

Decision for dispute CAC-UDRP-105247

Case number CAC-UDRP-105247

Time of filing 2023-03-02 11:03:19

Domain names corelle-home.com

Case administrator

Name Olga Dvořáková (Case admin)

Complainant

Organization Instant Brands LLC

Complainant representative

Organization Stobbs IP Ltd

Respondent

Name Denice Duo

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 has provided evidence of ownership, amongst others, of the following trademark registration:

- Canada trademark registration No. TMA167153 for CORELLE (word mark), filed on January 14, 1969 and registered on January 2, 1970, for "glass tableware" in international class 21.

FACTUAL BACKGROUND

The Complainant Instant Brands Inc. is a company selling a range of kitchen appliances founded in 2009. In 2019, the Complainant entered into a merger agreement with [Corelle Brands](#) LLC, which has been using the trademark CORELLE in relation to dinnerware and related goods since 1970.

The Complainant is also the owner of the domain name <corelle.com>, which was registered on October 6, 1997 and has been used since 2000 to promote dinnerware and related products under the trademark CORELLE.

The disputed domain name <corelle-home.com> was registered on March 24, 2022 and resolves to an active website which advertises and offers for sale dinnerware.

PARTIES CONTENTIONS

COMPLAINANT

The Complainant states that the disputed domain name <corelle-home.com> is confusingly similar to its trademark CORELLE.

With reference to the Respondent's rights or legitimate interests in respect of the disputed domain name, the Complainant states that the Respondent is not using the disputed domain name for a bona fide offering of goods or services or for a legitimate non-commercial or fair use, since the Respondent is advertising and selling counterfeit goods by impersonating the Complainant. The Complainant further states that the Respondent has never legitimately been known by the name CORELLE at any point in time.

With reference to the circumstances evidencing bad faith, the Complainant submits that, considering the wide reputation of the Complainant's trademark CORELLE and the Respondent's use of the disputed domain name, the Respondent registered the disputed domain name having knowledge of the Complainant's trademark.

The Complainant also contends that the Respondent registered the disputed domain name in bad faith to intentionally attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's registered trademarks as to the source, sponsorship, affiliation, or endorsement of its website. The Complainant further submits that the Respondent intended to drive traffic to its website in order to impersonate/pass off as the Complainant to sell counterfeit products, and that the Respondent's use of the disputed domain name is also disrupting the Complainant's business.

RESPONDENT

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 Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark CORELLE as it reproduces the trademark in its entirety with the mere addition of the descriptive term "home" and the generic Top-Level Domain ".com", which can be disregarded for the purpose of assessing identity or confusing similarity under paragraph 4(a)(i) of the Policy.

2. With reference to the Respondent's rights or legitimate interests in the disputed domain name, the Panel finds that the Complainant has made a prima facie case and that the Respondent, by not submitting a Response, has failed to provide any element from which a Respondent's right or legitimate interest in the disputed domain name could be inferred.

The Panel notes that, based on the records submitted to the Panel, the Complainant has not authorized the Respondent to register and use its trademark CORELLE. Moreover, there is no evidence that the Respondent might be commonly known by the disputed

domain name or a name corresponding to the disputed domain name. Based on the documents and statements submitted by the Complainant and in the absence of a Response, the Panel finds that the Respondent's use of the disputed domain name, clearly confusingly similar with the Complainant's prior trademark CORELLE, in connection with a website offering for sale dinnerware products, i.e. the same products for which the Complainant's trademark is registered and used, does not amount to a bona fide offering of goods or services. Moreover, the Respondent's use of the disputed domain name is, and has been, clearly commercial in nature, as the Respondent has clearly aimed at gaining revenues from its online store, selling products competing with the ones offered by the Complainant.

3. As to bad faith at the time of the registration, the Panel finds that, in light of the prior use of the Complainant's trademark CORELLE in connection with the promotion and sales of the Complainant's dinnerware and related goods online through the Complainant's website "www.corelle.com" and considering that the disputed domain name combines the Complainant's trademark with the descriptive term "home", which directly refers to the Complainant's field of activity, the Respondent very likely registered the disputed domain name having the Complainant's trademark in mind. Moreover, the Respondent's use of the disputed domain name to offer dinnerware for sale on the website to which the disputed domain name resolves further supports the finding that the Respondent indeed intended to target the Complainant and its trademark.

The Panel also finds that, in view of the Respondent's use of the disputed domain name in connection with an online store offering for sale dinnerware products competing with the ones offered by the Complainant under the trademark CORELLE without displaying any disclaimer of non-affiliation with the Complainant, the Respondent intentionally attempted to attract Internet users to its website for commercial gain, by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation or endorsement of its website and the products advertised therein according to paragraph 4(b)(iv) of the Policy.

Therefore, the Panel finds that the Respondent's registration and use of the disputed domain name amounts to bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **corelle-home.com**: Transferred

PANELLISTS

Name	Luca Barbero
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DATE OF PANEL DECISION 2023-04-17

Publish the Decision
