Decision for dispute CAC-UDRP-107613

Case number	CAC-UDRP-107613
Time of filing	2025-05-26 13:10:45
Domain names	agentjob-interhome.com, platformjob-interhome.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Migros-Genossenschafts-Bund
Organization	HHD AG

Complainant representative

Organization	SILKA AB

Respondent

Name	Jon som

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 Complainants owns, among many others, the following Trademarks:

- Swiss trademark for INTERHOME (word mark), Reg. No. 470968, registered on March 29, 2000, in force until January 12, 2030; in International Class (“IC”) 42; and

- International trademark for INTERHOME (word mark), Reg. No. 740788, registered on March 29, 2000, in force until March 29, 2030, in IC 42; and

- European trademark for INTERHOME (word mark), Reg. No. 003493921, registered on August 13, 2009, and in force until October 31, 2033, in IC 43.

FACTUAL BACKGROUND

The First Complainant is the largest retail organization in Switzerland and the central coordinating entity of the Migros Group, a

cooperative-based enterprise with activities spanning food retail, financial services, travel, and leisure. Founded in 1925 and headquartered in Zurich, the First Complainant employs over 98,000 people, generates annual revenues exceeding CHF 32 billion, and represents a cooperative base of more than 2.2 million members. It plays a strategic role in steering the Migros Group's diversified portfolio of subsidiaries and brands, both domestically and internationally.

The Second Complainant is a wholly owned subsidiary of the Hotelplan Group, acquired in 1989, which is owned by the First Complainant. The Second Complainant operates under the INTERHOME brand, a provider of professionally managed holiday rentals. Founded in 1965 and headquartered in Glattbrugg, near Zurich; it offers approximately 40,000 holiday homes and apartments across more than 20 countries, serving hundreds of thousands of guests annually, including all over Europe.

The First and Second Complainant, for the purposes of this case and Decision, are simply referred to as the 'Complainant'.

The Complainant also owns, among others, the following domain names, which include the trademark INTERHOME: <interhome.com> registered on June 10, 1997; <interhome.ch> registered on January 1, 1996; <interhome.group> registered on June 23, 2020; <interhome.co.uk> registered on December 2, 1996; <interhome.ie> registered on December 12, 2006; <interhome.es> registered on May 19, 1999; <interhome.fr> registered on July 19,1998; <interhome.net> registered on February 19,1997; and <interhome.us> registered on May 2, 2002.

The Complainant has social media presence, through Facebook with 138 thousand followers, Instagram with more than 10 thousand followers, and LinkedIn with more than 10 thousand followers.

The disputed domain name <agentjob-interhome.com> was registered on March 19, 2025, and <platformjob-interhome.com> was registered on March 19, 2025. The Complainant provided evidence that by the time of the filing of the Complaint, each of the disputed domain names resolved to active websites that impersonate the Complainant. By the time of this Decision, each one of the disputed domain names resolves to inactive websites.

PARTIES CONTENTIONS

1. Response

No Response or any kind of communication has been submitted by the Respondent. However, the Complainant must establish the three elements of paragraph 4(a) of the Policy (See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("WIPO Overview 3.0"), section 4.3.)

Therefore, this Panel shall analyze the evidence submitted by the Complainant and decide this dispute under the "balance of probabilities" or "preponderance of the evidence" standard (see paragraphs 14 and 15(a) of the Rules, and WIPO Overview 3.0, section 4.2.)

2. Complainant Consolidation Request and Contentions (summary):

2. 1 Consolidation Request:

The Complainant(s) request to be consolidated in a single Complaint against the same Respondent, for the two (2) disputed domain names in accordance to paragraph 4(f) of the Policy in conjunction with paragraphs 3(c) and 10(e)of the Rules; and section 4.11.1 of the WIPO Overview 3.0.

- That the Complainants Migros-Genossenschafts-Bund (the 'First Complainant') and HHD AG (the 'Second Complainant') share a specific common grievance against the Respondent – namely, the unauthorised registration and use of the disputed domain names that incorporate and target the INTERHOME trademark, which is used and operated by the Second Complainant and owned within the corporate structure of the First Complainant.

- The Respondent's conduct has affected both Complainants in a materially similar fashion by misappropriating brand equity, creating a likelihood of confusion, and undermining the reputation and operations of the aligned commercial interests.

- The Complainants are closely related through corporate ownership – HHD AG is a wholly owned subsidiary of the Hotelplan Group, which in turn is owned by Migros-Genossenschafts-Bund, and collectively manage and protect the INTERHOME brand.

2.2 Contentions:

- The Complainant contends that the disputed domain names are confusingly similar to its trademark INTERHOME, which remains clearly recognizable despite being preceded by the terms 'agentjob-' and 'platformjob-' that would not prevent a finding of confusing similarity under the first element.

- The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain names, given that the Respondent does not have trademark rights for, nor is it commonly known by, 'agentjob-interhome', 'platformjob-interhome', or any similar term; that the Respondent is not connected to nor affiliated with the Complainant and has not received license or consent to use the INTERHOME trademark in any way; that the Respondent has not used, nor prepared to use, the disputed domain names in connection with a bona fide offering of goods or services, nor a legitimate non-commercial or fair use; in contrary they have been used to impersonate the Complainant, reproducing content copied from the Complainant's official site

'www.interhome.com' (adopting the INTERHOME trademark, logo, layout, colours, fonts and images); that the Internet Users attempting to engage with the content are directed to purportedly sign in or register an account by providing their phone number and a password; that the Respondent has clearly used the disputed domain names to attempt to trick users into thinking they are engaging with an official site of the Complainant, by impersonating the Complainant; that the fact that the disputed domain names are no longer active does not represent a bona fide offering of goods/services nor a legitimate non-commercial or fair use under the Policy.

- The Complainant contends that the disputed domain names have been registered and that are being used in bad faith, due to, given the substantial goodwill and recognition of the INTERHOME trademark, a simply degree of due diligence would have made any prospective registrant of the disputed domain names aware of the Complainant's trademark rights; that the Respondent registered the disputed domain names in knowledge of the Complainant, which evidences bad faith; that the Respondent has intentionally attempted to attract, for commercial gain, internet users by creating a likelihood of confusion with the Complainant's INTERHOME trademark, as set out in paragraph 4(b)(iv) of the Policy, in this case by impersonation; that the Respondent has attempted to reinforce the false impression of association by displaying '© HHD AG Switzerland 2025' and failing to disclose its lack of relationship with the Complainant; that the fact that the disputed domain names no longer resolve to active websites does not prevent a finding of bad faith under the Policy.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain names are 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

Procedural Factors

The Panel is satisfied that all procedural requirements under the Policy were met and there is no other reason why it would be inappropriate to provide a decision.

Consolidation - Multiple complainants filing against a single respondent

Paragraph 10(e) of the Rules grants a panel the power to consolidate multiple domain name disputes. At the same time, paragraph 3(c) of the Rules provides that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain-name holder.

Having reviewed the evidence submitted in this case, the Panel finds that: (i) certainly, the complainants have a specific common grievance against the respondent, (ii) according to the Registrar Verification provided to the CAC on May 26, 2025 by the concerned Registrar of this case, the same Registrant registered the two (2) disputed domain names, and (iii) it would be equitable and procedurally efficient to permit the consolidation. Given that, this Panel grants the Consolidation. (See WIPO Overview 3.0, section 4.11.1.).

PRINCIPAL REASONS FOR THE DECISION

Identical or Confusingly Similar

The Complainant has sufficiently proved before the Panel that it owns trademark Rights over the term INTERHOME for the purposes of the Policy. See WIPO Overview 3.0, section 1.2.1.

The entirety of the Complainant's trademark INTERHOME is reproduced within the disputed domain names. Accordingly, the

disputed domain names <agentjob-interhome.com> and <platformjob-interhome.com> are confusingly similar to the Complainant's trademark for the purposes of the Policy. See WIPO Overview 3.0, section 1.8.

It is well established that for the purposes of the analysis of the first element of the Policy, in this case, the gTLD ".com", is considered "as a standard registration requirement and as such is disregarded under the first element confusing similarity test". (See WIPO Overview 3.0, section 1.11.1.).

The Panel finds the first element of the Policy has been met.

Rights or Legitimate Interests

Having reviewed the evidence submitted, to this Panel it is clear that:

- Nothing in the records suggests any demonstrable preparations to use the disputed domain name in connection with a bona fide offering of goods or services, or a legitimate noncommercial or fair use as set out in paragraph 4(c)(i) and 4(c)(iii) of the Policy. Instead, according to the evidence, the Respondent has used the disputed domain names to impersonate the Complainant´s business model activity, including by replicating the INTERHOME trademark and look and feel on the websites. Regarding it, Panels have held that the use of a domain name for illegal activity (g., impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent. (See WIPO Overview 3.0, section 2.13.1.);

- Additionally, there is no evidence that the Respondent corresponds to or has become commonly known by any of the disputed domain names, or that it has acquired any trademark rights over the term "INTERHOME";

- Furthermore, the Respondent is not affiliated with nor authorized by the Complainant in any way; neither carry out any activity for nor has the Complainant any business with the Respondent; any license or authorization has been granted to the Respondent to make any use of the Complainant's trademark INTERHOME or apply for its registration as a domain name.

According to the evidence submitted before this Panel, the Complainant has made out its prima facie case, and the Respondent did not submit any response, or communication, nor has it rebutted the Complainant's contentions.

Therefore, the Respondent has no rights or legitimate interests in respect of the disputed domain names.

The Panel finds the second element of the Policy has been met.

Bad Faith: Registration and Use

Regarding Registration, the Panel finds that the Complainant's trademark rights definitively predate the registration date of the disputed domain names. The composition and international recognition of the INTERHOME trademark, combined with how the disputed domain names were used, sufficiently prove to this Panel the Respondent's knowledge of the Complainant and bad faith registration under the Policy. (See WIPO Overview 3.0, sections 3.1.4 and 3.2.2.).

Regarding Use, the Panel notes that the evidence by itself proves the Respondent's knowledge of the Complainant's business activity and its intangible assets, to the point of pretending to be the Complainant. Accordingly, panels have held that using a domain name for illegal activity (e.g., impersonation or other types of fraud) constitutes bad faith. (See WIPO Overview 3.0, section 3.4.).

Given the -current- inactive use of the disputed domain names, and as established by multiple panelists since "the inception of the UDRP, the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding." (See WIPO Overview 3.0, section 3.3.).

The Panel finds the third element of the Policy has been met.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **agentjob-interhome.com**: Transferred
2. **platformjob-interhome.com**: Transferred

PANELLISTS

Name	**María Alejandra López García**

DATE OF PANEL DECISION 2025-07-02