Decision for dispute CAC-UDRP-107405

Case number	CAC-UDRP-107405
Time of filing	2025-03-17 09:43:42
Domain names	hurttafi.shop

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Best Friend Group Oy

Complainant representative

Organization	Berggren Oy

Respondent

Name	Jack Chen

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 owns various trade mark registrations for its HURTTA trade mark including European word mark registration 006584395 registered on March 19, 2009 and the combined European word and logo mark registration for HURRTA registered on October 17, 2017. The Complainant also owns the domain name <hurtta.com> from which it operates its main website.

FACTUAL BACKGROUND

The Complainant is one of the largest pet product companies in the Nordic region and is based in Finland. It has operated for around 50 years and sells its products under brands including the HURTTA brand and in particular has an ecommerce business on the website at <hurtta.com>.

The disputed domain name was registered on February 13, 2025. It resolves to a website displaying images of HURTTA goods similar or identical to those provided by the Complainant and which are on the Complainant's website. It also displays the Complainant's combined HURTTA word and logo mark.

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

The Complainant has submitted that it owns registered trade mark rights for its HURTTA trade mark and that its mark is wholly incorporated into and is the dominant element of the disputed domain name. The disputed domain name is therefore confusingly similar to the Complainant's HURTTA mark and the addition of the abbreviation “fi”, meaning Finland, at the end of the disputed domain name and the use of the top level element ".shop" does not prevent a finding of confusing similarity.

The Complainant has also submitted that the Respondent is not commonly known by the disputed domain name and that its use of it is not a fair use. It has noted that the website at the disputed domain name presents information as if the website was owned and run by the Complainant and that, at the very least, the Respondent is taking advantage of the Complainant’s renown in the field of pet food and accessories. The Complainant has submitted that the Respondent is intentionally trying to gain commercial monetary profit from the use and registration of the disputed domain name and is trying to benefit from the Complainant’s registered and well reputed HURTTA trade mark by presenting products on the website at the disputed domain name as if they are the Complainant's and as if that website belongs to, or is authorised by, the Complainant.

The Complainant has also submitted that according to the searches it conducted the Respondent does not appear to have any rights preceding those of the Complainant to the name or mark “HURTTA”. The Complainant has also confirmed that the Respondent is neither affiliated with the Complainant nor authorised by it in any way and is also not licensed to use the HURTTA trade mark. Finally it has submitted that the Respondent’s use of the disputed domain name is commercial and does not amount to a "fair use" of it, but rather the Respondent's intention is to gain commercial benefit by misleadingly diverting consumers and in doing so tarnishes the HURTTA trade mark.

The Panel finds that the Complainant has made out a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name and that this case has not been rebutted by the Respondent. Accordingly, the Panel finds that the second element of the Policy has been established.

The disputed domain name was registered in February 2025, many years after the registration of the Complainant's HURTTA trade mark. The Complainant's pet food business under the HURTTA brand is based in Finaland and appears to be very well established and reputed. The fact that the disputed domain incorporates the Complainant's HURTTA mark together with the country abbreviation "fi" for Finland and resolves to a website which uses the HURTA combined word and logo mark indicates that it is more than likely that the Respondent was well aware of the Complainant's mark and business at the date of registration of the disputed domain name.

Under paragraph 4(b)(iv) of the Policy there is evidence of registration and use of the disputed domain name in bad faith where a Respondent has used the disputed domain name to intentionally attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trade marks as to the source, sponsorship, affiliation or endorsement of the website.

The disputed domain name resolves to a website at which the Respondent uses without authority the Complainant's HURTTA mark and images of its products from the Complainant's own website and also appears to offer for commercial sale a seris of HURTTA products, without providing any disclaimer. It appears to the Panel that the Respondent has targeted the Complainant. It has sought to use the disputed domain name to confuse Internet users and to redirect them to its website at the disputed domain name at which it masquerade as if it is the Complainant, or has the Complainant's approval or endorsement to use its marks and promote or sell its products, when this is not the case.

This amounts to use of the disputed domain name to intentionally attract, for commercial gain, Internet users to the Respondent's website by creating a likelihood of confusion with the Complainant's trade marks as to the source, sponsorship, affiliation or endorsement of the website and it is more likely than not that this was undertaken for the Respondent's ultimate commercial gain. This conduct fulfills the requirements of paragraph 4(b)(iv) of the Policy and amounts to evidence of registration and use in bad faith. As a result the Panel finds that the Complainant has established the third element of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **hurttafi.shop**: Transferred

PANELLISTS

Name	**Mr Alistair Payne**

DATE OF PANEL DECISION 2025-04-23

Publish the Decision