

Decision for dispute CAC-UDRP-107097

Case number **CAC-UDRP-107097**

Time of filing **2024-11-28 09:12:22**

Domain names **ikeamenu.com**

Case administrator

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

Complainant

Organization **Inter IKEA Systems B.V.**

Complainant representative

Organization **Convey srl**

Respondent

Organization **Domain Privacy (Domain Name Privacy Inc.)**

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 proved to own the following trademark rights, inter alia:

- Canadian trademark "IKEA" No. TMA223748 dated January 21, 1977, duly renewed and covering goods and services in classes 7, 8, 9, 11, 12, 14, 16, 18, 20, 21, 24, 27, 28, 35, 42, 43;
- American trademark "IKEA + LOGO" No. 1118706 dated May 22, 1979, duly renewed and covering goods and services in classes 11, 20, 21, 24, 27;
- American trademark "IKEA" No. 1661360 dated October 22, 1991, duly renewed, and covering goods and services in classes 2, 18, 25, 29, 30, 31, 35, 36, 39, 41;
- European Union trademark "IKEA" No. 000109652 dated October 1, 1998, duly renewed, and covering goods and services in classes 2, 8, 11, 16, 18, 20, 21, 24, 25, 27, 28, 29, 30, 31, 35, 36, 39, 41, 42;
- European Union trademark "IKEA + LOGO" No. 000109637 dated October 8, 1998, duly renewed, and covering goods and services in classes 2, 8, 11, 16, 18, 20, 21, 24, 25, 27, 28, 29, 30, 31, 35, 36, 39, 41, 42;
- International trademark "IKEA + LOGO" No. 926155 dated April 24, 2007, duly renewed, covering goods and services in classes 16, 20, 35, 43 and designating inter alia China;
- Italian Trademark "IKEA" No.0001257211 dated March 12, 2010, duly renewed and covering goods in class 20;
- Italian Trademark "IKEA" No. 0001300174 dated June 3, 2010, duly renewed, and covering goods in class 21.

The Complainants also owns several domain names, inter alia:

- <ikea.com>;
- <net>;
- <ikea.us>;
- <ikea.ca>;
- <ikea.cn>;
- <ikea.de>;
- <ikea.it>;
- <ikea.co.uk>.

FACTUAL BACKGROUND

The Complainant is the Swedish company Inter IKEA Systems B.V., the worldwide franchisor of IKEA and responsible for developing and supplying the global IKEA range. IKEA specializes in home furnishings with more than four hundred stores, and the IKEA Group employs approximately 231,000 people worldwide.

The Complainant website is www.ikea.com.

The Respondent registered the disputed domain name <ikeamenu.com> on November 13, 2024. It resolves to an inactive website and is offered for sale via the Sedo.com platform for an amount of USD 2,880.

The Complainant submitted the following documents to prove the abovementioned facts:

- Annex 1: Complainant's trademark registrations
- Annex 2: IKEA Group's figures
- Annex 3: screenshot of IKEA catalogue
- Annex 4: screenshot of the card "IKEA family"
- Annex 5: screenshot of the magazine IKEA Family Live
- Annex 6: screenshot of the presence of the Complainant in China
- Annex 7: screenshot of the IKEA store on the Alibaba e-commerce platform Tmall
- Annex 8: screenshot of IKEA Foundation
- Annex 9: screenshot of Complainant's Museum

- Annex 10: screenshot of the Best Global Brands of Interbrand in 2022 about the ranking of IKEA
- Annex 11: screenshot of the website ikea.com
- Annex 12: screenshot of the launch of the augmented reality and IKEA Place app
- Annex 13: copy of the Whois of the disputed domain name

- Annex 14: screenshot of the website corresponding to the disputed domain name before the cease-and-desist letter

- Annex 15: evidence that the domain name is offered for sale for an amount exceeding the out-of-pocket costs;
- Annex 16: copy of the cease and desist letter sent on November 15, 2024 to the Respondent;

Annex 17: power of attorney of Inter IKEA Systems B.V.

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

Identity (paragraph 4(a)(i) of the Policy)

The Panel finds that the disputed domain name <ikeamenu.com> is confusingly similar to the Complainant's IKEA trademarks.

Firstly, the Complainant's IKEA trademark is incorporated in the disputed domain name in its entirety.

Secondly, the Panel considers that adding the generic term "menu" and the gTLD ".com" does not reduce the likelihood of confusion with the Complainant's IKEA trademarks. On the contrary, as some of these trademarks are registered for food and drink services, which may naturally relate to the term "menu," this addition increases the risk of confusion.

Thus, the Panel finds that the disputed domain name is confusing and does not provide additional specification or sufficient distinction from the Complainant or its mark.

Absence of Rights or Legitimate Interests (paragraph 4(a)(ii) of the Policy)

The Panel finds that the Respondent has not been authorized or granted a license by the Complainant.

Additionally, the Respondent is not commonly known by the disputed domain name. Therefore, the Panel concludes that the Respondent did not intend to use the disputed domain name in connection with any legitimate purpose, nor has the Respondent demonstrated a bona fide offer of services.

Furthermore, the Respondent had the opportunity to provide arguments supporting its rights or legitimate interests in the disputed domain name. However, by failing to file a response, the Respondent has missed this opportunity, and the Panel is entitled to draw such inferences from the Respondent's failure as it considers appropriate in accordance with Paragraph 14 of the Rules.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests with respect to the disputed domain name.

Bad faith (paragraph 4(a)(iii) of the Policy)

The Panel finds that the Respondent could not have been unaware of the renowned IKEA trademarks, given their extensive and exclusive use by the Complainant since 1943. Moreover, the IKEA trademarks are highly distinctive, making it improbable that the Respondent was unaware of their existence. Previous UDRP panels have also confirmed the well-known status of the mark (see *Inter IKEA Systems B.V. v. Hosein Bagheri*, WIPO Case No. D2016-0432).

There is uncontroverted evidence that the Respondent has sought to sell the disputed domain name at above his out-of-pocket expenses. Paragraph 4(b)(i) of the Policy says:

"For the purposes of Paragraph 4(a)(iii), the following circumstances, in particular but without limitation, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith:

(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..."

The evidence on file suggests that the Respondent registered and has retained the disputed domain name in order to sell it to the Complainant or a third party for more than his out-of-pocket expenses, knowing of the Complainant's trademark rights. This is sufficient

evidence of registration and use in bad faith.

Furthermore, after conducting some research, the Panel confirms that the disputed domain name currently resolves to a parking page displaying commercial links related to the Complainant's field of activity. Therefore, it also cannot be mere coincidence that the related searches and sponsored links that appear on the parking page to which the disputed domain name now resolves include furniture's and prep meal, which is the Complainant's line of business. The Panel finds that in the absence of any evidence to the contrary, the Respondent must have registered the disputed domain name with the Complainant's mark in mind, in order to misdirect Internet users who are searching for the Complainant to the Respondent's parking page.

Using a domain name to intentionally attract Internet users to a website for commercial gain, in an effort to trade on the Complainant's goodwill, is also evidence of bad faith registration and use under the Policy (Adobe Systems Incorporated v. Domain OZ, WIPO Case No. D2000-0057).

To the Panel's opinion, this shows that the disputed domain name was registered and is 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. **ikeamenu.com**: Transferred

PANELLISTS

| | |
|------|-------------------------|
| Name | Nathalie Dreyfus |
|------|-------------------------|

DATE OF PANEL DECISION 2025-01-16

Publish the Decision
