

Decision for dispute CAC-UDRP-105978

Case number	CAC-UDRP-105978
Time of filing	2023-11-16 13:42:52
Domain names	allsaintsmexico.net, allsaintsargentina.com, allsaintsbelgique.com, allsaintshungary.com, allsaintscanadasale.com, allsaintsjapan.com, allsaintsbulgaria.com, allsaintsoutletireland.com, allsaintssaleoutlet.com, allsaintsslovenija.com, allsaintsonlineuae.com, allsaintsbrasil.com, allsaintsoutletonline.com, allsaintsnederland.net, allsaintsromania.net, allsaintsgreece.net, allsaintsdanmark.net, allsaintschile.net, allsaintsisrael.com, allsaintsukstore.com, allsaintsaustralia.com, allsaintsportugal.net, allsaintsfactoryoutlet.com, allsaints-france.com, allsaintsaustraliaoutlet.com, allsaints-singapore.com, allsaintsusasale.com, allsaints-turkiye.com, allsaintsuksales.com, allsaints-ireland.com, allsaintsindia.com, allsaints-nz.com, allsaints-nederland.com, allsaints-india.com, allsaintsfashion.com, allsaintsshops.com, allsaints-stores.com, allsaintsgb.com, outlet-allsaints.com, allsaintsoutletsonline.com

Case administrator

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

Organization	All Saints Retail Limited
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Complainant representative

Organization	Stobbs IP
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RESPONDENTS

Name	Qiu Xiaofeng
Organization	Web Commerce Communications Limited
Name	Ceaaufmann
Name	Changliang Wu
Name	HelenJVince HelenJVince
Name	KathrynTSmith KathrynTSmith
Name	Rfite Siokgt
Name	SPerson Ronald
Name	Iernd Trank

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to any of the disputed domain names.

IDENTIFICATION OF RIGHTS

The Complainant relies on its registrations of the word mark "ALL SAINTS" in the UK under no. 00002307473 in classes 3, 14, 18 and 25 as well as in numerous other territories around the world.

FACTUAL BACKGROUND

The Complainant is a fashion retailer with headquarters in London, UK. The business was founded as a partnership in 1994 and incorporated in 2000. It started as a wholesale menswear brand supplying high-end retailers, but now retails menswear, womenswear, apparel, footwear and accessories in 232 stores in 27 countries with 3200 employees. It acquired the domain name <allsaints.com> in 2009 and uses this for its main website which had nearly 2.3 million visits in 2022. "allsaints" is also used for the Complainant's social media accounts which have large numbers of followers.

The disputed domain names were registered between October 2022 and September 2023. 31 out of the 40 disputed domain names currently resolve or previously resolved to websites imitating the Complainant's website or offering goods under the Complainant's "ALL SAINTS" mark. 24 of these 31 websites are now blocked by their ISPs as security risks and have also been identified as security risks by antivirus software. Websites at 8 of the other 9 disputed domain names are also now blocked by the ISPs as security risks and identified as security risks by antivirus software. The one remaining disputed domain name, <allsaintfashion.com> locates a website selling the Complainant's products under the Complainant's mark, but does not explain its lack of relationship with the Complainant.

PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the disputed domain names should be transferred to it.

No administratively compliant Response has been filed.

RIGHTS

The Panel finds that the Complainant has registered rights in the mark "ALL SAINTS" in the UK and other territories.

The Panel further finds that all of the disputed domain names are confusingly similar to this mark. With one exception they all contain the entirety of the mark (apart from the space between "ALL" and "SAINTS") combined with a generic term and/or country name and a generic top level domain name (gTLD) suffix. In line with numerous previous decisions, these elements are discounted when considering the likelihood of confusion since they are not effective to distinguish a domain name from a mark contained in it.

The one exception is <allsaintfashion.com>, which does not include the final "s" of the Complainant's mark. However, this disputed domain name is still extremely close to the Complainant's mark apart from the addition of the generic word "fashion" and the gTLD suffix. The Complainant finds that this domain name is also confusingly similar to the Complainant's mark.

The Complainant has, to the satisfaction of the Panel, shown that the disputed domain names are confusingly similar to a trademark in which the Complainant has rights within the meaning of paragraph 4(a)(i) of the Policy.

NO RIGHTS OR LEGITIMATE INTERESTS

The Panel is satisfied by the Complainant's undisputed evidence that the registrations of the disputed domain names are connected and that they are likely to be controlled by the same Respondent.

The Panel finds that the Respondent has not used or made demonstrable preparations to use the disputed domain names for a bona fide offering of goods or services. Nor has the Respondent made legitimate non-commercial or fair use of the disputed domain names.

The undisputed evidence of the Complainant shows that the Respondent has used many of the disputed domain names in bad faith to

attract Internet users to counterfeit websites and/or to promote counterfeit merchandise. The only website offering genuine products of the Complainant located by any of the disputed domain names is the website at www.allsaintfashion.com. However, in line with the Oki Data decision, this does not qualify as a bona fide offering of goods since this website does not state that it is not authorised by the Complainant.

It is also clear that the Respondent is not commonly known by any of the disputed domain names and that it has not been licensed by the Complainant to use the Complainant's mark in the disputed domain names.

In all the circumstances and in the light of the Complainant's unchallenged evidence, 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's undisputed evidence shows that the Respondent has used most of the disputed domain names to attract Internet users to counterfeit websites and/or to promote counterfeit merchandise. The Respondent has thereby used these disputed domain names in intentional attempts to attract Internet users to its websites for commercial gain by creating a likelihood of confusion with the Complainant's mark as to the source, affiliation or endorsement of the Respondent's websites.

The Respondent has also used the disputed domain name [<allsaintfashion.com>](http://allsaintfashion.com) in an intentional attempt to attract Internet users to the website at www.allsaintfashion.com for commercial gain by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation or endorsement of the Respondent's websites by using the Complainant's mark in the disputed domain name without indicating that this website has not been authorised by the Complainant.

In accordance with paragraph 4(b)(iv) of the Policy, the above circumstances are evidence of registration and use of these disputed domains by the Respondent in bad faith. There is no evidence to the contrary displacing this presumption. Furthermore, in the absence of any evidence to the contrary, it is to be inferred that the other disputed domain names have similarly been registered and used in bad faith by the Respondent.

The Complainant has, to the satisfaction of the Panel, shown that all of the disputed 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 by the Complainant's undisputed evidence that the disputed domain names are probably in common control and that consolidation of the disputes would be fair and equitable to all parties as well as producing procedural efficiency. Accordingly, it is appropriate to consolidate the disputes in line with the decisions references in section 4.11 of the WIPO Jurisprudential Overview 3.0 published at <https://www.wipo.int/amc/en/domains/search/overview3.0/#item411>.

The Panel is satisfied that all procedural requirements under the UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

Multiple disputed domain names comprise the Complainant's well-established mark together with a generic term and/or country name and a gTLD suffix. Undisputed evidence shows that most of the disputed domain names have been used to attract Internet users to counterfeit websites and/or to promote counterfeit merchandise. One disputed domain name is used to promote genuine merchandise but does not indicate that its use is not authorised by the Complainant. Panel finds that all of the disputed domain names are confusingly similar to Complainant's mark, that Respondent has no rights or legitimate interests, and that the disputed domain names have been registered and are being 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. **allsaintsmexico.net**: Transferred
2. **allsaintsargentina.com**: Transferred
3. **allsaintsbelgique.com**: Transferred

- 4. **allsaintshungary.com**: Transferred
- 5. **allsaintscanadasale.com**: Transferred
- 6. **allsaintsjapan.com**: Transferred
- 7. **allsaintsbulgaria.com**: Transferred
- 8. **allsaintsoutletireland.com**: Transferred
- 9. **allsaintssaleoutlet.com**: Transferred
- 10. **allsaintsslovenija.com**: Transferred
- 11. **allsaintsonlineuae.com**: Transferred
- 12. **allsaintsbrasil.com**: Transferred
- 13. **allsaintsoutletonline.com**: Transferred
- 14. **allsaintsnederland.net**: Transferred
- 15. **allsaintsromania.net**: Transferred
- 16. **allsaintsgreece.net**: Transferred
- 17. **allsaintsdanmark.net**: Transferred
- 18. **allsaintschile.net**: Transferred
- 19. **allsaintsisrael.com**: Transferred
- 20. **allsaintsukstore.com**: Transferred
- 21. **allsaintsaustralia.com**: Transferred
- 22. **allsaintsportugal.net**: Transferred
- 23. **allsaintsfactoryoutlet.com**: Transferred
- 24. **allsaints-france.com**: Transferred
- 25. **allsaintsaustraliaoutlet.com**: Transferred
- 26. **allsaints-singapore.com**: Transferred
- 27. **allsaintsusasale.com**: Transferred
- 28. **allsaints-turkiye.com**: Transferred
- 29. **allsaintsuksales.com**: Transferred
- 30. **allsaints-ireland.com**: Transferred
- 31. **allsaintsindia.com**: Transferred
- 32. **allsaints-nz.com**: Transferred
- 33. **allsaints-nederland.com**: Transferred
- 34. **allsaints-india.com**: Transferred
- 35. **allsaintfashion.com**: Transferred
- 36. **allsaintsshops.com**: Transferred
- 37. **allsaints-stores.com**: Transferred
- 38. **allsaintsgb.com**: Transferred
- 39. **outlet-allsaints.com**: Transferred
- 40. **allsaintsoutletsonline.com**: Transferred

PANELLISTS

Name	Jonathan Turner
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DATE OF PANEL DECISION	2024-01-02
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Publish the Decision	
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