Decision for dispute CAC-UDRP-107320

Case number	CAC-UDRP-107320
Time of filing	2025-02-26 10:39:50
Domain names	hydroflaskcanada.com, hydroflaskireland.com, hydroflaskromania.com, hydroflaskbrasil.com, hidroflaskbr.me, hydroflasksverige.com, hydroflaskportugal.com

Case administrator

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

Complainant

Organization	Helen of Troy Limited

Complainant representative

Organization	Coöperatie SNB-REACT U.A.

Respondents

Name	Manja Schmitz
Organization	Sunny Design
Name	William Gentry
Name	Moeller Wolfgang
Name	Mandy Bosch
Organization	hua hua
Name	Karl Blom

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 has established that it has rights in the "HYDRO FLASK" trademark based on the following trademark registrations:

Trademark	Registration Number	Registration Date	Jurisdiction	Class	Goods
HYDRO FLASK (word mark)	1077314	April 26, 2011	International (WIPO)	21	Drinking flasks, drinking vessels, insulated containers for beverage cans for domestic use, insulated containers for food or beverage for domestic use, insulated flasks, sports bottles sold empty.
HYDRO FLASK (word mark)	4055784	November 15, 2011	USPTO (United States)	21	Same as above
HYDRO FLASK (visual mark)	1077314	April 26, 2011	EUIPO (European Union)	21	Same as above

The Complainant is also the owner of the domain name <hydroflask.com> registered on January 14, 2009, that it uses in connection with its goods and services.

FACTUAL BACKGROUND

The Complainant is a global consumer products company that designs, develops, and markets well-recognised brands.

Under the "HYDRO FLASK" trademark, the Complainant produces high-quality insulated water bottles and drinkware made from durable stainless steel in various sizes and colours. These products are known for maintaining drink temperature for extended periods.

The Complainant's product line includes insulated stainless-steel water bottles, tumblers, coffee flasks, food containers, and accessories.

The Complainant commercialises its products through its official domain <hydroflask.com>.

The disputed domain names were created by the respective Respondents on the following dates:

Disputed Domain Name	Registration Date	Registrar	Address of Seat
hydroflaskcanada.com	September 25, 2024	Dynadot Inc.	Germany
hydroflaskireland.com	September 26, 2024	Dynadot Inc.	Germany
hydroflaskromania.com	July 10, 2024	Dynadot Inc.	Germany

hydroflaskbrasil.com	July 17, 2023	Key-Systems GmbH (1API)	Germany
hidroflaskbr.me	November 28, 2023	1API	Germany
hydroflasksverige.com	November 4, 2024	Hongkong Kouming International Limited	China
hydroflaskportugal.com	October 16, 2024	Hongkong Kouming International Limited	United States

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 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).

The Complainant has established that it is the owner of various word and figurative “HYDRO FLASK” trademarks, which predate the registrations of the disputed domain names.

The question is whether each of the disputed domain names are identical or confusingly similar to the Complainant's trademark.

Whether a disputed domain name is identical or confusingly similar to a trademark can be determined by making a side-by-side comparison with the disputed domain name.

A disputed domain name is identical to the trademark when it is a character for character match. It is confusingly similar when it varies the trademark by, for example, adding generic terms to the dominant part of the trademark.

The Complainant contends that the disputed domain names are identical or confusingly similar to its registered trademark "HYDRO FLASK".

Panels have held domain names to be confusingly similar if the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognisable in the domain name. See Bayerische Motoren Werke AG (“BMW”) v. Registration Private, Domains By Proxy, LLC / Armands Piebalgs, WIPO Case No. D2017-0156; Wal-Mart Stores, Inc. v. Richard MacLeod d/b/a For Sale, WIPO Case No. D2000-0662.

In the present case, a side-by-side comparison shows that the dominant element in six out of the seven of the disputed domain names is the Complainant's "HYDRO FLASK" trademark.

In the case of <hidroflaskbr.me>, it contains the word “HIDRO” which the Complainant contends is a misspelling, the letter “I” being two keys to the right of the letter “Y” on the standard QWERTY keyboard layout and sound the same phonetically.

This is likely to create the impression that they are controlled by the Complainant.

The Panel makes the following findings after considering the Complainant’s evidence:

1. Where the disputed domain names incorporate the entirety of the "HYDRO FLASK" trademark or a variation by substituting the “I” for the “Y”, they are confusingly similar to the Complainant’s trademark.
2. The addition of geographical terms (such as "canada", "ireland", "brasil", "romania", "sverige" (meaning Sweden), "portugal") does not affect the confusing similarity. These terms are directly related to the Complainant's business in the geographical locations where their goods are sold and may even heighten the risk of confusion by suggesting a connection to local branches of the Complainant's business.
3. The misspelling in "hidroflaskbr.me" (using "hidro" instead of "hydro") is considered a common, obvious, or intentional misspelling of the trademark. This type of misspelling is recognised by panels as confusingly similar to the relevant mark for purposes of the first element.
4. The generic Top-Level Domain suffix ".com" and country-code Top-Level Domains (such as ".me") are typically disregarded in the confusing similarity assessment as they are technical requirements of domain name registration.

Accordingly, the Panel considers that the each of the disputed domain names is confusingly similar to the Complainant’s “HYDRO FLASK” trademark and this ground is made out.

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).

A complainant is required to make out a prima facie case that the respondent lacks rights or legitimate interests. Once such a prima facie case is made, the respondent carries the burden of demonstrating rights or legitimate interests in the disputed domain name.

A respondent may establish its rights or legitimate interests through various means, including:

- demonstrating it has been commonly known by the domain name;
- showing it has made or prepared to make bona fide offerings of goods or services under the domain name;
- demonstrating legitimate non-commercial or fair use without intent for commercial gain.

If the respondent fails to do so, the complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy. See Croatia Airlines d.d. v. Modern Empire Internet Ltd, WIPO Case No. D2003-0455.

The Complainant has adduced evidence that it holds exclusive trademark rights to the "HYDRO FLASK" mark predating the registration of the disputed domain names.

The Respondents have not filed any administrative compliant response.

On the preponderance of the evidence adduced, the Panel finds that:

1. Each of the Respondents is not a licensee or authorised agent of the Complainant and has not been granted permission to use the “HYDRO FLASK” trademark in the disputed domain names or otherwise.
2. There is no evidence that the Respondents have been commonly known by their respective disputed domain names or have made any bona fide use of them.
3. The Respondents have used at least some of the disputed domain names to redirect to websites impersonating the Complainant and offering what appear to be counterfeit products for sale. This does not constitute a bona fide offering of goods or services or legitimate non-commercial or fair use.
4. The disputed domain names incorporate the Complainant's “HYDRO FLASK” trademark in its entirety or a slight variation with the change of the character “Y” to “I”, with the addition of geographic terms. This composition carries a high risk of implied affiliation and cannot constitute fair use as it effectively impersonates or suggests sponsorship or endorsement by the trademark owner.
5. The use of the Complainant's logo and trademark on the associated websites, without any disclaimer of relationship, further demonstrates a lack of rights or legitimate interests.
6. Even for those disputed domain names not currently resolving to active websites, passive holding in these circumstances does not confer rights or legitimate interests.

The Panel also considers the sale of what is alleged to be counterfeit products cannot constitute a legitimate non-commercial or fair use without intent for commercial gain.

This principle is supported by numerous Panel decisions, including Guccio Gucci S.p.A. v. Zhang Jiawen et al., WIPO Case No. D2015-2088, where the panel stated that “the websites at the Disputed Domain Names

offer for sale prima facie counterfeit GUCCI products, along with products of the Complainant's competitors, which does not support a finding of rights or legitimate interests."

In the absence of any response from the Respondents to rebut this prima facie case, the Panel finds that the Complainant has satisfied the second element of the Policy, and accordingly this ground is made out.

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).

Under this element, the Complainant must establish that the disputed domain names were both registered and are being used in bad faith.

The Complainant makes the following contentions:

1. Engaging in a pattern of abusive domain name registrations

   The Respondent have registered at least 8 infringing domain names incorporating the Complainant's "HYDRO FLASK" trademark since July 17, 2023. This pattern of registering multiple variations of the Complainant's trademark combined with geographical terms demonstrates an attempt to "corner the market" and prevent the Complainant from reflecting its mark in corresponding domain names.

   The Panel accepts this contention. Such conduct constitutes bad faith under paragraph 4(b)(ii) of the Policy.

2. Deliberately causing confusion on the Internet

   The disputed domain names were registered long after the Complainant established rights in the “HYDRO FLASK” trademark (since at least 2011). The Respondents’ use of the Complainant's trademark without permission, coupled with the prominent display of the Complainant's visual marks on at least three of the associated websites, creates a false impression of affiliation or connection with the Complainant.

   The Panel accepts that this is a deliberate attempt to attract Internet users for commercial gain by creating confusion and such conduct constitutes bad faith under paragraph 4(b)(iv) of the Policy.

3. Impersonation

   The Respondents’ websites reproduce the “look and feel” of the Complainant's official website, including the use of the Complainant's logos and trademarks. This impersonation of the Complainant is a clear indication of bad faith, as it misleads consumers and attempts to illegitimately extract commercial value from the Complainant's reputation.

   The Panel considered the evidence adduced by the screenshots of the websites, including viewing several of the websites online and accepts that the Respondents’ websites reproduce the “look and feel” of the Complainant’s website.

The Panel also considers these factors as indicating registration and use in bad faith:

- The registration of multiple disputed domain names incorporating the Complainant's trademark plus descriptive or geographic terms is indicative of cybersquatting.
- At least three of the websites associated with the disputed domain names attempt to impersonate the Complainant or its local outlets.
- The Respondents, while appearing to operate the websites, have not responded to these proceedings. The Panel draws the inference that they have no rights or legitimate interests in the disputed domain names and have provided no credible explanation for choosing them.
- The disputed domain names were registered more than a decade after the Complainant began using its trademark, making it implausible that the Respondents were unaware of the Complainant's rights when registering the domain names.
- The websites connected to the disputed domain names offer identical goods (water bottles) to those of the Complainant, further increasing the likelihood of confusion and demonstrating the Respondents’ intent to target the Complainant's brand.
- The Respondents have taken technical measures (region blocking) to target specific markets while avoiding detection.

Given the evidence adduced and the Complainant’s contentions, the Panel finds that the disputed domain names were registered and are being used in bad faith. This ground is made out.

PROCEDURAL FACTORS

Consolidation of the disputed domain names in a single dispute

The Complainant requests consolidation of the disputed domain names into a single proceeding.

Rule 10(e) empowers the Panel to decide such a request in accordance with the Policy and the Rules.

Consolidation of multiple domain names into a single proceeding may be appropriate where:

1. The disputed domain names are subject to common control; and
2. Consolidation would be procedurally efficient, fair, and equitable to all parties.

Previous UDRP panels have found that consolidation may be appropriate when there are sufficient indicia of common control, even if no single factor alone proves common ownership or control. See Under Armour Inc Niu (2018) CAC Case 101969 and WIPO Case No. D2013-0994); Pandora A/S v Larry Sack (202) 103259.

The Complainant has identified several relevant factors supporting consolidation:

Similar naming pattern

All disputed domain names incorporate the Complainant's trademark (or a typographical variation in relation to hidroflaskbr.me (using the “I instead of the “Y”) along with a geographical indicator. This pattern suggest coordinated effort to target the Complainant's brand across different regions.

Common registrar history

Most of the disputed domain names were previously registered at Alibaba.com Singapore E-commerce Private Limited, indicating a potential connection in registration history.

Technical similarities

At least six domains use Cloudflare as a webhost. Several domains share similar IP address ranges (104.21 or 172.67), suggesting they may be hosted on the same or related servers.

Content Similarities

The disputed domain names resolve to websites featuring similar content, including:

- Web shops impersonating the Complainant.
- Depiction of the Complainant’s logo.
- Similar functionality (supposed sale of Hydro Flask products).
- Discounted product listings on the front page.
- Similar copyright notices in the footer.

Region blocking evidence

The Complainant has provided evidence that the Respondents have implemented Cloudflare custom rules to restrict access to specific countries for each domain. This "region blocking" suggests a coordinated strate target different geographical markets while avoiding detection.

The Respondents have not disputed the Complainant's assertions of common control or provided any explanation for the similarities identified.

Having regard to all the relevant factors, the evidence points to either a single entity or a group of individuals acting in concert. The Panel is persuaded by the evidence showing the lengths in which the Respondents is prepared to use “region blocking” to deny access unless a VPN is used.

The Panel further considers that consolidation would be procedurally efficient, fair, and equitable to all parties given that these websites are essentially a “look and feel” of the Complainant’s website.

Accordingly, the Panel finds that by the preponderance of the evidence adduced in support of consolidation and determines that consolidation into a single complaint is appropriate in this case.

Language of the proceedings

According to the information provided by the Registrars, the language of the Registration Agreements for most of the disputed domain names is English, with only one domain name (registered with Hongkong Koumir International Limited) having a Registration Agreement in Chinese.

Pursuant to Paragraph 11(a) of the Rules, unless otherwise agreed by the parties, the language of the administrative proceeding shall be the language of the Registration Agreement, subject to the authority of the Pan determine otherwise, having regard to the circumstances of the administrative proceeding.

In exercising this discretion, the Panel considers the following factors:

1. Five out of seven domain names are registered with registrars using Registration Agreements in English (Alibaba Singapore, Key-Systems, Hexonet, and Dynabot Inc.).
2. All disputed domain names use Latin script rather than Chinese characters, and incorporate the Complainant's English-language trademark "HYDRO FLASK."
3. Several of the disputed domain names combine the Complainant's trademark with English geographic terms (such as "canada," "ireland," "portugal," and "romania"), indicating the Respondent's familia with the English language.
4. The websites associated with the accessible disputed domain names contain English text in their copyright declarations: "Copyright © 2024 hydroflaskromania Powered By hydroflaskromania.com" a "Copyright © 2024 hidroflaskbr Powered By hidroflaskbr.me."
5. All disputed domain names use international generic Top-Level Domains and country code Top-Level domain (.com and .me), which are typically associated with global rather than specifically Chinese language use.
6. Requiring the Complainant to translate the Complaint and supporting evidence into Chinese would impose an undue burden and cause procedural delay, particularly when most of the Registration Agreements are in English.
7. The Respondents have not filed any responses or objected to the use of English as the language of the proceeding.

After considering all relevant circumstances, the Panel determines that English shall be the language of this administrative proceeding.

The Panel, in exercising its discretion, seeks to balance procedural efficiency with fairness to both parties, taking into account the linguistic evidence presented and the need for timely resolution of the dispute.

Notification of proceedings to the Respondent

When forwarding a Complaint, including any annexes, electronically to the Respondents, paragraph 2 of the Rules states that CAC shall employ reasonably available means calculated to achieve actual notice to the Respondent.

Paragraphs 2(a)(i) to (iii) set out the sort of measures to be employed to discharge CAC's responsibility to achieve actual notice to the Respondents.

On March 25, 2025 the CAC by its non-standard communication stated as follows (omitting irrelevant parts):

That e-mail notification, written notice, and contact form on the website of the disputed domain name <hydroflasksverige.com> were sent. The written notice of the Complaint was duly delivered to the Respondent, Su Design, on March 10, 2025, and to the Respondent, Manja Schmitz, though the advice of delivery does not indicate the delivery date.

The written notice sent to Respondent, Mr. William Gentry, was returned as undelivered. The CAC was unable to send written notice to the Respondent, hua hua (gf fs), as the address provided by the Registrar in the Re verification does not exist. The written notices sent to the remaining Respondents did not return to the CAC, so there is no proof of delivery or notification of undelivery.

CAC received notifications that the e-mails sent
to services@hydroflasksverige.com, postmaster@hydroflaskromania.com, postmaster@hydroflaskportugal.com, postmaster@hydroflaskireland.com, postmaster@hydroflaskcanada.com, postmaster@hydroflaskbra and postmaster@hidroflaskbr.me were returned as undelivered. The e-mail notices were also sent
to tinoconadya8@163.com, abv5058@126.com, tuesdae1584@163.com, zhizheyu76322@yeah.net, yinwei37437@163.com, czbdgfvi@vecinomail.com, phxloxgz@fmailler.net and to postmaster@hydroflasksverige.c CAC did not receive any proof of delivery or notification of undelivery.

The e-mail notices sent to postmaster@hydroflasksverige.com, abv5058@126.com, and services@hydroflasksverige.com were sent in both English and Chinese as the language of the Registration Agreement regardi domain name <hydroflasksverige.com> is Chinese.

No further e-mail addresses could be found on the disputed sites.

The Respondents never accessed the online platform.

Given the reasonable measures employed by CAC as set out in the above non-standard communication, the Panel is satisfied that all procedural requirements under UDRP were met and there is no other reason why it be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

The Complainant is a global consumer products company that designs, develops, and markets under its “HYDRO FLASK” trademark high-quality insulated water bottles and drinkware made from durable stainless steel in various sizes and colours. These products are known for maintaining drink temperature for extended periods. The Complainant commercialises its products through its official domain <hydroflask.com>, which it has owned since January 14, 2009.

The disputed domain names were registered between July 17, 2023, and later dates, all more than a decade after the Complainant established its trademark rights. The disputed domain names incorporate the Complainant's “HYDRO FLASK” trademark (or a slight variation in the case of hidroflaskbr.me) combined with geographic terms (“brasil”, “Canada”, “Ireland”, “Portugal”, “Romania”, “sverige”).

At least three of the disputed domain names resolve to websites that mimic the “look and feel” of the Complainant's official website, prominently displaying the Complainant's “HYDRO FLASK” logo and offering what appear to be Hydro Flask products. The Respondents have implemented region blocking with custom rules, making it difficult to detect and secure evidence of their activities without using region-specific VPNs.

The Panel finds that:

- The disputed domain names all incorporate the Complainant's "HYDRO FLASK" trademark in its entirety or with a minor variation (in the case of "hidroflaskbr.me"). The addition of geographic terms (such as "canada", "ireland", "brasil", "romania", "sverige", "portugal") does not prevent a finding of confusing similarity, particularly as they relate to markets where the Complainant's products are sold.
- The Complainant has established a prima facie case that the Respondents lack rights or legitimate interests in the disputed domain names. The Respondents are not licensees or authorised agents of the Complainant, are not commonly known by the disputed domain names, and have not used the disputed domain names in connection with a bona fide offering of goods or services. Instead, at least some of the disputed domain names are being used for websites that display the Complainant's "HYDRO FLASK" logo and offer what appear to be counterfeit products, while others are passively held.
- The disputed domain names were registered and are being used in bad faith. The Complainant's "HYDRO FLASK" trademark registrations significantly predate the registration of the disputed domain names. The Respondents' actual knowledge of the "HYDRO FLASK" trademark is evident from the websites' content, which prominently displays the Complainant's logo. The Respondents have registered multiple domain names incorporating the same trademark, demonstrating a pattern of conduct intended to prevent the Complainant from reflecting its trademark in corresponding domain names. The Respondents are using the disputed domain names to intentionally attract, for commercial gain, Internet users to their websites by creating a likelihood of confusion with the Complainant's trademark.
- The consolidation of the proceedings concerning the seven disputed domain names is appropriate, given the evidence of common control including similar naming patterns, common registrar history, technical similarities, content similarities, and coordinated region blocking strategies.
- English is the appropriate language for these proceedings, despite one Registration Agreement being in Chinese, due to the evidence of the Respondents' familiarity with English (including English-language content in the disputed domain names and websites) and considerations of procedural efficiency.

Accordingly, the Panel determines that:

1. The disputed domain names <hydroflaskbrasil.com>, <hidroflaskbr.me>, <hydroflaskcanada.com>, <hydroflaskireland.com>, <hydroflaskportugal.com>, <hydroflaskromania.com>, and <hydroflasksverige.com> are confusingly similar to the Complainant's "HYDRO FLASK" trademark.
2. The Respondents have no rights or legitimate interests in respect of the disputed domain names.
3. The disputed domain names have been registered and are 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. **hydroflaskcanada.com**: Transferred
2. **hydroflaskireland.com**: Transferred
3. **hydroflaskromania.com**: Transferred
4. **hydroflaskbrasil.com**: Transferred
5. **hidroflaskbr.me**: Transferred
6. **hydroflasksverige.com**: Transferred

7. **hydroflaskportugal.com**: Transferred

PANELLISTS

Name	**William Lye OAM KC**

DATE OF PANEL DECISION 2025-03-27

Publish the Decision