainant's well-known brand and trade mark, and merely added a word which is synonymous with the Complainant's goods and services, for the purpose of redirecting Internet users to its own website. Such use cannot constitute a bona fide offering of goods of services, or a non-commercial or fair use and is therefore inconsistent with any claims of rights or legitimate interests".

Respondent has not acquired trademark or service mark rights and the Respondent's use and registration of the disputed domain names was not authorized by the Complainant. In the absence of any license or permission from the Complainant to use its well-known trademark, no actual or contemplated bona fide or legitimate use of the disputed domain name could reasonably be claimed. See LEGO Juris A/S v. DomainPark Ltd, WIPO Case No. D2010-0138; Sportswear Company S.P.A. v. Tang Hong WIPO Case No. D2014-1875 and WIPO Case No. D2019-1273 (Pandora A/S v. Yan Li) par 6.B.).

The Panel emphasizes that a finding of bad faith (as set out below) also means that the Respondent's use of the Domain Name cannot be regarded as "fair", or "legitimate", nor as a use in connection with a bona fide offering of goods or services under paragraph 4(c)(i). (see, e.g., World Natural Bodybuilding Federation, Inc. v. Daniel Jones TheDotCafe, WIPO Case No. D2008-0642).

(ii) Respondent(s) have not (as an individual, business, or other organization) been commonly known by the domain name;

Per paragraph 2.3 of the WIPO Jurisprudential Overview 3.0, Respondent must be "commonly known" by the relevant moniker apart from the domain name. As such, Respondents are required to produce concrete credible evidence that they are commonly known by the domain name.

No such credible evidence is shown anywhere on the disputed domain name by Respondent. Respondent cannot establish that it has been commonly known as "support-sony" and has not sought the registration of trademark rights (or otherwise) for this moniker. Furthermore, Respondent has failed to demonstrate any of the other circumstances evidencing rights or legitimate interests under the Policy, paragraph 4(c) despite being sent a cease and desist letter by e-mail on the 29th of July 2021.

Use of the expression "SONY" on the disputed domain name, regardless if the use is in a "trademark sense", does not of itself prove that the Respondent, or any business or organization represented by him or it, is "commonly known" by that expression.

To come within the safe harbor of that provision, a respondent (or his/her organization or business) must have been commonly known by the at-issue domain at the time of registration. There is no evidence of that in this case (see, e.g., World Natural Bodybuilding Federation, Inc. v. Daniel Jones TheDotCafe, WIPO Case No. D2008-0642).

As was stated in WIPO Case No. D2004-0110 (Belupo d.d. v. WACHEM d.o.o. (<belupo.com>)): "(...) This should, as indicated correctly in WIPO Case No. D2001-0121, Julian Barnes v. Old Barn Studios, be approached as follows: Complainant makes the allegation and puts forward what he can in support (e.g. he has rights to the name, Respondent has no rights to the name of which he is aware, he has not given any permission to Respondent). Unless the allegation is manifestly misconceived, Respondent has to demonstrate his rights or legitimate interests in respect of the domain name under paragraph 4 (c) of the Policy."

Based on the foregoing, it is evident that the Respondent has not been commonly known by the domain name prior to the registration of the disputed domain name.

(iii) Respondent(s) are not making a legitimate noncommercial or fair use of the domain name, but are intending to use it for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue;

Respondent is not making non-commercial use of the domain name. The disputed domain name appears to have been registered for commercial purposes, namely the advertising of repair services for goods originating from Complainant by one of the three alleged engineers "certified by SONY" and "regularly trained at SONY". On the disputed domain, visitors are immediately shown different repair services that have been categorized per product type.

Such commercial use is also evident from the fact that the Respondent's website mentions various prices for the different repair services which are offered.

Regarding 'fair use': according to paragraph 2.5.1. of the WIPO Jurisprudential Overview 3.0, panels have found that domain names identical to a Complainant's trademark carry a high risk of implied affiliation. This conclusion is not altered where a domain name consists of a trademark plus an additional term, as panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner.

A common misunderstanding with (authorized or non-authorized) repair centers are that they also believe that they can freely register domain names incorporating the trademark name of the products they are offering services on. In the current case, Respondent is not an authorized repair center.

The Oki Data test (referring to the case of Oki Data Americas, Inc. v. ASD, Inc., WIPO Case No. D2001-0903 (“Oki Data”)) is a narrow exception to the general rule. The general rule is that it is generally not permissible to register a domain name that is the same as another’s trademark rights, knowing of those trade mark rights, to seek traffic to a commercial website. The Oki Data principles have been extended to apply to resellers who do not have a contractual relationship with a trade mark owner (WIPO Case DAU2015-0013 Pangaea Laboratories Ltd, Pacific Direct Intertrading Pty Ltd v. Astrix Pty Ltd).

According to the “Oki Data test”, several cumulative requirements apply before such an exception to the general rule mentioned above can be made, including the fact that the site must accurately and prominently disclose the registrant’s relationship with the trademark holder (the Complainant). See WIPO Case D-2019-2398 (philipszoom.club).

Additionally, the disputed domain name uses the wordmark “SONY” and the content of the disputed domain is prominently filled with Complainant’s “SONY” visual – and wordmarks, thereby suggesting a commercial relation with Complainant where there is none.

Respondent’s registration of the domain name at issue, and continuous use of the same, going as far as describing itself as a “official service for repair of SONY equipment” with engineers “certified by SONY” when it is not, appears to be an attempt to exploit the fame and goodwill of Complainant’s trademarks by diverting Internet traffic intended for Complainant’s web page to its own web page. It also strongly and falsely suggests that there is a connection with Complainant, where there is none.

Respondent presented with a cease-and-desist letter from the Complainant has not come forward with any asserted rights or legitimate interests in the disputed domain name. The Panel is entitled to draw a negative inference from default.

Now that Complainant has asserted that Respondent has no rights or legitimate interests in respect of the disputed domain name, it is incumbent upon Respondent to come forward with concrete evidence rebutting this assertion. Per paragraph 2.2 of the WIPO Jurisprudential Overview 3.0 claimed examples of use (or demonstrable preparations to use) the domain name in connection with a bona fide offering of goods or services cannot be merely self-serving but should be inherently credible and supported by relevant pre-complaint evidence.

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).

The Respondent has registered the disputed domain name primarily for the purpose of disrupting the business of a competitor;

Given the fame and reputation in the “SONY” trademark, and the fact that its goods and services are distributed throughout the world, it can be inferred the Respondent knew of the Complainant’s business. As was held in WIPO Case No. D2006-0652 (Sony Kabushiki Kaisha aka Sony Corporation v. A. Smith - sonyoutlet.com): “The Complainant and its trademark are so well-known that one must assume that the Respondent knew of their existence when registering this domain name. The word “Sony” has no independent existence in English or Japanese. One has to infer that the Respondent registered the domain name in issue in an attempt to use the Complainant’s trademark either to disrupt the Complainant’s business or to divert business to itself.”

Respondent might argue that he is not a competitor of the Complainant. However, as noted in GB Investments, Inc. v. Donald Baker, WIPO Case No. D2007-1320: “In engaging in this commercial activity, Respondent did (if only indirectly) become a

competitor of Complainant and attracted Internet users for commercial gain, and in so doing it must have been apparent to the Respondent that this would have a disruptive effect on the business of the Complainant.”

(iv) By using the disputed domain name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to its web site or other on-line location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of its web site or location or of a product or service on its web site or location.

The Complainant holds trademark rights for the “SONY” trademark(s) since at least 1964. As mentioned previously, numerous panels have held that the “SONY” trademark is a well-known trademark. The disputed domain name was created in November 2020 and incorporates the Complainant’s Trademark. The disputed domain name was registered in bad faith, knowing the Complainant and targeting its trademark(s).

Complainant refers to CAC Case No. 103603 (Sony Corporation v. Franklin Bailey – US-Sony.com): “In the instant case, there are no doubts that the Complainant's trademark “SONY” enjoys extensive reputation. This has also been recognized in various other prior UDRP decisions. Therefore, it is clear that at the time of the registration of the disputed domain name, Respondent was well aware of Complainant and of its well-known trademark SONY.”

See also CAC Case No. 103557 (Sony Corporation v. Alice Mitchell - SONYCREATIVESOFTWARE.INFO): “First of all, previous UDRP Panels confirmed well-known status of the Complainant’s “SONY” mark (see e.g. one of the earlier UDRP cases Sony Kabushiki Kaisha v. sony.net, WIPO Case No. D2000-1074 recognizing back in 2000 that “the Complainant’s name and principal trademark, SONY, is a household name, exclusively associated with the Complainant and its products”; Sony Kabushiki Kaisha, also trading as Sony Corporation v. Richard Mandanice, WIPO Case No. D2004-1046 and Sony Corporation v. WhoisGuard Protected, WhoisGuard, Inc. / David Grant, WIPO Case No. D2020-3162).

The Complainant’s marks had been registered and had been famous long before the registration of the disputed domain name.

Second, as confirmed by WIPO Overview 3.0 “Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith” (see par. 3.1.4).”

In the case at hand, the disputed domain name is confusingly similar to the well-known “SONY” Trademark(s). As previously mentioned, the disputed domain incorporates the Trademark(s) in its entirety while adding “support” and the dash sign “-” before the “SONY” trademark itself. In cases such as this, where the reputation of Complainant in a given mark is significant and the mark bears strong similarities to the disputed domain name, the likelihood of confusion is such that bad faith on the part of the respondent may be inferred (see, for example, Telstra Corporation Limited v. Peter Yellowles, WIPO Case No. D2002-0638 and Sony Kabushiki Kaisha v sony.net, WIPO Case No. D2000-1074, Verner Pantan Design v. Fontana di Luce Corp WIPO Case No. D2012-1909).

Respondent was using without permission the Complainant’s well-known trademark in order to get traffic on its website and to obtain commercial gain from the false impression created for the Internet users with regard to a potential affiliation or connection with Complainant. This false impression was increased by the incorporation of the Complainant’s “SONY” trademark in the disputed domain names, the unauthorized featuring of the Complainant’s marks and by referencing to itself as a “official service for repair of SONY equipment”.

Furthermore, Respondent is offering services for goods similar to those of Complainant under the Complainant’s trademark. Such use carries a risk of implied affiliation with Complainant (see also: WIPO Case D-2019-2398 (philipszoom.club). It is mala fides to register and use a domain name identical or confusingly similar to a complainant’s trademark that resolves to a website that advertises or offers competing goods and services. Considering the close competitive proximity of the services (inter alia repair of the Complainant’s goods), initial interest confusion arises.

Respondent also failed the conditions required to avail of the “Oki Data” exception, and panels have found that a Respondent’s use of the ineffective disclaimer constitutes an admission of by the Respondent that the users may be confused. WIPO Case D2019-1727 (Philip Morris Products S.A. v. Baryshev Ruslan <remont-iqos.com>).

The lack of response from Respondent to Complainant’s takedown requests to cease and desist, supports an inference of bad faith, and is certainly not a hallmark of a Respondent acting in good faith. See WIPO Case No. D2000-1623 (lack of response considered as a relevant factor in the analysis of bad faith).

Lastly, the Panel finds it relevant that Respondent uses a privacy protection service – Whois Privacy Corp. - to hide its true identity. Complainant refers to WIPO Case D2017-2341 (Sony Corporation v. Domain Admin, Privatewhois.biz) and notes that although privacy services might be legitimate in certain cases, it is difficult to see in the present case why Respondent should need to protect its identity except to make it difficult for Complainant to protect its trademark rights. Complainant notes that in accordance with section 3.6 of the WIPO Overview 3.0 and the cases cited therein, use of such a privacy protection service may in itself constitute a factor indicating bad faith. In the case at hand, it must be concluded that the Respondent is merely attempting to complicate the protection of Complainant's trademark rights by hiding its identity.

Therefore, Respondent is using the disputed domain name to intentionally attract, for commercial gain, Internet users to the website, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation or endorsement of the website. Indeed, this conduct additionally confirms that Respondent has used the domain name in bad faith.

(ii) Respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that it has engaged in a pattern of such conduct;

In a previous instance, another UDRP proceeding was brought by Complainant against Respondent. Complainant refers to CAC case No. 103930 (Sony Group Corporation v. Alexander Kleshchin – SONY-PROFI.COM), in which the respective domain name was ordered transferred to the Complainant. The same aspects of Paragraph 4(b) of the 1999 UDRP Policy as listed above were applicable in such case, which proves that a pattern of conduct exists in terms of bad faith registration. Previous UDRP panels have held that establishing a pattern of bad faith conduct requires more than one, but as few as two instances of abusive domain name registrations. In this case, which is the second instance of bad faith conduct of Respondent identified by Complainant, it can be considered that the repeated conduct of Respondent is intended to prevent Complainant from reflecting its trademark in a domain name. This pattern is also reflected in CAC case No. 103871 (KONINKLIJKE PHILIPS N.V. v. Nikita Magomedov, Alexander Kleshchin) where the trademark of another brand owner was used in multiple domain names registered by Respondent in an abusive manner.

Aside from the above, the Panel also considers that additional bad faith consideration factors must be assessed. According to paragraph 3.2.1. of the WIPO Jurisprudential Overview 3.0, panels may take additional factors into account when assessing whether the registration of a disputed domain name is in bad faith, such as:

“(v) any respondent pattern of targeting marks along a range of factors, such as a common area of commerce, intended consumers, or geographic location”

A reverse IP search revealed that Respondent also owns a large number of domain names with a similar format (Annex 15). These domain names are combinations of known trademarks in the fields of electronics (e.g. Toshiba, MSI, Acer, HP, Dell, etc.) and generic words that are associated with customer care, repair and/or maintenance service, i.e., “service”, “help”, or similar words, i.e., “supp” and “serv”—which, to Complainant’s understanding, are intended as abbreviations of “support” and “service”. These generic words are used in a similar manner with the element “support” in the domain name in question. It is therefore evident that Respondent is attempting to pass off as an official repair / service center for goods originating from a multitude of (well-known) trademarks. Additionally, these websites have the same layout and design as support-sony.com.

The Panel notes also that Respondent is acting much like the respondent in Case No. D2001-1344 <usedphilips.com> “the Respondent is engaged in a pattern of registering a great number of domain names including other trademarks, such as <usedsanyo.com>, <usedfuji.com>, <usedhewlettpackard.com> and <usedpanasonic.com>, as well as domain names combining the word "used" with another generic term in the electronic field. This pattern indicates that the Respondent registered the disputed domain name in order to prevent the Complainant from reflecting the trademark PHILIPS in a domain name used, for example, for a website related to a second-hand service/market of the Complainant’s products.” This is evidenced also by CAC case No. 103871 (KONINKLIJKE PHILIPS N.V. v. Nikita Magomedov, Alexander Kleshchin), according to which Respondent had registered, in the same manner, multiple domain names containing the trademark PHILIPS, such as <philips-helper.com>, <philips-aid.com>, <phil-rem.com>, <philips-ru.com>, <philips-assist.com>, <remont-philips.com>.

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

By using the disputed domain name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to its web site or other on-line location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of its web site or location or of a product or service on its web site or location.

The Complainant holds trademark rights for the “SONY” trademark(s) since at least 1964. As mentioned previously, numerous panels have held that the “SONY” trademark is a well-known trademark. The disputed domain name was created in November 2020 and incorporates the Complainant’s Trademark. The disputed domain name was registered in bad faith, knowing the Complainant and targeting its trademark(s).

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **SUPPORT-SONY.COM**: Transferred

PANELLISTS

Name	Thomas Hoeren
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DATE OF PANEL DECISION 2021-12-21

Publish the Decision
