

Decision for dispute CAC-UDRP-105711

Case number CAC-UDRP-105711

Time of filing 2023-08-21 08:52:31

Domain names Ikea.org

Case administrator

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

Complainant

Organization Inter IKEA Systems B.V.

Complainant representative

Organization Convey srl

Respondent

Organization Domain Nerdz LLC

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 owns numerous trade mark registrations for its IKEA trade mark including United States trademark registration 1118706 registered on May 22 1979.

FACTUAL BACKGROUND

The Complainant is a global home furnishing store with more than 400 stores worldwide and in excess of 231,000 employees across 60 markets. It commenced business in Sweden in the 1950's and now sells worldwide, including in the United States, through a mixture of its stores, e-commerce platforms and through its various websites, including its main website at <ikea.com>.

The disputed domain name was registered by the Respondent on April 2, 2023 and formerly resolved to a parking page at which the disputed domain name was offered for sale at \$1998. On June 12 2023 the Complainant arranged for its legal representative to send a cease-and-desist letter to the Respondent. Following receipt of the letter the Respondent removed the offer for sale of the disputed 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

The Complainant has demonstrated that it owns registered trade mark rights for the disputed domain name as noted above. The Panel agrees with the Complainant that the disputed domain name wholly incorporates the Complainant's IKEA mark without any addition before the top-level domain name element and is therefore identical to the Complainant's IKEA trade mark registration and the Complaint succeeds under paragraph 4(a) (i) of the Policy

The Complainant has submitted that it has not authorised the Respondent to use its IKEA mark, that there is no evidence to show that the Respondent is commonly known by the disputed domain name, or that it owns rights in the IKEA mark, or that the Respondent is using it in connection with a bona fide offering of goods or services. The Complainant notes that in circumstances of the notoriety of the IKEA mark and the lack of permission from the Complainant to use the mark, it is most likely that the Respondent registered the disputed domain name in order to profit from it, in particular, by trying initially to sell it for more than it cost to register. There is no evidence either, according to the Complainant, of legitimate non-commercial use of the disputed domain name.

The Panel finds that the Complainant has made out a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent has failed to respond to, or to rebut the Complainant's case and the Panel therefore finds that the Complaint also succeeds under paragraph 4(a) (ii) of the Policy.

The disputed domain name was registered in April 2023 which the Complainant submits is long after it began in business under its IKEA mark or after it registered its IKEA trade mark. The Complainant notes that the IKEA mark is highly distinctive and is a coined term and has submitted that considering the high degree of renown that it enjoys globally, the Respondent based in the United States must have been aware of the Complainant's IKEA mark when he registered the disputed domain name. The Panel finds that it is most likely for these reasons that the Respondent was well aware of the Complainant's business and IKEA mark when he registered the disputed domain name.

The IKEA mark is one of that categories of marks that are truly well reputed globally. The Complainant has submitted, based upon the well-established trend of previous decisions, that in these circumstances its registration per se by the Complainant without a credible explanation, is evidence of bad faith. The Panel agrees with the Complainant and notes that there is further evidence of the Respondent's bad faith in that according to the Complainant's evidence the disputed domain name initially resolved to a parking page at which the disputed domain name was advertised for sale at US\$1988, an amount far in excess of its registration costs. This can only have been aimed either at making a profit from re-sale either to the Complainant or to competitors or to others who wished to trade off the goodwill and reputation attaching to the IKEA mark. It was only following receipt of the Complainant's agent's cease and desist letter that this offer for sale was withdrawn. The Panel finds that this is all consistent with use in bad faith.

The disputed domain name currently resolves to a parking page and is effectively held passively. Past panels have found that

factors such as exist in this case are indicative of passive holding in bad faith. These include that the Complainant's IKEA mark is a truly well reputed mark, that the Respondent has failed to submit a response or to reply to the Complainant's cease and desist letter or to explain its conduct, that the Respondent failed to disclose its true identity from the outset and that its use of the disputed domain name in good faith, as described above, is entirely implausible.

Accordingly, the Panel finds that the disputed domain name was registered and has been used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. Ikea.org: Transferred

PANELLISTS

| | |
|------|--------------------------|
| Name | Mr Alistair Payne |
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DATE OF PANEL DECISION **2023-09-27**

Publish the Decision
