Decision for dispute CAC-UDRP-106698

Case number	CAC-UDRP-106698
Time of filing	2024-07-17 09:08:08
Domain names	ridgewalletemporium.shop

Case administrator

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

Complainant

Organization	The Ridge Wallet LLC

Complainant representative

Organization	Stobbs IP

Respondent

Name	Mike Simon

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 has registered several "Ridge" Trademarks since 21.01.2014, but only one with the combined words "ridge wallet" in Australia on 08.09.2022 reg. no. 2299129 in class 18. Complainant´s trademarks are valid. Further the Complainant is owner of different domain names, such as <ridge.com>, <ridgewallet.eu>, <ridgewallet.co.uk> and some more. The Complainant uses the company and brand name also as title in online places, e.g. https://www.instagram.com/ridgewallet/. All rights of the Complainant are prior to the registration of the disputed domain name by the Respondent.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

The Complainant is in its own words an innovative consumer goods company that has changed the industry with regard to several categories of products. One such category that the Complainant has revolutionized is that of compact wallets. The Complainant was founded in 2014 and is based in California, USA. Revenues were not mentioned. After over two million wallets sold, the Complainant’s products have become well-known. The Complainant offers its products worldwide and has subsidiaries in Europe, Australia and Asia.

The Respondent lives in London, UK, and the disputed domain name <ridgewalletemporium.shop> was registered 12 April 2024,

using a Privacy service. The disputed domain name is connected with a shop website. Under this domain name the Respondent offers products of the Complainant and/or counterfeit products. If the products on Respondents website are illegal is not clear but it is asserted by the Complainant and not contested by the Respondent. The Respondent has not published any visible disclaimer on the website linked to the disputed domain name to explain that there is no existing relationship between the Respondent and the Complainant.

PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the disputed 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).

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 submits to satisfaction of the Panel that the disputed domain name <ridgewalletemporium.shop> is confusingly similar to its RIDGE /The RIDGE / RIDGE WALLET trademarks.

It contends that the disputed domain name wholly incorporates its trademark. It adds that the addition of word “emporium” in the disputed domain name is not sufficient to avoid the likelihood of confusion with the Complainant’s trademark. Emporium means marketplace and is as a shop website only descriptive, not distinctive.

Further the Complainant contends rightfully that the addition of the suffix “.shop” does not change the overall impression of the designation as being connected to the RIDGE /RIDGE WALLET trademarks of the Complainant. The TLD "shop" is for online shops not distinctive. It does not prevent the likelihood of confusion between the disputed domain name and the Complainant’s trademarks and domain names. It is well-established that “a domain name that wholly incorporates a Complainant’s registered trademark may be sufficient to establish confusing similarity for purposes of the UDRP”. Please see WIPO Case No. D2003-0888, Dr. Ing. h.c. F. Porsche AG v. Vasiliy Terkin and CAC Case no. 103976 - <SCHNEIDERELECTRICPARTS.COM>. The same conclusion was found in case Boehringer Ingelheim Pharma GmbH & Co.KG v. Fundacion Comercio Electronico. CAC UDRP Case No. 103973 [<boehringeringelheimequinerebate.com>], where panelist Victoria McEvedy held that: "… additional material cannot prevent the inevitable association in the eyes of internet consumers between the disputed domain name and the Complainant’s trademarks and thus the likelihood of confusion is real and serious. The addition of a non-distinctive term cannot sufficiently distinguish the disputed domain name from the Complainant’s name and trademarks."

The Panel finds moreover that the Respondent is not commonly known by the disputed domain name. There is no legitimate registration or use of the disputed domain name for the Respondent. The Complainant also asserts, undisputed, that the Respondent is not affiliated with nor authorized by the Complainant in any way. It also did not grant any license or authorization to

make any use of the Complainant’s RIDGE WALLET trademark, or to register or use the disputed domain name. Please see for instance WIPO Case No. D2020-1403, Schneider Electric S.A. v. Whois Privacy Protection Foundation / Sales department (“The Complainant and its trademark are well-known worldwide ... The Respondent must have been fully aware of the Complainant and its trademark when it registered the disputed domain name.”).

The third element of the rules, bad faith, is given because as prior WIPO UDRP panels have held, the incorporation of a well-known mark into a domain name, coupled with a competing website, may be evidence of bad faith registration and use.

The Panel finds furthermore that the Respondent was unequivocally aware of the Complainant´s brand given the Respondent’s significant use of the Registered Marks on the Infringing Website, and that the Infringing Website is set up to impersonate/pass off as the Complainant in order to sell counterfeit product of the Complainant’s product. Therefore, the Complainant rightfully submits that the Respondent had knowledge of RIDGE and that the disputed domain name was registered with the sole purpose of targeting the Complainant’s Registered Marks.

Relying on the WIPO Case No. D2018-1706 Renault s.a.s v. Cem Aydin it is to contend here: "It even appears that the Respondent has registered the disputed domain name solely for the purpose of creating an association with the Complainant. After having reviewed the Complainant's screenshot of the website linked to the disputed domain names, the Panel is convinced that the Respondent has intentionally registered the disputed domain names in order to generate traffic to its own website.".

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **ridgewalletemporium.shop**: Transferred

PANELLISTS

Name	**Harald von Herget**

DATE OF PANEL DECISION 2024-08-24

Publish the Decision