

Decision for dispute CAC-UDRP-105357

Case number **CAC-UDRP-105357**

Time of filing **2023-04-25 15:21:07**

Domain names **philipsversuni.com, versuni-philips.com, versuni-philips.net, versuni-philips.org, versuni-philips.store, versuniphilips.info, versuniphilips.live, versuniphilips.net, versuniphilips.org, versuniphilips.pro, versuniphilips.store, versuniphilips.com, versuniphilips.com**

Case administrator

Name **Olga Dvořáková (Case admin)**

Complainant

Organization **Koninklijke Philips N.V.**

Complainant representative

Organization **Coöperatieve Vereniging SNB-REACT U.A.**

Respondent

Name **moustafa mohammed**

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 the owner of numerous registered trade marks around the world that incorporate or comprise the term "PHILIPS". These include the following registered trade mark for "PHILIPS" as a word mark or its equivalent:

- International trade mark registration No. 310459 filed on 16 March 1966 in classes 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 19, 20, 21, 28, 31 and 34, which has proceeded to registration in over 20 territories.
- UK trade mark no. 927851, registered on 10 July 1968 in class 9
- The European Union trade mark registration No. 000205971 filed on 1 April 1996 and registered on October 22, 1999 in classes 3, 6, 7, 8, 9, 10, 11, 14, 16, 18, 20, 21, 25, 28, 35, 37, 38, 40, 41 and 42.
- Benelux trade mark registration 564087 dated 1 March 1972 in class 9.

Reference is also made in the Complainant to the Complainant being the owner of numerous registered trade marks for the term "AMBILIGHT"

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT

The "PHILIPS" trademark is a well-known and famous brand, and one of the most widely recognized across the world. As recent as 2022, according to Interbrand, the estimated value of the Complainant's brand rose to US\$ 12.8 billion and is one of the 100 Best Global Brands.

The Complainant has in the last 10 years transformed itself into a health technology company. While Philips' focus is now on health solutions, the Philips brand also has a strong heritage in consumer products (such as lighting, televisions, kitchen appliances and personal health products), and continues to be used and licensed for use by others.

On 25 March 2021, the Complainant announced the sale of its domestic appliances business, which would then become a licensee of Complainant. As of 17 February 2023, that licensee announced the change of its business name to "Versuni". The word Versuni has no generic or descriptive meaning.

That change of name was also recorded in some public registers in advance of that announcement, including in email addressed recorded by Philips Domestic Appliances India Limited in the Indian trade register from September 2022.

The disputed domain names (the "Domain Names") were all registered on 17 January 2023. As at the date of the Complaint, five of the Domain Names were being used for PPC pages and the remainder returned '502' server errors.

Where PPC pages are displayed the relevant links make reference to "Philips" and/or "Philips Ambilight".

PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the Domain Names should be transferred to it.

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the Domain Names are each identical or confusingly similar to a trade mark 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 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 that the 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 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

The Complainant is the owner of numerous registered trade marks for "Phillips" as a word mark. The Panel accepts that each of the Domain Names can only be sensibly read as the terms "Philips" and "Versuni" (or in the case of two of those Domain Names, as misspellings of one of those terms) in combination with one of a number of various generic top level domains. Given this, the Complainant's "Philips" trade mark is clearly recognisable in the Domain Name. This is sufficient for a finding of confusing similarity under the Policy (see section 1.7 of the WIPO Overview 3.0). The Complainant has, therefore, satisfied the requirements of paragraph

4(a)(i) of the Policy.

Why exactly the Respondent has done this is not entirely clear. One possibility is that the intention has been to use the Domain Names for pay-per-click pages, as has occurred in the case of five of the Domain Names. However, whatever the exact reason, the Panel is satisfied that the Domain Names were all registered with knowledge that the Complainant's licensee was about to adopt the "Versuni" name, and with the intent of seeking to take unfair advantage in some manner of the association of the Domain Names with the Complainant's "Philips" mark and the licensee's business. Further each of the Domain Names (including the two that involve a misspelling of either the Complainant's mark or the name of its licensee's business) inherently impersonates the Complainant and its licensee.

There is no right or legitimate interest in either seeking to take such advantage or in engaging in acts of impersonation, and the registration and use of a domain name for such purposes constitutes registration and use in bad faith (see sections 2.5.1, 2.6.2 and 3.1 of the WIPO Overview 3.0).

Further, the Panel accepts the Complainant's contention that the pay-per-click use made of some of the Domain Names falls within the scope of the example of circumstances indicating bad faith set out in paragraph 4(b)(iv) of the Policy.

The Complainant has, therefore, satisfied the requirements of paragraph 4(a)(ii) and (iii) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **philipsversuni.com**: Transferred
2. **versuni-philips.com**: Transferred
3. **versuni-philips.net**: Transferred
4. **versuni-philips.org**: Transferred
5. **versuni-philips.store**: Transferred
6. **versuniphilips.info**: Transferred
7. **versuniphilips.live**: Transferred
8. **versuniphilips.net**: Transferred
9. **versuniphilips.org**: Transferred
10. **versuniphilips.pro**: Transferred
11. **versuniphilips.store**: Transferred
12. **versuniphilLlips.com**: Transferred
13. **versuNphilips.com**: Transferred

PANELLISTS

Name	Matthew Harris (Presiding Panelist)
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DATE OF PANEL DECISION 2023-05-24

Publish the Decision
