

Decision for dispute CAC-UDRP-105520

Case number	CAC-UDRP-105520
Time of filing	2023-06-09 09:58:00
Domain names	instanthome-us.com, inpot-shop.com , inpotweb.com , pot-in.store , usinspot.shop, instantpotweb.shop

Case administrator

Name	Olga Dvořáková (Case admin)
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Complainant

Organization	Instant Brands LLC
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Complainant representative

Organization	Stobbs IP
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RESPONDENTS

Name	Yongqi Chen
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Name	Liam Frisina
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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 has evidenced to be the owner of numerous trademark registrations worldwide relating to its brands INSTANT and INSTANT POT, including, but not limited, to the following:

- word mark INSTANT, US trademark / United States Patent and Trademark Office (USPTO), registration No.: 79277602, registration date: June 15, 2021, status: active;
- word mark INSTANT, IR trademark / World Intellectual Property Organization (WIPO), registration No.: 1511837, registration date: April 2, 2021, status: active;
- word mark INSTANT POT, US trademark / USPTO, registration No.: 3887207, registration date: December 7, 2010, status: active.

Also, the Complainant has substantiated to own the domain name <instanthome.com> which resolves to the Complainant's main website at "www.instanthome.com", used since June 14, 2021 to promote the Complainant's cooking and kitchen appliances, including the well-known "Instant Pot" multicooker worldwide.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain names are 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 names (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 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

First, given that all six disputed domain names (1) have been composed in a very similar way, incorporating the Complainant's INSTANT and/or INSTANT POT trademarks entirely or in parts, added by other terms such as "home", "shop", "us" or "web", and (2) have been registered at almost the same point of time (March 2023 to April 2023) through the same registrar using the same Cloudflare nameservers, and (3) resolving or having resolved to websites offering for sale cooking and kitchen appliances under the Complainant's trademarks, and using the Complainant's copyright-protected images, it is reasonable to argue that the disputed domain names are subject to common control which is why it is fair and equitable to all parties that this Complaint is consolidated against multiple respondents at the same time.

Second, the Panel finds that the disputed domain names <inpot-shop.com>, <inpotweb.com>, <instanthome-us.com>, <instantpotweb.shop>, <pot-in.store> as well as <usinspot.shop> are confusingly similar to the Complainant's INSTANT and/or INSTANT POT trademarks, as they all incorporate at least one of those trademarks in its entirety. Numerous UDRP panels have recognized that incorporating a trademark in its entirety can be sufficient to establish that the disputed domain name is at least confusingly similar to a registered trademark. Moreover, it has also been held in many UDRP decisions and has meanwhile become a consensus view among UDRP panels that the mere addition of descriptive or other terms, such as e.g. the terms "home", "shop", "us" or "web", is not capable to dispel the confusing similarity arising from such entire incorporation of the Complainant's INSTANT and/or INSTANT POT trademarks in the disputed domain names.

Therefore, the Complainant has established the first element under the Policy as set forth by paragraph 4(a)(i).

Third, the Complainant contends, and the Respondents have not objected to these contentions, that the Respondents have neither made use of, or demonstrable preparations to use, the disputed domain names in connection with a *bona fide* offering of goods or services, nor are the Respondents commonly known under the disputed domain names, nor are the Respondents making a legitimate noncommercial or fair use of the disputed domain names without intent for commercial gain. On the contrary, the Complainant has provided evidence that all disputed domain names resolve or at least previously resolved at some point to websites offering for sale cooking and kitchen appliances under the Complainant's trademarks, and using the Complainant's copyright-protected images without authorization to do so. Such making use of the disputed domain names, obviously in a fraudulent manner, neither qualifies as a *bona fide* nor as a legitimate noncommercial or fair use under the UDRP and may not of itself confer rights or legitimate interests in the disputed domain names.

Accordingly, the Panel finds that the Complainant has also satisfied paragraph 4(a)(ii) and, thus, the second element of the Policy.

Finally, the Panel holds that the disputed domain names were registered and are being used by the Respondents in bad faith. It is

obvious from the circumstances to this case that the Respondents were well aware of the Complainant's rights in the INSTANT and INSTANT POT trademarks when registering the disputed domain names, and that all disputed domain names are directly targeting such trademarks. Moreover, carrying out unlawful (or at least unauthorized) activities under the disputed domain names, which are confusingly similar to the Complainant's INSTANT and INSTANT POT trademarks, by offering for sale cooking and kitchen appliances under the Complainant's trademarks, and using the Complainant's copyright-protected images without authorization to do so, leaves no doubts that the Respondents, by registering and making use of this disputed domain names, had the intention to somehow unjustifiably profit from the undisputed reputation attached to the Complainant's INSTANT and INSTANT POT trademarks, and, thus, the Respondents intentionally attempted to attract, for commercial gain, Internet users to their own websites by creating a likelihood of confusion with the Complainant's INSTANT and INSTANT POT trademarks as to the source, sponsorship, affiliation or endorsement of the Respondents' websites. Such circumstances are evidence of registration and use of the disputed domain names in bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

Therefore, the Complainant has also satisfied the third element under the Policy as set forth by paragraph 4(a)(iii).

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

- 1. **instanthome-us.com**: Transferred
- 2. **inpot-shop.com** : Transferred
- 3. **inpotweb.com** : Transferred
- 4. **pot-in.store** : Transferred
- 5. **usinspot.shop**: Transferred
- 6. **instantpotweb.shop**: Transferred

PANELLISTS

Name	Stephanie Hartung
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DATE OF PANEL DECISION 2023-07-19

Publish the Decision