

Decision for dispute CAC-UDRP-106355

Case number	CAC-UDRP-106355
Time of filing	2024-03-25 09:18:30
Domain names	xnswarovskimagyarorszg-0xb.com, xnswarovskitrkiye-8vb.com, xnswarovskimxico-kkb.com, xnswarovskiper-xkb.com, xnswarovskiespaa-2nb.com, xnswarovskibelgi-jlb.com, swarovskibelgique.com, swarovskisuisse.com, swarovskinederland.com, swarovskiuruguay.com, swarovskischweiz.com, swarovskibrasil.com, swarovskiargentina.com, swarovskiuruguay.com, swarovskisrbija.com, swarovskislovenija.com, swarovskiromania.com, swarovskigreece.com, swarovskieesti.com, swarovskilatvija.com, swarovskilietuva.com, swarovskibulgaria.com, swarovskiisrael.com, swarovskiuaeoutlets.com, swarovskikuwait.com, swarovskinz.net, swarovskiaustralia.net, swarovskicolombia.net, swarovskiireland.net, swarovskinorge.net, swarovskiportugal.net, swarovskisuomi.net, swarovskichile.net, swarovskicz.net, swarovskihrvatska.net, swarovskijapan.net

Case administrator

Name Olga Dvořáková (Case admin)

Complainant

Organization Swarovski Aktiengesellschaft

Complainant representative

Organization SILKA AB

RESPONDNTS

Name	Zhang Qiang
Name	Isabel Conway
Name	Joe Morton
Name	Luca Schofield

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 the following trademark registrations for the sign "SWAROVSKI" (the "SWAROVSKI trademark"):

- the International trademark SWAROVSKI with registration No. 303389A, registered on 9 October 1965 for goods and services in International Classes 1, 3, 6, 7, 8, 9, 11, 14, 16, 17, 19, 20, 21, 24 and 26;
- the International trademark SWAROVSKI with registration No. 527385, registered on 7 March 1988 for goods and services in International Classes 11, 14, 21 and 26;
- the United States trademark SWAROVSKI with registration No. 1739479, registered on 11 March 1988 for goods and services in International Classes 11, 14, 18, 21 and 25; and
- the European Union trademark SWAROVSKI with registration No. 000120576, registered on 15 October 1998 for goods and services in International Classes 3, 9, 11, 14, 16, 18, 21, 25 and 26.

FACTUAL BACKGROUND

The Complainant was founded in 1895 and is a leading company in the jewellery industry. Its products are sold in about 2,400 stores in more than 150 countries. The Complainant is the owner of the domain name <swarovski.com> registered on January 19, 1996, which resolves to its official website.

The details about the dates of registration of the disputed domain names, their registrants, and the websites to which they resolve are the following:

Disputed domain name	Date of registra-tion	Registrant	Registrar	Use at the time of filing of the Complaint	Current use
<xnswarovskimagyarorszg- 0xb.com></xnswarovskimagyarorszg- 	June 19, 2023	Zhang Qiang	Paknic Private Limited	resolved to an active website selling the Complainant's products	resolves to an active website selling the Complainant's products
<xnswarovskitrkiye-8vb.< td=""><td>June 19, 2023</td><td>Zhang Qiang</td><td>Paknic Private Limited</td><td>resolved to an active website selling the Complainant's products</td><td>resolves to an active website selling the Complainant's products</td></xnswarovskitrkiye-8vb.<>	June 19, 2023	Zhang Qiang	Paknic Private Limited	resolved to an active website selling the Complainant's products	resolves to an active website selling the Complainant's products
<xnswarovskimxico-kkb.< td=""><td>June 19, 2023</td><td>Zhang Qiang</td><td>Paknic Private Limited</td><td>resolved to an active website selling the Complainant's products</td><td>resolves to an active website selling the Complainant's products</td></xnswarovskimxico-kkb.<>	June 19, 2023	Zhang Qiang	Paknic Private Limited	resolved to an active website selling the Complainant's products	resolves to an active website selling the Complainant's products
<xnswarovskiper-xkb.< td=""><td>June 19, 2023</td><td>Zhang Qiang</td><td>Paknic Private Limited</td><td>resolved to an active website selling the Complainant's products</td><td>resolves to an active website selling the Complainant's products</td></xnswarovskiper-xkb.<>	June 19, 2023	Zhang Qiang	Paknic Private Limited	resolved to an active website selling the Complainant's products	resolves to an active website selling the Complainant's products
<xnswarovskiespaa-2nb.< td=""><td>June 19, 2023</td><td>Zhang Qiang</td><td>Paknic Private Limited</td><td>resolved to an active website selling the Complainant's products</td><td>resolves to an active website selling the Complainant's products</td></xnswarovskiespaa-2nb.<>	June 19, 2023	Zhang Qiang	Paknic Private Limited	resolved to an active website selling the Complainant's products	resolves to an active website selling the Complainant's products
<xnswarovskibelgi-jlb.< td=""><td>June 19, 2023</td><td>Zhang Qiang</td><td>Paknic Private Limited</td><td>resolved to an active website selling the Complainant's products</td><td>resolves to an active website selling the Complainant's products</td></xnswarovskibelgi-jlb.<>	June 19, 2023	Zhang Qiang	Paknic Private Limited	resolved to an active website selling the Complainant's products	resolves to an active website selling the Complainant's products

<swarovskibelgique.com></swarovskibelgique.com>	June 19, 2023	Zhang Qiang	Paknic Private Limited	resolved to an active website selling the Complainant's products	resolves to an active website selling the Complainant's products
<swarovskisuisse.com></swarovskisuisse.com>	June 19, 2023	Zhang Qiang	Paknic Private Limited	resolved to an active website selling the Complainant's products	resolves to an active website selling the Complainant's products
<swarovskinederland. com=""></swarovskinederland.>	June 19, 2023	Zhang Qiang	Paknic Private Limited	resolved to an active website selling the Complainant's products	resolves to an active website selling the Complainant's products
<swarovskischweiz.com></swarovskischweiz.com>	June 19, 2023	Zhang Qiang	Paknic Private Limited	resolved to an active website selling the Complainant's products	resolves to an active website selling the Complainant's products
<swarovskibrasil.com></swarovskibrasil.com>	June 19, 2023	Zhang Qiang	Paknic Private Limited	resolved to an active website selling the Complainant's products	resolves to an active website selling the Complainant's products
<swarovskiargentina.< td=""><td>June 19, 2023</td><td>Zhang Qiang</td><td>Paknic Private Limited</td><td>resolved to an active website selling the Complainant's products</td><td>resolves to an active website selling the Complainant's products</td></swarovskiargentina.<>	June 19, 2023	Zhang Qiang	Paknic Private Limited	resolved to an active website selling the Complainant's products	resolves to an active website selling the Complainant's products
<swarovskiuruguay.com></swarovskiuruguay.com>	June 19, 2023	Zhang Qiang	Paknic Private Limited	resolved to an active website selling the Complainant's products	resolves to an active website selling the Complainant's products
<swarovskisrbija.com></swarovskisrbija.com>	June 19, 2023	Zhang Qiang	Paknic Private Limited	resolved to an active website selling the Complainant's products	resolves to an active website selling the Complainant's products
<swarovskislovenija.com></swarovskislovenija.com>	June 19, 2023	Zhang Qiang	Paknic Private Limited	resolved to an active website selling the Complainant's products	resolves to an active website selling the Complainant's products
<swarovskiromania.com></swarovskiromania.com>	June 19, 2023	Zhang Qiang	Paknic Private Limited	resolved to an active website selling the Complainant's products	resolves to an active website selling the Complainant's products

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<swarovskigreece.com></swarovskigreece.com>	June 19, 2023	Zhang Qiang	Paknic Private Limited	resolved to an active website selling the Complainant's products	resolves to an active website selling the Complainant's products
<swarovskieesti.com></swarovskieesti.com>	June 19, 2023	Zhang Qiang	Paknic Private Limited	resolved to an active website selling the Complainant's products	resolves to an active website selling the Complainant's products
<swarovskilatvija.com></swarovskilatvija.com>	June 19, 2023	Zhang Qiang	Paknic Private Limited	resolved to an active website selling the Complainant's products	resolves to an active website selling the Complainant's products
<swarovskilietuva.com></swarovskilietuva.com>	June 19, 2023	Zhang Qiang	Paknic Private Limited	resolved to an active website selling the Complainant's products	resolves to an active website selling the Complainant's products
<swarovskibulgaria.com></swarovskibulgaria.com>	June 19, 2023	Zhang Qiang	Paknic Private Limited	resolved to an active website selling the Complainant's products	resolves to an active website selling the Complainant's products
<swarovskiisrael.com></swarovskiisrael.com>	June 19, 2023	Zhang Qiang	Paknic Private Limited	resolved to an active website selling the Complainant's products	resolves to an active website selling the Complainant's products
<swarovskiuaeoutlets.< td=""><td>June 19, 2023</td><td>Zhang Qiang</td><td>Paknic Private Limited</td><td>resolved to an active website selling the Complainant's products</td><td>resolves to an active website selling the Complainant's products</td></swarovskiuaeoutlets.<>	June 19, 2023	Zhang Qiang	Paknic Private Limited	resolved to an active website selling the Complainant's products	resolves to an active website selling the Complainant's products
<swarovskikuwait.com></swarovskikuwait.com>	June 19, 2023	Zhang Qiang	Paknic Private Limited	resolved to an active website selling the Complainant's products	resolves to an active website selling the Complainant's products
<swarovskinz.net></swarovskinz.net>	November 24, 2023	Isabel Conway	Alibaba.com Singapore E-commerce Private Limited	resolved to an active website selling the Complainant's products	inactive
<swarovskiaustralia.net></swarovskiaustralia.net>	June 21, 2023	Joe Morton	Alibaba.com Singapore E-commerce Private Limited	resolved to an active website selling the Complainant's products	inactive

<swarovskicolombia.net></swarovskicolombia.net>	June 21, 2023	Joe Morton	Alibaba.com Singapore E-commerce Private Limited	resolved to an active website selling the Complainant's products	inactive
<swarovskiireland.net></swarovskiireland.net>	June 21, 2023	Joe Morton	Alibaba.com Singapore E-commerce Private Limited	resolved to an active website selling the Complainant's products	inactive
<swarovskinorge.net></swarovskinorge.net>	June 21, 2023	Joe Morton	Alibaba.com Singapore E-commerce Private Limited	resolved to an active website selling the Complainant's products	inactive
<swarovskiportugal.net></swarovskiportugal.net>	June 21, 2023	Joe Morton	Alibaba.com Singapore E-commerce Private Limited	resolved to an active website selling the Complainant's products	inactive
<swarovskisuomi.net></swarovskisuomi.net>	June 21, 2023	Joe Morton	Alibaba.com Singapore E-commerce Private Limited	resolved to an active website selling the Complainant's products	inactive
<swarovskichile.net></swarovskichile.net>	June 21, 2023	Luca Schofield	Alibaba.com Singapore E-commerce Private Limited	resolved to an active website selling the Complainant's products	inactive
<swarovskicz.net></swarovskicz.net>	June 21, 2023	Luca Schofield	Alibaba.com Singapore E-commerce Private Limited	resolved to an active website selling the Complainant's products	inactive
<swarovskihrvatska.net></swarovskihrvatska.net>	June 21, 2023	Luca Schofield	Alibaba.com Singapore E-commerce Private Limited	resolved to an active website selling the Complainant's products	inactive
<swarovskijapan.net></swarovskijapan.net>	June 21, 2023	Luca Schofield	Alibaba.com Singapore E-commerce Private Limited	resolved to an active website selling the Complainant's products	inactive

At the time of filing of the Complaint, all disputed domain names resolved to almost identical websites having the same title page prominently featuring the SWAROVSKI trademark, and some of the text on each of the associated websites was in the language of the country whose name or abbreviation was included in the respective disputed domain name that resolved to it (e.g., some of the text on the website associated with the disputed domain name <swarovskijapan.net> was in Japanese), while the rest of the text on each of

these websites was in English. All these websites offered discounted goods under the SWAROVSKI trademark.

As of the date of this decision, the content of the websites associated with the disputed domain names registered with the Registrar Paknic Private Limited has remained the same as at the time of filing of the Complaint, while the disputed domain names registered with the Registrar Alibaba.com Singapore E-commerce Private Limited have been deactivated following the submission of the Complaint.

PARTIES CONTENTIONS

The Complainant states that the disputed domain names are confusingly similar to its SWAROVSKI trademark which they incorporate in full in combination with the name of a country or the abbreviation of the name of a country (e.g., "nz" for "New Zealand" in the disputed domain name <swarovskinz.net>). Some of the disputed domain names are Internationalized Domain Names ("IDNs") which reflect the names of the respective countries (e.g., <xn--swarovskibelgi-jlb.com> which translates to <swarovskibelgië.com>). The disputed domain name <swarovskiuaeoutlets.com> also contains the dictionary word "outlets". According to the Complainant, the SWAROVSKI trademark is the dominant and distinctive feature of each of the disputed domain names, and the addition of other terms does not prevent a finding of confusing similarity.

According to the Complainant, the Respondents have no rights or legitimate interests in respect of the disputed domain names, because they are not known by the SWAROVSKI trademark and do not have trademark rights in any term matching or similar to the disputed domain names. The Complainant adds that the Respondents are not affiliated with the Complainant and have not received any license to use the SWAROVSKI trademark in any way.

The Complainant submits that the Respondents have not used the disputed domain names in connection with a bona fide offering of goods or services and have not carried out any legitimate non-commercial or fair use of them. All disputed domain names have been used to resolve to websites that prominently feature the Complainant's SWAROVSKI trademark and logo and offer discounted goods. These websites adopt a similar look and feel (e.g., layout, font and colours) to that of the Complainant's official website, fail to disclaim their lack of connection to the Complainant, and attempt to impersonate it, including through the inclusion of copyright notices that combine the SWAROVSKI trademark with the name of the respective country corresponding to the disputed domain name that resolves to it (i.e., "Copyright © 2024 swarovski[country]" in the disputed domain name <swarovski[country].com>).

The Complainant highlights that the composition of the disputed domain names, which combines the distinctive SWAROVSKI trademark with geographical terms creates a high risk of implied affiliation, and give Internet users the false impression that they represent official websites of the Complainant, tailored for Internet users based in the respective different jurisdictions.

The Complainant contends that the disputed domain names were registered and are being used in bad faith. It points out that the SWAROVSKI brand has been registered as a trademark for more than 50 years in numerous jurisdictions, and the Complainant has a global customer base with tens of thousands of points of sale and offerings sold in over 150 countries. The top results of a basic Internet search of the term "Swarovski" all relate to the Complainant's offerings. According to the Complainant, it is therefore evident that the simplest degree of due diligence would have made any registrant of the disputed domain names aware of the Complainant's rights in the globally renowned SWAROVSKI trademark. The Complainant further submits that, given the global reach of the Complainant's offerings, the Respondents' decision to register 35 domain names combining the SWAROVSKI trademark with geographical terms constitutes further evidence that the Respondents were aware of and had plans from the outset to commercially capitalise on the SWAROVSKI brand in bad faith. The Complainant concludes that the Respondents have intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's SWAROVSKI trademark.

RESPONDENTS:

The Respondents did not submit any Response in this proceeding.

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 Respondents 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 names have been registered and are being used in

bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

PROCEDURAL FACTORS

Consolidation of the Respondents

The Complaint was filed in relation to nominally different domain name registrants, and the Complainant requests that the Respondents be consolidated in this proceeding.

Paragraph 10(e) of the Rules grants the Panel the power to consolidate multiple domain name disputes. Paragraph 3(c) of the Rules notes that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

Section 4.11.2 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0") notes that "[w]here a complaint is filed against multiple respondents, panels look at whether (i) the domain names or corresponding websites are subject to common control, and (ii) the consolidation would be fair and equitable to all parties. Procedural efficiency would also underpin panel consideration of such a consolidation scenario".

The Complainant submits that the disputed domain names are, despite the different registrant identities disclosed by the Registrars, subject to common control, for the following reasons:

- all disputed domain names consist of the Complainant's SWAROVSKI trademark in combination with the name or abbreviation of a country;
- all disputed domain names have been used to resolve to virtually identical websites;
- 34 of the 35 disputed domain names, registered by all four Respondents, were registered on 19 and 21 June 2023; and
- all disputed domain names registered with the Registrar ALIBABA.COM SINGAPORE ECOMMERCE PRIVATE LIMITED are connected to email addresses that follow a similar naming pattern (i.e., the Respondent name followed by a two-digit number), and are connected to the domain name <cxtmail.com>.

According to the Complainant, the above shows that the disputed domain names are subject to common control, since it is inconceivable that within a period of two days multiple unconnected individuals would decide to register 35 domain names that follow the same naming pattern and lead to virtually identical website content.

The Complainant further submits that the consolidation of Respondents would be fair and equitable to the Parties.

As regards common control, the Panel notes that all disputed domain names indeed follow the same naming pattern combining the SWAROVSKI trademark with the name or abbreviation of a country, and all but one of them were registered within two days. It is also quite telling that all 35 disputed domain names resolved to virtually identical websites at the time of filing of the Complaint. This is sufficient for the Panel to conclude that the registrants of the disputed domain names are in fact the same person or are under common control.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants in a single proceeding.

Further to the above, 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

Pursuant to the Policy, paragraph 4(a), a complainant must prove each of the following to justify the transfer of a domain name:

- (i) the domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights;
- (ii) the respondent has no rights or legitimate interests in respect of the domain name; and
- (iii) the domain name was registered and is being used in bad faith.

In this case, the Provider has employed the required measures to achieve actual notice of the Complaint to the Respondents, and the Respondents were given a fair opportunity to present their case.

By the Rules, paragraph 5(c)(i), it is expected of a respondent to: "[r]espond specifically to the statements and allegations contained in the complaint and include any and all bases for the Respondent (domain name holder) to retain registration and use of the disputed domain name ..."

In this proceeding, the Respondents have not used the opportunity provided to them under the Rules and have not submitted a

substantive Response addressing the contentions of the Complainant and the evidence submitted by it.

Identical or confusingly similar

The Complainant has provided evidence and has thus established its rights in the SWAROVSKI trademark.

The Panel notes that a common practice has emerged under the Policy to disregard in appropriate circumstances the general Top-Level Domain ("gTLD") section of domain names for the purposes of the comparison under the Policy, paragraph 4(a)(i). The Panel sees no reason not to follow the same approach here, so it will disregard the ".com" and ".net" gTLD sections of the disputed domain names.

The relevant part of each of the disputed domain names follows either the pattern "swarovski[name of a country]" where the names of the countries are written in English (such as "swarovskibulgaria") or in their native language (such as "swarovskihrvatska"), or the pattern "swarovski[abbreviation of the name of a country]" (such as "swarovskinz", where "nz" stands for New Zealand). The SWAROVSKI trademark is easily recognizable in each of the disputed domain names. As discussed in section 1.8 of the WIPO Overview 3.0, where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element.

Taking the above into account, the Panel finds that the disputed domain names are confusingly similar to the SWAROVSKI trademark in which the Complainant has rights.

Rights and legitimate interests

While the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often-impossible task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element.

The Complainant contends that the Respondents have no rights or legitimate interests in the disputed domain names, because they are not known by the SWAROVSKI trademark and have no relevant trademark, are not affiliated with the Complainant, and have not been licensed to use the SWAROVSKI trademark. According to the Complainant, the Respondents have not used the disputed domain names in connection with a bona fide offering of goods or services and have not carried out any legitimate non-commercial or fair use of them, because all of the disputed domain names have been used for websites featuring the SWAROVSKI trademark and offering for sale discounted goods, without disclaiming the lack of connection to the Complainant.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondents lack rights or legitimate interests in the disputed domain names. The Respondents have not rebutted the Complainant's prima facie showing and have not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain names such as those enumerated in the Policy or otherwise.

As discussed in section 2.8.1 of the WIPO Overview 3.0, panels have recognized that resellers, distributors, or service providers using a domain name containing the complainant's trademark to undertake sales or repairs related to the complainant's goods or services may be making a bona fide offering of goods and services and thus have a legitimate interest in such domain name. Outlined in the "Oki Data test", the following cumulative requirements will be applied in the specific conditions of a UDRP case:

- (i) the respondent must actually be offering the goods or services at issue;
- (ii) the respondent must use the site to sell only the trademarked goods or services;
- (iii) the site must accurately and prominently disclose the registrant's relationship with the trademark holder; and
- (iv) the respondent must not try to "corner the market" in domain names that reflect the trademark.

Cases applying the Oki Data test usually involve a domain name comprising a trademark plus a descriptive term (e.g., "parts", "repairs", or "location"), whether at the second-level or the top-level. WIPO Overview, section 2.8.2.

All 35 disputed domain names were registered in 2023. Each of them includes the SWAROVSKI trademark, which the Complainant registered and started using several decades earlier, in combination with a geographic term or abbreviation, which makes them appear as representing official online locations of the Complainant for the respective territories. At the time of filing of the Complaint, all of them resolved to virtually identical websites that prominently featured the SWAROVSKI trademark and offered for sale products marked with the same trademark at discounted prices. The websites did not identify the provider of the goods and did not contain any disclaimer for the lack of relationship with the Complainant.

Taking the above circumstances into account, the Panel finds that the Respondents' conduct does not meet the requirements of the Oki Data test, because the websites at the disputed domain names did not accurately and prominently disclose the Respondents' lack of relationship with the Complainant and attempted to corner the market in domain names by registering 35 domain names targeting the

SWAROVSKI trademark for different territories.

Therefore, the Panel finds that the Respondents do not have rights or legitimate interests in the disputed domain names.

Bad faith

Paragraph 4(b) of the Policy lists four illustrative alternative circumstances that shall be evidence of the registration and use of a domain name in bad faith by a respondent, namely:

- "(i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or
- (ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or
- (iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product or service on your website or location."

The registration of the distinctive SWAROVSKI trademark predates by decades the registration of the disputed domain names. All of them represent combinations of this trademark with the names or abbreviations of the names of different countries, which may well lead Internet users to believe that they signify official online locations of the Complainant for these countries. The Respondents have provided no plausible explanation of their choices of domain names and no legitimate plans for their use and have not denied the statements of the Complainant. They have registered 35 domain names and have associated them with virtually identical websites prominently featuring the SWAROVSKI trademark and offering for sale goods marked with it at discounted prices, without disclosing the lack of relationship with the Complainant.

Considering the above, the Panel concludes that the Respondents have registered the disputed domain names targeting the SWAROVSKI trademark with the intention of taking advantage of its goodwill for commercial gain, which supports a finding of bad faith under Paragraph 4(b)(iv) of the Policy. The significant number of the disputed domain names also supports a conclusion that the Respondents have engaged in a pattern of multiple registrations of domain names in an attempt to prevent the Complainant from reflecting the SWAROVSKI trademark in domain names corresponding to various countries, which supports a finding of bad faith also under Paragraph 4(b)(ii) of the Policy.

Some of the disputed domain names are currently inactive. This however does not preclude a finding of bad faith, given their prior use and the fact that they have been deactivated only after the filing of the Complaint.

On this basis, the Panel finds that the disputed domain names were 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. xn--swarovskimagyarorszg-0xb.com: Transferred

2. xn--swarovskitrkiye-8vb.com: Transferred

3. xn--swarovskimxico-kkb.com: Transferred

4. xn--swarovskiper-xkb.com: Transferred

5. xn--swarovskiespaa-2nb.com: Transferred

6. xn--swarovskibelgi-jlb.com: Transferred

7. swarovskibelgique.com: Transferred

8. swarovskisuisse.com: Transferred

9. swarovskinederland.com: Transferred

10. swarovskischweiz.com: Transferred

11. swarovskibrasil.com: Transferred

12. swarovskiargentina.com: Transferred

13. swarovskiuruguay.com: Transferred

- 14. swarovskisrbija.com: Transferred
- 15. swarovskislovenija.com: Transferred
- 16. swarovskiromania.com: Transferred
- 17. swarovskigreece.com: Transferred
- 18. swarovskieesti.com: Transferred
- 19. swarovskilatvija.com: Transferred
- 20. **swarovskilietuva.com**: Transferred
- 04 ----- T.....
- 21. **swarovskibulgaria.com**: Transferred
- 22. **swarovskiisrael.com**: Transferred
- 23. **swarovskiuaeoutlets.com**: Transferred
- 24. swarovskikuwait.com: Transferred
- 25. swarovskinz.net: Transferred
- 26. swarovskiaustralia.net: Transferred
- 27. swarovskicolombia.net: Transferred
- 28. swarovskiireland.net: Transferred
- 29. swarovskinorge.net: Transferred
- 30. swarovskiportugal.net: Transferred
- 31. **swarovskisuomi.net**: Transferred
- 32. swarovskichile.net: Transferred
- 33. swarovskicz.net: Transferred
- 34. swarovskihrvatska.net: Transferred
- 35. swarovskijapan.net: Transferred

PANELLISTS

Name Assen Alexiev

DATE OF PANEL DECISION 2

2024-04-25

Publish the Decision