Decision for dispute CAC-UDRP-103398

Case number	CAC-UDRP-103398
Time of filing	2020-11-06 09:22:48
Domain names	philipssonicarediamondclean.com

Case administrator

Name	Iveta Špiclová (Case admin)

Complainant

Organization	KONINKLIJKE PHILIPS N.V.

Complainant representative

Organization	REACT B.V. SUCURSAL REACT SPAIN

Respondent

Name	zhou lei

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 International trademark word registration No. 310459 for PHILIPS registered on March 16, 1966, for goods and services of classes 1,2,3,4,5,6,7,8,9,10,11,12,14,15,16,17,19,20,21,28,31 y 34;

- The International trademark figurative registration No. 991346 for PHILIPS registered on June 13, 2008, for goods and services of classes 3, 5, 7, 8, 9, 10, 11, 14, 16, 18, 20, 21, 25, 28, 35, 36, 37, 38, 41, 42, 44, 45;

- The European Union trademark word registration No. 000205971 for PHILIPS filed on April 1, 1996 and registered on October 22, 1999 for goods and services of classes 3, 6, 7, 8, 9, 10, 11, 14, 16, 18, 20, 21, 25, 28, 35, 37, 38, 40, 41 and 42;

- The International trademark figurative registration No. 1240236 for PHILIPS registered on May 12, 2014 for goods and services of classes 3, 5, 7, 8, 9, 10, 11, 14, 16, 18, 20, 21, 24, 25, 28, 35, 36, 37, 38, 41, 42, 44, and 45;

- The European Union trademark word registration No. 017141631 for DIAMONDCLEAN filed on August 24, 2017 and registered on December 21, 2017, for goods of class 21;

- The International trademark figurative registration No. 1177075 for SONICARE registered on May 30, 2013 for goods and services of classes 3, 5 and 21;

- The International trademark figurative registration No. 1237896 for SONICARE registered on September 28, 2014 for goods of classes 10 and 11;

- The Israelian trademark figurative registration No. 211870 for PHILIPS, registered on May 25, 2008 for goods and services in class 3; and

- The Israelian trademark figurative registration No. 272875 for SONICARE, registered on September 28, 2014 for goods and services in classes 10 and 11.

The above trademarks are referred to collectively and individually as the "Trade Mark(s)".

FACTUAL BACKGROUND

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

The disputed domain name <philipssonicarediamondclean.com> was created on April 1, 2020, and it is likely being used for Search Engine Optimization (hereafter “SEO”) purposes for a completely different kind of website that will be detailed below. This statement can be made with the simple observation of the web content in the website of the disputed domain name, which include links to sex live chat.

The disputed domain name is identical to Complainant’s trademarks PHILIPS, SONICARE and DIAMONDCLEAN. The Respondent has no rights or legitimate interests in the disputed domain name. The registration and use of the disputed domain name performed by the Respondent has been carried out in bad faith, trying to appear as a reviews website (even so false reviews as we will detail across this complaint) of products with the trademarks of the Complainant, but which, however, hides two dark purposes: the first one, of web redemption from a pornographic website (https/www.livesexking.com, which is hosted on the same webhost, Google Cloud); and the second one, to steal content that Complainant originally posted on Amazon.

Is it the Complainant submission that the Respondent is using the trademarks of the Complainant in order to attract the attention of consumers who are looking for reviews and comments of these concrete products with the trademarks of the Complainant.

Respondent is 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 Complainant has no relationship whatsoever with Respondent and has never authorized Respondent to use the domain name <philipssonicarediamondclean.com> or any other domain name.

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

Complainant is the owner of a well-known trademark, intensively used in conjunction with other expressions as "PHILIPS", "SONICARE" and "DIAMONDCLEAN" to whom the disputed domain name clearly is targeted without any possible legitimate interest and with the only intent to harm Complainant's right to use its trademark on the Internet in domain name corresponding to his well-established exclusive rights.

This dispute presents most points in common with another case decided by CAC No. 103077 <philipspulseoximeters.com> domain name, where the Panel held that: “There are no doubts that the Complainant’s trademarks “PHILIPS” are well-known worldwide as confirmed by the previous panels (e.g. WIPO Case No. D2010-1494)”.

Even so providing that “the addition of the generic top-level domain “.COM” does not change the overall impression of the designation as being connected to Complainant’s trademark”, in order to conclude that that disputed domain name “is confusingly similar to the Complainant’s trademark “PHILIPS” in which the Complainant has rights”.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **PHILIPSSONICAREDIAMONDCLEAN.COM**: Transferred

PANELLISTS

Name	**Roberto Manno**

DATE OF PANEL DECISION 2020-12-21

Publish the Decision