

Decision for dispute CAC-UDRP-104630

Case number CAC-UDRP-104630

Time of filing 2022-06-09 09:00:37

Domain names ikksorders.com

Case administrator

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

Complainant

Organization IKKS GROUP

Complainant representative

Organization NAMESHIELD S.A.S.

Respondent

Organization fei niu

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 is the owner of several IKKS trademarks worldwide, among them EUTMs for word marks IKKS (Reg. No. 002255552, registered since June 12, 2001, and Reg. No. 002913929, registered since October 30, 2002), covering various Nice classes.

FACTUAL BACKGROUND

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

The Complainant, IKKS GROUP, is an apparel company and brand. The company owns and operates apparel retail stores that sell apparel and clothing accessories. The company was founded in 1986 and is based in Saint-Macaire-en-Mauges, France.

The Complainant is the owner of several IKKS trademarks worldwide, among them EUTMs for word marks IKKS (Reg. No. 002255552, registered since June 12, 2001, and Reg. No. 002913929, registered since October 30, 2002), covering various Nice classes. The Complainant also owns the trademark based domain name <ikks.com> registered and used for its official

website since April 2, 1998.

The disputed domain name has been registered on May 20, 2022. The domain name <ikksorders.com> resolves to a login page displaying the Complainant's trademark. The Respondent is Chinese subject „fei niu“.

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

1. The Complainant, IKKS GROUP, is a well-known apparel brand worldwide. The Complainant also owns domain name <ikks.com> (registered since April 2, 1998). Word trademark IKKS is registered worldwide in many countries, including PRC.
2. The Panel acknowledges that the Complainant presented prima facie evidence that the Respondent is not sponsored by or affiliated with Complainant in any way. Furthermore, Complainant has not licensed, authorized, or permitted Respondent to use Complainant's trademark in any manner, including in domain names. The Respondent's organization name "fei niu" does not resemble the disputed domain name in any manner. Respondent's use of the disputed domain name does not constitute a bona fide offering of goods or services or a legitimate non-commercial or fair use (Policy Para. 4(c)).
3. The Panel agrees with the Complainant that the disputed domain name <ikksorders.com> is confusingly similar to the Complainant's trademark IKKS. The adding of the generic word "orders" does not change the fact that the disputed domain name and the registered trademark are confusingly similar as it does not change the overall impression of the designation as being connected to the Complainant's trademark and it does not prevent the likelihood of confusion between the disputed domain name and the Complainant, its trademark and domain name associated. On the contrary, the addition of the word "orders" increases the likelihood of confusion with the Complainant's trademarks and activity, because "orders" refers to the Complainant's sales activities in its retail stores. It is well established in the UDRP case-law, that the addition of a generic term associated to a trademark does not create a new or different right to the mark or diminish confusing similarity (eg. see WIPO Case No. D2016-0239, LEGO Juris A/S v. Viktor Tkachev, Lego Town, <lego-town.com>; WIPO Case No. D2021-3735 <original-timberland.com>). Numerous UDRP panels have considered that the addition of other terms (whether descriptive, pejorative, meaningless or otherwise) to trademarks in a domain name is not sufficient to escape a finding of confusing similarity (see section 1.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0")).
4. As no administratively compliant response has been provided to the Panel and the prima facie evidence was not

challenged by the Respondent, the Panel concludes that the Respondent, when it registered the disputed domain name, meant nothing else except the Complainant's trademark IKKS. Therefore, the Respondent knew of should have known about the Complainant's rights, which evidences bad faith. Moreover, the disputed domain name points to a login page displaying the Complainant's trademark and logo. The website does not contain any information about the Respondent. Therefore, by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to his website, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of his websites (par. 4(b)(iv) of the Policy).

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **IKKSORDERS.COM**: Transferred
-

PANELLISTS

Name	dr. Darius Sauliūnas
------	-----------------------------

DATE OF PANEL DECISION **2022-07-01**

Publish the Decision
