Decision for dispute CAC-UDRP-107183

Case number	CAC-UDRP-107183
Time of filing	2024-12-18 10:25:44
Domain names	Ridge-Wallet.com, RidgeDiscount.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	The Ridge Wallet LLC

Complainant representative

Organization	Stobbs IP

Respondent

Name	Anastasiya Boldurat

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 United States trademark RIDGE with registration No. 5964856, registered on 21 January 2020 for goods in International Class 18 (the "RIDGE trademark").

FACTUAL BACKGROUND

The Complainant was established in 2014. It offers a variety of consumer goods under the brand RIDGE such as compact wallets, of which it has sold over two million.

The Complainant operates the domain names <ridge.com>, <ridgewallet.eu>, <ridgewallet.co.uk> and <ridgewallet.ca>, all of which resolve to the Complainant's official website at www.ridge.com, which was activated on 28 April 2019. The Complainant's Facebook profile has 277 000 followers, and its Instagram profile has 288 000 followers.

The disputed domain name <ridge-wallet.com> was registered on 10 May 2024, and the disputed domain name <ridgediscount.com> was registered on 12 June 2024. Each of them resolves to very similar English language websites with the header "RidgeWallet | Official Store" and the copyright notice "© The Ridge 2024 US Patents Issued, No. 10,791,808", (a patent that has been assigned to the Complainant), offering wallets branded with the Complainant's RIDGE trademark at discount prices.

PARTIES CONTENTIONS

COMPLAINANT:

The Complainant contends that the disputed domain names are confusingly similar to the RIDGE trademark, which they include in their entirety with the addition of the dictionary words “wallet” and “discount”.

The Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain names, as it uses them for websites that impersonate the Complainant in order to sell counterfeit or knockoff products infringing its intellectual property rights. According to the Complainant, the Respondent is not commonly known under the disputed domain names and the only reason why it registered them was to take advantage of the Complainant’s goodwill and valuable reputation.

The Complainant contends that the disputed domain names were registered and are being used in bad faith. It points out that the RIDGE trademark enjoys a wide reputation and predates the registration of the disputed domain names. According to the Complainant, the Respondent was well aware of the RIDGE trademark when registering the disputed domain names and registered them to target the same trademark, which is evident from its use on the associated websites, which attempt to impersonate the Complainant in order to sell counterfeit versions of its products. In the Complainant’s submission, this shows that the Respondent has registered and used the disputed domain names in bad faith to intentionally attempt to attract, for commercial gain, Internet users to the associated websites, by creating a likelihood of confusion with the Complainant's RIDGE trademark as to the affiliation or endorsement of the associated websites.

RESPONDENT:

The Respondent did not submit a 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 Respondent 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

According to the information received from the Registrar, the language of the Registration Agreement for the disputed domain names is Russian.

Paragraph 11(a) of the Rules provides that unless otherwise agreed by the parties or specified otherwise in the registration agreement between the respondent and the registrar in relation to the disputed domain name, the language of the proceeding shall be the language of the registration agreement, subject to the authority of the panel to determine otherwise, having regard to the circumstances of the administrative proceeding.

The Complaint was filed in English, and the Complainant requests that the language of the proceedings be English. In support of its language request, the Complainant submits that the disputed domain names include the English dictionary words “wallet” and “discount”, while the associated websites are entirely in English and all products on them are offered with prices in US Dollars, which indicates that the Respondent must have a good knowledge of English. The Complainant adds that translating this Complaint into Russian would lead to undue delay and substantial expense incurred by the Complainant.

In exercising its discretion to use a language other than that of the Registration Agreement, the Panel has to exercise such

discretion judicially in the spirit of fairness and justice to both Parties, taking into account all relevant circumstances of the case, including matters such as the Parties' ability to understand and use the proposed language, time and costs.

The Panel accepts the Complainant's submission regarding the language of the proceeding. The Respondent has not challenged the Complainant's language request and has failed to file a Response. The Panel is also mindful of the need to ensure the proceeding is conducted in a timely and cost-effective manner. Considering all the above, the Panel determines that the language of the proceeding shall be English.

Having resolved the above issue, the Panel is satisfied that all procedural requirements under UDRP have been met and there is no reason why it would be inappropriate to render 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 Respondent, and the Respondent was given a fair opportunity to present its 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 Respondent has not used the opportunity provided to it under the Rules and has 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 RIDGE 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" gTLD sections of the disputed domain names.

The disputed domain names reproduce the RIDGE trademark entirely, which remains easily recognizable in them. Although the addition of other terms (here, "wallet" or "discount") may bear on the assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain names and the RIDGE trademark for the purposes of the Policy. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (the "WIPO Overview 3.0"), section 1.8.

Taking all the above into account, the Panel finds that the disputed domain names are confusingly similar to the RIDGE 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 Respondent has no rights or legitimate interests in the disputed domain names, because it has not been authorized to use the RIDGE trademark and is not commonly known under the disputed domain names. According to the Complainant, the Respondent is illegitimately using the disputed domain names for commercial websites that impersonate the Complainant and offer for sale counterfeit versions of its RIDGE wallets. Thus, the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names.

The Respondent has not submitted a Response and has not provided any plausible explanation for the registration of the disputed domain names and their current use.

In the Panel's view, the circumstances of this case support a finding that the Respondent has no rights or legitimate interests in the disputed domain names. They are confusingly similar to the RIDGE trademark and combine it with the dictionary words "wallet" and "discount", which may create an impression in Internet users that they represent online locations offering the Complainant's wallets at discounted prices. The evidence submitted by the Complainant shows that the disputed domain names resolve to commercial websites that claim to be official stores and offer for sale products branded with the RIDGE trademark at discounted prices, and the Respondent has not submitted any evidence showing that these products originate from the Complainant, so it can be accepted as more likely than not that these products are counterfeit, as claimed by the Complainant.

In the lack of any arguments or evidence to the contrary, the above leads the Panel to the conclusion that it is more likely than not that the Respondent, being well aware of the goodwill of the Complainant's RIDGE trademark, has registered the disputed domain names targeting this trademark in an attempt to exploit its goodwill for commercial gain by misleading Internet users that the websites at the disputed domain names and the products offered there originate from the Complainant. The Panel does not regard such activities as giving rise to rights or legitimate interests in the disputed domain name.

Therefore, the Panel finds that the Respondent does 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 RIDGE trademark predates the registration of the disputed domain names, which combine this trademark with dictionary words describing the Complainant's products or suggesting that the same are offered for sale at a discount. The disputed domain names are associated with commercial websites which are designed to appear as belonging to the Complainant and which offer what is more likely to be counterfeit versions of the Complainant's products. All this may mislead Internet users to believe that these products are original products of the Complainant. The Panel therefore considers that the Respondent is more likely to have registered the disputed domain names with knowledge of the Complainant's trademark rights and with the intention of taking illegitimate advantage of its goodwill for commercial gain.

The Respondent has not provided any plausible explanation of its choice and use of the disputed domain names and has not disputed the arguments and evidence submitted by the Complainant.

Taking all the above into account, the Panel accepts that by registering and using the disputed domain names, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its websites, by creating a likelihood of confusion with the Complainant's RIDGE trademark as to the source of its websites and of the products offered there, which supports a finding of bad faith under Paragraph 4(b)(iv) of the Policy.

This satisfies the Panel that the disputed domain names have been registered and 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. **Ridge-Wallet.com**: Transferred
2. **RidgeDiscount.com**: Transferred

PANELLISTS

Name	**Assen Alexiev**

DATE OF PANEL DECISION 2025-02-06

Publish the Decision