Decision for dispute CAC-UDRP-106572

Case number	CAC-UDRP-106572
Time of filing	2024-05-30 08:51:35
Domain names	vip-chanel.com

Case administrator

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

Complainant

Organization	Chanel Inc

Complainant representative

Organization	SILKA AB

Respondent

Name	xinkaitong wuhan

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 and Chanel Group hold numerous active trademarks for CHANEL, covering a multitude of jurisdictions around the world, including at least four International Registrations dating back as far as 1957.

FACTUAL BACKGROUND

The Complainant operates online from chanel.com, which it uses to advertise its offerings to internet users around the world. The disputed domain name <vip-chanel.com> (Domain Name) has been used by Respondent to resolve to a site which purports to offer the sale of heavily discounted clothing goods. The site encourages internet users to purchase the advertised items by providing it with personal details including the user's e-mail address, name, shipping address and contact number. Users are also encouraged to create an account with the site.

Additionally, the wording at the top-left section of each page of the site (reading 'puhuo001') is linked to a fraudulent online store scam that engages in deceptive tactics to trick customers into placing orders and handing over their money or sensitive personal information.

PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the Domain Name should be transferred to it. 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). The Complainant submits that it satisfies the identity/confusing similarity requirement of the first element. The Domain Name's second level consists of the CHANEL mark in full, only preceded by the term 'vip' and a hyphen. The Complainant's CHANEL mark remains clearly recognisable in the Domain Name's string (see WIPO Overview 3.0, section 1.7) and panels have consistently held that the addition of other terms (whether descriptive or otherwise) to a complainant's trademark would not prevent a finding of confusing similarity under the first element (see WIPO Overview 3.0, section 1.8).

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 Domain Name within the meaning of paragraph 4(a)(ii) of the Policy. The Respondent is not connected to nor affiliated with the Complainant and has not received license or consent to use the CHANEL mark in any way. The Respondent's use of the Domain Name commercially capitalises on the Complainant's rights in the CHANEL mark. The Domain Name's combination of the Complainant's CHANEL mark with the prefix 'vip-' carries a high risk of implied affiliation. Telefonaktiebolaget LM Ericsson v. (du jia jie), WIPO Case No. D2023-3122 ('Furthermore, given the composition of the disputed domain name, which combines the Complainant's trade mark with the term "vip", the disputed domain name carries a risk of implied affiliation… which cannot constitute fair use.'). Given the Domain Name's composition and its resolving content, the Respondent is almost certainly using the Domain Name to engage in fraudulent conduct, such as phishing. The Complainant has carried its prima facie burden on this element, and the Respondent has failed to appear to contest any of these allegations. Therefore, the Respondent has no rights or legitimate interests in respect of the Domain Name.

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). The Complainant submits that the Respondent's choice of the Domain Name's string 'vip-chanel.com' reflects its awareness of, and intention to target, the Complainant at the time of registering the Domain Name. The Complainant further submits that the Respondent has intentionally attempted to attract, for commercial gain, internet users by creating a likelihood of confusion with the Complainant's CHANEL mark. The Respondent has used the Domain Name, which is confusingly similar to the CHANEL mark, to attract users familiar with the Complainant to a site which, by purporting to sell apparel, creates the misleading and false impression that it is associated with/endorsed by the Complainant. It is highly likely that the Respondent is using the Domain Name to engage in fraudulent activity. Such conduct amounts to bad faith use (see WIPO Overview 3.0, section 3.1.4: 'As noted in section 2.13.1, given that the use of a domain name for per se illegitimate activity such as the sale of counterfeit goods or phishing can never confer rights or legitimate interests on a respondent, such behavior is manifestly considered evidence of bad faith.').

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 Respondent has used the Domain Name, which is confusingly similar to the CHANEL mark, to attract users familiar with the Complainant to a site which, by purporting to sell apparel, creates the misleading and false impression that it is associated with/endorsed by the Complainant. It is highly likely that the Respondent is using the Domain Name to engage in fraudulent activity.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **vip-chanel.com**: Transferred

PANELLISTS

Name	**Mike Rodenbaugh**

DATE OF PANEL DECISION 2024-07-07

Publish the Decision