Decision for dispute CAC-UDRP-107238

Case number	CAC-UDRP-107238
Time of filing	2025-01-21 15:14:12
Domain names	highsnobiety.store

Case administrator

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

Complainant

Organization	Titel Media GmbH

Complainant representative

Organization	Lubberger Lehment Rechtsanwälte Partnerschaft mbB

Respondent

Name	Nguyen Linh

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 is the proprietor of several trademark registrations consisting of the word element “Highsnobiety", for instance

- International Registration no. 1306247 “Highsnobiety” in classes 9, 16, 25, 35, 38, and 41, internationally registered on March 9, 2016 designating inter alia European Union and USA
- International Registration no. 1464218 “Highsnobiety” in classes 9, 14, and 18, internationally registered on April 5, 2019 designating inter alia European Union and USA

(“Complainant's trademarks”).

FACTUAL BACKGROUND

The Complainant is the owner of the global fashion and lifestyle media brand HIGHSNOBIETY. Headquartered in Berlin, the Complainant operates offices in several major metropolitan cities, including New York, Los Angeles, Amsterdam, London, and Milan.

The Complainant operates the website www.highsnobiety.com, which also serves as an online shop specializing in premium streetwear.

The disputed domain name, <highsnobiety.store>, was registered by the Respondent on November 12, 2024.

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).

The Complainant has successfully demonstrated its rightful ownership of multiple trademark registrations for the "Highsnobiety" mark. The Panel acknowledges that the Complainant's trademark is fully incorporated into the disputed domain name as its sole distinctive element, making the domain name identical to the Complainant's trademarks.

The inclusion of the generic Top-Level Domain (gTLD) ".store" is a standard registration requirement and does not impact the assessment of whether the disputed domain name is identical or confusingly similar to the Complainant's trademark (see Rollerblade, Inc. v. Chris McCrady, WIPO Case No. D2000-0429).

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).

A complainant is required to establish a prima facie case that the respondent lacks rights or legitimate interests. Once such a case is made, the burden of proof shifts to the respondent to demonstrate their rights or legitimate interests in the disputed domain name. Failure to do so results in the complainant satisfying paragraph 4(a)(ii) of the Policy (see Article 2.1 of WIPO Jurisprudential Overview 3.0 and WIPO Case No. D2003-0455, Croatia Airlines d.d. v. Modern Empire Internet Ltd.).

Based on the contentions of the Complainant, the Panel finds that the Complainant has successfully established a prima facie case. As the Respondent has failed to provide any relevant evidence to support its rights or legitimate interests, the Complainant is deemed to have satisfied the second element.

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).

Registration in bad faith

In evaluating whether the disputed domain name was registered in bad faith, the Panel specifically notes that the Complainant has continuously used the Highsnobiety mark for a significant period prior to the registration of the disputed domain name. Moreover, all trademarks on which this Complaint is based predate the registration of the disputed domain name by several years.

Additionally, the Panel observes that the Complainant's trademark does not exist as a word in any standard English dictionary and is not a commonly used term with a pre-established meaning. On the contrary, it is a coined, fanciful word that uniquely combines two recognizable English components—"high" and "snobiety"—in an unconventional manner.

Given these circumstances, the Panel finds it implausible that the Respondent registered the disputed domain name without prior knowledge of the Complainant's trademark. This conclusion is further reinforced by the fact that the disputed domain name has previously been used for an active website offering fashion products—i.e., the same category of goods for which the Complainant's website, highsnobiety.com, is known and used.

Accordingly, the Panel determines that by registering the disputed domain name, the Respondent intentionally targeted the Complainant's trademark and business, thereby establishing bad faith registration.

Use in bad faith

The Panel notes that at the time of filing the Complaint, there was no active website associated with the disputed domain name. However, the Complainant has provided evidence that the domain name was previously used for an active website offering fashion

products. Referring to WIPO Jurisprudential Overview 3.0, Section 4.8, the Panel conducted independent research by entering the disputed domain name into a search engine. This research confirmed that, at the time of rendering this decision, the disputed domain name was linked to an active website at https://highsnobiety.store/.

Upon reviewing the website, the Panel observes that it offers a range of fashion products, including sweaters, trousers, and dresses. Examples of listed items include the "Textured Cable-Knit Ribbed Sweater," "Relaxed Straight Low-Rise Jeans," and "Soft Ruffled Asymmetric Midi Dress," with each product displayed alongside pricing information in USD.

The website provides certain contact details, including an address at 283 Field St, Newington, Connecticut, 06111, USA, an e-mail address (support@highsnobiety.store), and a phone number (+1 206-937-2786). However, there is no indication of the legal name or ownership of the entity operating the website, and no information is available regarding its relationship with the Complainant.

It is important to note that the official Highsnobiety brand operates its legitimate online store at https://www.highsnobiety.com/shop/, offering a selection of streetwear and fashion items. The website linked to the disputed domain name fully incorporates the Complainant's trademark and offers products that closely resemble those available on the Complainant's official online store. The Panel considers that this could lead Internet users to mistakenly believe that the website is either directly operated by the Complainant or has been authorized, licensed, or endorsed by the Complainant. Given the similarities, the Panel finds that the website is misleading and seeks to impersonate the Complainant and its trademarks.

Furthermore, the website linked to the disputed domain name does not disclose any information regarding the identity of the individual or entity operating it, nor does it clarify any relationship with the Complainant. The Panel finds that such use is not for bona fide commercial purposes but is instead an attempt to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant's trademark regarding the source, sponsorship, affiliation, or endorsement of the website. The Complainant has also provided evidence that unauthorized use of the disputed domain name occurred before the filing of the Complaint.

Given these circumstances, the Panel concludes that the disputed domain name has been used in 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 Panel has determined that the disputed domain name is identical to the Complainant's trademarks.

Based on the contentions presented by the Complainant, the Panel has found that the Complainant has satisfactorily made a prima facie case that the Respondent lacks rights or legitimate interests. As the Respondent has failed to provide relevant evidence demonstrating any such rights or legitimate interests, the Complainant is deemed to have satisfied the second element.

The Panel finds that, based on the Complainant's contentions and evidence, it can be concluded that the Respondent must have been aware of the Complainant's trademarks when it registered the disputed domain name, and as such, the Respondent has registered the disputed domain name in bad faith.

The Panel has also concluded that the Complainant has successfully proven that the disputed domain name is being used in bad faith.

Therefore, for the aforementioned reasons, the Panel orders that the disputed domain name <highsnobiety.store> be transferred to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **highsnobiety.store**: Transferred

PANELLISTS

Name	**Karel Šindelka**

DATE OF PANEL DECISION 2025-02-24

Publish the Decision