Decision for dispute CAC-UDRP-107292

Case number	CAC-UDRP-107292
Time of filing	2025-02-10 13:53:47
Domain names	kibekde.com, kibek-de.com

Case administrator

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

Complainant

Organization	Teppich-Kibek GmbH

Complainant representative

Organization	Schultz-Süchting Rechtsanwälte

Respondents

Name	Charles Huffman
Name	Daniel Keith

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 Complaint is based - amongst others - on the following registered trademarks, which have duly been renewed and are in force:

- <**Kibek**>, national German word mark no. DE 39510591 registered since 24 October 1996 for goods in classes 21, 8, 9, 11, 16, 19, 20, 24, 27, 34
- <**Kibek**>, international word mark no. IR 1176666 registered since 1 November 2012 for goods and services in classes 01, 04, 06, 07, 08, 11, 14, 16, 18, 20, 21, 24, 26, 27, 28, 35, 37 and designating the European Union, Turkey, Switzerland and China

FACTUAL BACKGROUND

Based on the Complainant's undisputed evidence, the Complainant was established in 1947. Initially focused on children's clothing, it later shifted its focus entirely to the distribution of carpets. According to the Complainant, it is now the largest carpet company in Germany.

The Complaint is directed against the following two domain names:

- **<kibekde.com>**, registered on 22 November 2024 in the name of Huffman Charles (US California Fresno 3517 E Illinois Ave, Fresno, CA 93702, USA)
- **<kibek-de.com>**, registered on 5 December 2024 in the name of Daniel Keith (US Washington Olympia 1311 Chestnut St SE, Olympia, WA 98501, USA)

According to the Registrar verification response, GNAME.COM PTE. LTD. is the Registrar for both disputed domain names.

It results from the Complainant's evidence, which remained undisputed, that the first domain name (<kibekde.com>) resolves to a website purporting to sell rugs and other home and living products at allegedly highly discounted prices under the Complainant's figurative mark which is prominently displayed on the website and by using the Complainant's original product photos. The second disputed domain name (<kibek-de.com>) also resolves to a website purporting to sell rugs and other home and living products at allegedly highly discounted prices. The products are identified with a keyword "Kibek" and - again - the Complainant's original product photos are used.

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).

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown the Respondents 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

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.

In particular, the Panel accepts the consolidated Complaint referring to two disputed domain names registered in the name of two different Registrants (Respondents).

Paragraph 10(e) of the Rules empowers a Panel to consolidate multiple domain disputes in accordance with the Policy and Rules. Where a complaint is filed against multiple respondents, as in the case at hand, panels look at whether (i) the domain names or corresponding websites are subject to common control, and (ii) the consolidation would be fair and equitable to all parties. Procedural efficiency would also underpin panel consideration of such a consolidation scenario (WIPO Jurisprudential Overview 3.0, paragraph 4.11.2).

Both domain names were registered in close temporal proximity and incorporate the same trademark (i.e., KIBEK). They also follow an identical naming pattern, i.e.

- The trademark KIBEK is placed at the beginning of the domain name,
- Followed by the country code "DE" for Germany, and
- Under the same top-level domain ".com."

The only distinction between the two domain names is the hyphen between the KIBEK-mark and the "DE"-element.

Additionally, the Registrar listed for both disputed domain names is the same, and both domain names resolve to active websites that claim to sell the Complainant's KIBEK-products at significantly discounted prices under the KIBEK brand. Given these facts, the Panel is certain that both disputed domain names are under common control.

Finally, Registrants had the possibility to object the consolidation and respond to the complaint, but opted not to participate to these proceedings. The Panel therefore does not see any reasons why a consolidation should not be fair and equitable.

Therefore, the Panel finds that the disputed domain names were registered by the same Respondent and proceeds to deliver this decision regarding both disputed domain names.

PRINCIPAL REASONS FOR THE DECISION

1.

The Panel finds that the disputed domain names are confusingly similar to the Complainant’s trademark.

The Complainant's registered trademarks KIBEK is included identically in both disputed domain names. The Panel considers that, despite the addition of further elements "-de" and "de" in a second position within the domain names, the disputed domain names are confusingly similar to the Complainant's mark, which is clearly recognisable at the beginning of both domain names. Therefore, the addition of those additional elements, which will be understood as the Country Code for Germany (DE) does not prevent a finding of confusing similarity between the disputed domain names and the mark for the purposes of the Policy.

2.

In the absence of any Response, or any other information from the Respondents indicating the contrary, the Panel further holds that the Complainant successfully presented its prima facie case and that the Respondents have no rights or legitimate interests in respect of the disputed domain names.

Specifically, the Respondents are neither affiliated with nor authorized by the Complainant in any way, and has no connection to the Complainant's business. Furthermore, there is no evidence in the record that would lead the Panel to conclude that the Respondents are commonly known by the disputed domain names, as per paragraph 4(c)(ii) of the Policy. Finally, panels have ruled that the use of a domain name for illegal activities, such as impersonation or passing off, cannot establish rights or legitimate interests for the respondent. In this case, the Panel considers the use of the disputed domain names, specifically the attempt to sell the Complainant’s products at a heavily discounted price under the Complainant’s trademarks, to be illegal.

3.

Finally, the Panel finds that the disputed domain names have been registered and are being used in bad faith. It is indeed satisfied that the Respondents have registered the disputed domain names for the mere purpose of creating a risk of confusion and diverting Internet users to its websites (see paragraph 4(b)(iv) of the Policy).

The Respondents used the first domain name (<kibekde.com>) to resolve to a website purporting to sell rugs and other home and living products at allegedly highly discounted prices under the Complainant's figurative mark which is prominently displayed on the website and by using the Complainant's original product photos. The second domain name (<kibek-de.com>) also resolves to a website purporting to sell rugs and other home and living products at allegedly highly discounted prices. The products are identified with a keyword "Kibek" and again the Complainant's original product photos are used. For the Panel, it is therefore evident that the Respondents positively knows the Complainant’s marks and business. Consequently, and in the absence of any evidence to the contrary, the Panel is convinced that the Respondents also knew that the disputed domain names included the Complainant’s trademark when it registered the disputed domain names.

The finding of bad faith registration and use is supported by the further circumstances resulting from the case at hand which are:

(i) The Respondents' failure to submit a response or to provide any evidence of actual or contemplated good faith use;

(ii) The implausibility of any good faith use to which the disputed domain names may be put, in particular taking into consideration the content of the websites to which the disputed domain names direct, purportedly offering for sale the products under Complainant’s trademark;

(iii) The Respondents concealing their identity behind a privacy shield;

(iv) The fact that the details disclosed for the Respondents by the Registrar were incomplete or false, noting the Center’s inability to deliver its written communications.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **kibekde.com**: Transferred
2. **kibek-de.com**: Transferred

PANELLISTS

Name	**Tobias Malte Müller**

DATE OF PANEL DECISION 2025-04-01

Publish the Decision