# Decision for dispute CAC-UDRP-107114

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| Case number | CAC-UDRP-107114 |
| Time of filing | 2024-12-03 10:40:03 |
| Domain names | instantpotik.shop |

## Case administrator

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| Name | Olga Slanařová (Case admin) |

## Complainant

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| Organization | IB Appliances US Holdings, LLC |

## Complainant representative

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| Organization | Stobbs IP |

## Respondent

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| Name | Jay Sheth |

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

While not readily accessible to the Panel without having to trawl through copious annexes (many of which are irrelevant to the present proceeding), the Complainant owns a number of trade marks consisting of the name INSTANT POT, including the United States national trade mark INSTANT POT, registration number 6291537, first registered on 16 March 2021 in international classes 7, 9, 11, 16, 17, 21, 25, 29, 30, 32, 35, and 38; the United States national trade mark INSTANT POT, registration number 6251592, first registered on 19 January 2021 in international classes 7 and 11; and the United States national trade mark INSTANT POT, registration number 6907251, first registered on 22 November 2022 in international classes 9, 11, 16, 21 and 25. The aforementioned trade mark registrations of the Complainant predate the registration of the disputed domain name.

Furthermore, the Complainant also owns the domain name <instantpot.com>, which consists of and incorporates the name INSTANT POT, and which is connected to the Complainant's official website through which it informs Internet users and customers about its products and services.

FACTUAL BACKGROUND

The Amended Complaint discloses little information supported by evidence about the Complainant, other than the fact that it appears to distribute a multicooker and related small appliances under the brand name INSTANT POT.

The disputed domain name <instantpotik.shop> was registered on 10 November 2024. The disputed domain name resolves to an active online trading website, offering for sale products under the Complainant's INSTANT POT trade mark, as well as other related and unrelated products, at discounted prices.

## PARTIES CONTENTIONS

The Complainant contends that all three elements of the UDRP have been fulfilled and it therefore requests the transfer of the disputed domain name to the Complainant.

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 trade mark 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

With regard to the first UDRP element, the Panel finds that the disputed domain name is confusingly similar to the Complainant's trade marks INSTANT POT. Indeed, the disputed domain name incorporates the Complainant's trade marks in their entirety, save that the disputed domain name adds the letters "ik" to the Complainant's trade mark. The Panel considers the present case to be a plain case of "typosquatting", i.e., the disputed domain name contains an obvious and intentional misspelling of the Complainant's trade mark, which is not sufficient to alter the overall impression of the designation as being connected to the Complainant's trade mark. Minor alterations to the Complainant's trade mark do not prevent the likelihood of confusion between the disputed domain name and the Complainant, its trade mark and associated domain name. The Panel follows in this respect the view established by numerous other decisions that a domain name which consists of a common, obvious, or intentional misspelling of a trade mark is to be considered to be confusingly similar to the relevant trade mark (see, for example, CAC Case No. 103124, Boehringer Ingelheim Pharma GmbH & Co.KG v. Fundacion Comercio Electronico <boehringeringelheimpetrreebates.com>; CAC Case No. 101990, JCDECAUX SA v. Emma Purnell <jcdeceux.com>; CAC Case No. 101892, JCDECAUX SA v. Lab-Clean Inc <jcdacaux.com>; WIPO Case No. D2005-0941, Bayerische Motoren Werke AG, Sauber Motorsport AG v. Petaluma Auto Works <bmwsauberf1.com>; WIPO Case No. D2015-1679, LinkedIn Corporation v. Daphne Reynolds <linkedlnjobs.com>; CAC Case No. 103960, SCHNEIDER ELECTRIC SE v. michele Swanson <schnaider-electric.com> ("the obvious misspelling of the Complainant's trademark SCHNAIDER ELECTRIC instead of SCHNEIDER ELECTRIC is a clear evidence of "typosquatting"); and CAC Case No. 103166, BOURSORAMA SA v. Cloud DNS Ltd <recover-bousorama.link> ("A domain name that contains sufficiently recognizable aspects of the relevant mark and uses a common name, obvious or intentional misspelling of that mark is considered by UDRP panels to be similar to the relevant mark for the purposes of the first element (see paragraph 1.9 WIPO Overview 3.0)").

With regard to the second UDRP element, there is no evidence before the Panel to suggest that the Respondent has made any use of, or demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services. The Panel notes that the disputed domain name resolves to an active e-commerce website under the name INSTANTPOTIK, offering for sale products under the Complainant's INSTANT POT mark, as well as other related and unrelated products. The Panel further

notes that the website accessed through the disputed domain name carries a high risk of affiliation with the Complainant and with INSTANT POT, suggesting that it is at least endorsed by or affiliated with the Complainant, where this is not the case. Indeed, the website accessed through the disputed domain name does not identify who owns and operates it and does not clearly and prominently identify the registrant's relationship with the Complainant. The Panel follows in this regard the view established by numerous other decisions that a respondent's use of a complainant's trade mark to redirect users to a competing site does not support a claim for legitimate interest. The Panel also accepts the Complainant's submissions that the Respondent is not affiliated with or related to the Complainant in any way, and is neither licensed nor otherwise authorised to make any use of the Complainant's trade mark, or to apply for or use the disputed domain name.

Furthermore, the Whois information does not suggest that the Respondent is commonly known by the disputed domain name <instantpotik.shop>. Past panels have held that a respondent was not commonly known by a disputed domain name if the Whois information was not similar to the disputed domain name, as is equally not the case here (see, for example, Forum Case No. FA 1781783, Skechers U.S.A., Inc. and Skechers U.S.A., Inc. II v. Chad Moston / Elite Media Group <bobsfromsketchers.com> ("Here, the WHOIS information of record identifies Respondent as "Chad Moston / Elite Media Group." The Panel therefore finds under Policy ¶ 4(c)(ii) that Respondent is not commonly known by the disputed domain name under Policy ¶ 4(c)(ii)."). Neither is there any indication that the Respondent is making any legitimate non-commercial or fair use of the disputed domain name. Against this background, and absent any response from the Respondent, or any other information indicating the contrary, the Panel concludes that the Respondent has no rights or legitimate interest in the disputed domain name.

With regard to the third UDRP element, it is reasonable to infer that the Respondent either knew, or should have known, that the disputed domain name would be confusingly similar to the Complainant's trade mark, and that he registered the disputed domain name in full knowledge of the Complainant's trade mark. If the Respondent had carried out a Google search for the term "Instant Pot", the search results would have yielded immediate results related to the Complainant and to its website and its connected business, products and services. Indeed, it is likely that the disputed domain would not have been registered if it were not for the Complainant's trade mark (see, for example, WIPO Case No D2004-0673 Ferrari Spa -v- American Entertainment Group Inc). The Panel notes that the Respondent seeks to attract Internet users to his own website for commercial gain, based on the Complainant's trade mark, which constitutes further evidence of bad faith (see, for example, WIPO Case No D2018-0497, StudioCanal v. Registration Private, Domains By Proxy, LLC / Sudjam Admin, Sudjam LLC ("In that circumstance, whether the commercial gain from misled Internet users is gained by the Respondent or by the Registrar (or by another third party), it remains that the Respondent controls and cannot (absent some special circumstance) disclaim responsibility for, the content appearing on the website to which the disputed domain name resolve […] so the Panel presumes that the Respondent has allowed the disputed domain name to be used with the intent to attract Internet users for commercial gain, by creating a likelihood of confusion with the Complainant's trademark as to the source, affiliation, or endorsement of the Respondent's website to which the disputed domain name resolves. Accordingly, the Panel finds that the disputed domain name was registered and is being used in bad faith.")). By contrast, the Panel finds no basis for the Complainant's unsupported allegation that the Respondent is selling counterfeit products on the website accessed via the disputed domain name. Nevertheless, for the foregoing reasons, and absent any response from the Respondent, or any other information indicating the contrary, the Panel therefore also accepts that the Respondent has registered and is using the disputed domain name in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **instantpotik.shop**: Transferred

## PANELLISTS

| Name | **Gregor Kleinknecht LLM MCIArb** |
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DATE OF PANEL DECISION 2025-01-11

Publish the Decision