

Decision for dispute CAC-UDRP-105840

Case number CAC-UDRP-105840

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Domain names corelle-sales.shop

Case administrator

Name Olga Dvořáková (Case admin)

Complainant

Organization Instant Brands LLC

Complainant representative

Organization Stobbs IP

Respondent

Name Yong Jian Zhao

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

Complainant has proved to own the following trademarks:

Chinese Registered trademark n°258707 "CORELLE" in Class 21

Registration date: August 9, 1986, renewed

Chinese Registered trademark n°39201377 "CORELLE" in Class 35

Registration date: June 7, 2020

Canadian Registered trademark n°TMA167153 "CORELLE" in Class 21

Registration date: January 2, 1970, renewed

United Kingdom Registered trademark n°UK00904259231 "CORELLE" in Class 21

Registration date: March 27, 2006, renewed

Besides, the Complainant also owns the following domain name containing the Corelle denomination: <corelle.com>

This domain name is used for main operating website being live since at least as early as November 9, 2000.

Complainant also owns diverse social media accounts containing the CORELLE's sign.

FACTUAL BACKGROUND

CORELLE brand, launched in 1970, has since then built a significant reputation in the CORELLE trade marks in the United Kingdom and abroad relating to dinnerware goods and related services. In addition to the aforementioned facts, the CORELLE brand has developed an extensive reach to offer its products and services worldwide. Following the merger of Corelle Brands LLC and Instant Brands Inc. in 2019, the combined business has an enterprise value of more than \$2 billion. Owning the domain name corelle.com, which is utilized for the primary operational website at <https://www.corelle.com/>—the "Official Website"—is one of the Complainant's active online presences. The website has been operational since at least November 9, 2000.

The brand is also very active on the main social media, which generated a significant level of support, like LinkedIn, Instagram, Facebook and Pinterest. The Facebook official page <https://www.facebook.com/CorelleDining/> counts over three hundred thirty-two followers worldwide.

Respondent registered the disputed domain name <corelle-sales.shop> on September 14, 2023.

The disputed domain name redirected the Internet users on a website where the Complainant's trademarks CORELLE goods are advertised and offered for sale as counterfeit and knockoff products. The intention behind the Respondent's use of a domain name containing the Complainant's trademarks is merely to attract Complainant's customers who are seeking Complainant's products.

The Complainant submitted the following documents to prove the abovementioned facts:

- Whois search conducted by Complainant
- Copies of Complainant's trademark registrations
- Screenshot of the official website of CORELLE exposing the veridical goods of the Company
- Screenshot of the 2000 official website of CORELLE
- Screenshot of the website <corelle-sales.shop>

PARTIES CONTENTIONS

Complainant's contentions are summarised above.

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

Identity (paragraph 4(a)(i) of the Policy)

In the light of the documents provided by the Complainant, it appears that it owns trademarks rights on the "CORELLE" sign worldwide.

The Administrative Panel found that the domain name <corelle-sales.shop> is confusingly similar to the trademark registrations owned by Complainant.

Firstly, the trademark "CORELLE" of Complainant is partly incorporated in the disputed domain name <corelle-sales.shop>. Secondly, the addition of a dash sign, along with the non-distinctive term "sales" does not prevent the similarity between the trademark of Complainant and the aforementioned domain name. The disputed domain name is confusing and does not provide additional specification or sufficient distinction from Complainant or its mark (Instant Brands LLC v Ronh He, Case No. CAC_UDRP-105250).

Absence of Rights or Legitimate Interests (paragraph 4(a)(ii) of the Policy)

Complainant asserted that Respondent has never been granted a license, or in other way has been authorized, in order to register the domain name <corelle-sales.shop>. In addition, Respondent never sought the consent of Complainant in order to register the aforementioned domain name. Consequently, Respondent lacks any right or legitimate interest in the disputed domain name.

Complainant also highlighted that the disputed domain name has been redirected by Respondent to an active website where the Complainant's trademark CORELLE is published and offers for sale and/or advertises the sale of counterfeit and knockoff product using the disputed domain name for illegal activity. The Respondent's use of the disputed domain name is merely to impersonate the Complainant in order to sell counterfeiting goods. Therefore, the Respondent did not intend to use the disputed domain name in connection with any legitimate purpose.

Bad faith (paragraph 4(a)(iii) of the Policy)

In the light of the records, Complainant showed the disputed domain name is consequently similar to the CORELLE trademark that Respondent cannot reasonably pretend he was intending to develop a legitimate activity through the disputed domain name. Arguably, Respondent registered said domain name knowing that the trademark benefited from a worldwide reputation. Moreover, the time of the registration, namely September 2023, is well posterior to the registration of CORELLE trademarks.

Therefore, it is clear that the Respondent was well aware of the CORELLE trademark and has registered the dispute domain name with the intention to refer to the Complainant and to its trademark.

Furthermore, it seems that Respondent has registered the dispute domain name <corelle-sales.shop> for the sole purpose to attract, for commercial gain, internet users to the infringing website, by creating a likelihood of confusion with the Complainant's trademark in order to sell and/or advertise counterfeit products.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. corelle-sales.shop: Transferred

PANELLISTS

Name	Nathalie Dreyfus
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DATE OF PANEL DECISION 2023-11-09

Publish the Decision
