Decision for dispute CAC-UDRP-107673

Case number	CAC-UDRP-107673
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Domain names	instantpotduoplus.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	IB Appliances US Holdings, LLC

Complainant representative

Organization	Stobbs IP

Respondent

Name	Viktor Minin

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 owner of multiple trademark registrations for the marks INSTANT POT and DUO, including but not limited to:

- Canadian Trademark Registration Nos. TMA1147180 and TMA1147187 Instant Pot (figurative marks), registered on October 19, 2022 in Classes 7, 9, 11, 16, 21, 25, 29, 30, 35, 38, and 42;

- U.S. Trademark Registration No. 6291537 for INSTANT POT (word mark), registered on March 16, 2021, in relevant classes;

- U.S. Trademark Registration No. 6725378 and Canadian Registration No. TMA1251789 for the mark DUO, registered in Class 11.

FACTUAL BACKGROUND

The Complainant is a well-known provider of kitchen appliances, most notably the INSTANT POT branded multicooker, which was first launched in 2008. Since its launch, the brand has achieved substantial commercial success and global recognition, with significant media attention and a strong online presence, including a large and active customer community on social media platforms such as Facebook and Instagram.

The Complainant offers its products and services worldwide, including in key markets such as the United States, Canada, and the

United Kingdom. These goods are sold through leading retailers such as Amazon, Argos, Costco, John Lewis, and Tesco Marketplace. The Complainant operates its official website at the domain name <instantpot.com>, which has been live since at least May 22, 2009.The Complainant's INSTANT POT brand includes a product line known as Instant Pot Duo, and in particular, a product called the Instant Pot Duo Plus.

The disputed domain name was registered on March 19, 2025 and is used for a website that reproduces copyright-protected images of the Complainant's "Instant Pot Duo Plus" product, closely imitating content from the Complainant's official website.

PARTIES CONTENTIONS

The Complainant

The Complainant asserts that each of the elements enumerated in paragraph 4(a) of the Policy and the corresponding provisions in the Rules have been satisfied. In particular, the Complainant asserts that:

(1) the disputed domain name is confusingly similar to the trademarks in which the Complainant has rights. The addition of the term "plus" is not sufficient to escape the finding that the domain name is confusingly similar to the trademarks INSTANT POT and DUO, whereas the gTLD ".com" is viewed as a standard registration requirement and as such is disregarded under the first element confusion similarity test;

(2) the Respondent has no rights or legitimate interests in respect of the disputed domain name, and it is not related in any way with the Complainant. The Respondent is not licensed or otherwise authorised to use the Registered Trade Marks, whether at a domain name, website or otherwise. The disputed domain name resolves to an active website impersonating the Complainant and making unauthorised use of its trademarks and copyright-protected images in order to redirect users to external third party websites for financial gain. The Respondent has never legitimately been known by the name INSTANT POT DUO PLUS, INSTANT POT or any similar variation. This use cannot be considered a bona fide offer of services or a legitimate use of the disputed domain name;

(3) the disputed domain name was registered and is being used in bad faith. The Complainant's trademark INSTANT POT is widely known. The Respondent has registered the disputed domain name with full knowledge of the Complainant's trademark. The Respondent makes substantial use of INSTANT POT trademarks and copyright-protected images of INSTANT POT products. By using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial purposes, internet users to its website, by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation or endorsement of its website. In addition, the disputed domain name is used to impersonate/pass off as the Complainant for financial gain through association.

The Complainant requests transfer of the disputed domain name.

The Respondent

The Respondent did not reply to the Complainant's contentions.

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

Language of Proceedings

Paragraph 11(a) of the Rules provides that "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 Panel to determine otherwise, having regard to the circumstances of the administrative proceeding".

The language of the Registration Agreement for the disputed domain names is Russian. The Panel is proficient in both Russian and English.

The factors that the Panel should take into consideration include whether the Respondent is able to understand and effectively communicate in the language in which the Complaint has been made and would suffer no real prejudice, and whether the expenses of requiring translation and the delay in the proceedings can be avoided without at the same time causing injustice to the Parties.

The Complainant has filed the Complaint in English and requested English to be the language of this proceeding.

The Complainant submits that the Respondent has good proficiency in English and therefore can understand the language of the complaint. The disputed domain name resolves to a website impersonating the Complainant and its INSTANT POT brand, which are based in the US where English is the official and main language spoken. The website is entirely in English and features large amounts of text in English, including detailed information and sophisticated vocabulary relating to the Complainant's "Instant Pot Duo Plus" product. The website also states that the owner (i.e., the Respondent) is an Amazon Associate and links to the UK branch of Amazon, which is also in English and uses the Great British Pound (GBP/£) as its currency. There is no use whatsoever of Russian at the website.

The language/script of the disputed domain name consists entirely of English words, Latin rather than Cyrillic characters, and the INSTANT POT registered trade mark which is in Latin characters. None of these factors have any connection to the Russian language.

In addition to the above, the Complainant submits that requiring translation of the complaint from English to Russian would be unfair and create unwarranted delay in the proceedings.

While applying the provision on the language of the proceeding, the Panel considers that it should ensure that the parties are treated equally, that each party is given a fair opportunity to present its case, and that the proceeding takes place with due expedition.

The Respondent raised no objection to the proceedings being conducted in English.

While there is a language requirement in paragraph 11(a) of the Rules, the Panel must balance that against other considerations of ensuring that the proceeding takes place with due expedition and that the parties are treated fairly and given a fair opportunity to present their case.

The Panel takes into account that the Respondent is intentionally and maliciously targeting an English-speaking company and brand. The Complainant and its INSTANT POT trademark are based in the US, where the official and main language is English. It would also be unfair to require the Complainant to translate the complaint when the Respondent is, as set out above, clearly proficient in the English language and has registered and used the disputed domain name in bad faith.

Taking the above into account, the Panel is of the view that the language requirement should not cause any undue burden on the parties or undue delay.

Based on the foregoing, the Panel concludes that it is not unfair to the Parties to proceed in English and finds it appropriate to exercise its discretion and allow the proceedings to be conducted in English.

Substantive Issues

The burden for the Complainant under paragraph 4(a) of the Policy is to prove:

1) that the disputed domain name registered by the Respondent is identical or confusingly similar to a trademark in which the Complainant has rights;

2) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and

3) that the disputed domain name has been registered or is being used in bad faith.

The Panel will further analyze the potential concurrence of the above circumstances.

Moreover, the Panel has taken note of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0") and, where appropriate, will decide consistent with the consensus views captured therein.

Identical or Confusingly Similar

According to paragraph 4(a)(i) of the Policy it should be established that the disputed domain name is identical or confusingly similar to a mark in which the complainant has rights.

The Panel finds that the Complainant has established rights in the INSTANT POT trademark through numerous trademark registrations in multiple jurisdictions, including the United States, Canada, and others. These registrations predate the registration of the disputed domain name.

The disputed domain name wholly incorporates the Complainant's INSTANT POT mark and merely adds the word "plus," followed by the generic Top-Level Domain (gTLD) ".com." According to well-established UDRP precedent (see WIPO Overview 3.0, section 1.8), the addition of generic or descriptive terms does not prevent a finding of confusing similarity when the trademark remains clearly recognizable within the domain name.

In this case, INSTANT POT is the dominant and recognizable element of the disputed domain name. The added term "plus" does not distinguish the domain name from the Complainant's trademark. On the contrary, it reinforces the association with the Complainant's products, particularly given that the Complainant has a well-known product named Instant Pot Duo Plus, which is promoted via its official website and prominently featured on the Respondent's infringing site.

The gTLD ".com" is a technical requirement of domain names and is disregarded in the confusing similarity analysis (WIPO Overview 3.0, section 1.11.1).

The Panel therefore concludes that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights, and the requirement under paragraph 4(a)(i) of the Policy is satisfied.

Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, the Complainant has the burden of establishing that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

As established by previous UDRP panels, it is sufficient for the Complainant to make a prima facie case demonstrating that the Respondent has no rights or legitimate interests in the disputed domain name in order to place the burden of production on the Respondent (see section 2.1 of the WIPO Overview 3.0).

The Panel finds that the Complainant has made a prima facie case that the Respondent lacks rights or legitimate interests in respect of the disputed domain name. The Complainant has asserted that the Respondent is not affiliated with or authorized by the Complainant to use the INSTANT POT trademarks in any manner, including in a domain name.

Under Paragraph 4(c) of the Policy, a respondent may demonstrate rights or legitimate interests in a domain name by showing any of the following:
(i) use of the domain name in connection with a bona fide offering of goods or services;
(ii) being commonly known by the domain name; or
(iii) legitimate noncommercial or fair use of the domain name without intent for commercial gain or to misleadingly divert consumers.

The Panel considers each of these grounds in turn.

(i) Bona fide offering of goods or services

The evidence before the Panel indicates that the Respondent is using the disputed domain name to operate a website that impersonates the Complainant, makes unauthorized use of the Complainant's trademarks and copyright-protected materials, and redirects users to external e-commerce platforms for financial benefit. The website includes affiliate disclaimers confirming that the Respondent earns commissions from qualifying purchases. In line with section 2.13.1 of the WIPO Overview 3.0, use of a domain name for impersonation and commercial gain in such a manner can never confer rights or legitimate interests. The Panel finds this use to be illegitimate and not bona fide.

(ii) Commonly known by the disputed domain name

The Complainant conducted searches for the Respondent's name and found no evidence that the Respondent is or has been commonly known by the disputed domain name or any name corresponding to it. The Panel notes there is no indication that the Respondent is publicly or commercially identified by reference to the INSTANT POT name or any similar designation.

(iii) Legitimate non-commercial or fair use

The Respondent is using the disputed domain name for commercial purposes, namely redirecting users to Amazon UK for the purchase of goods while financially benefiting from affiliate links. The website does not accurately disclose the lack of relationship with the Complainant. The Panel also notes that the disclaimer on the website inaccurately disclaims affiliation with KitchenAid, not the Complainant (Instant Brands), further contributing to confusion. In accordance with sections 2.5.1 and 2.8.1 of the WIPO Overview 3.0, such use does not constitute fair use.

Even if the Respondent were a reseller, they would not meet the cumulative requirements of the Oki Data test, as the website fails to clearly disclose the Respondent's independent status and attempts to create an impression of affiliation with the Complainant.

Based on the evidence presented, the Panel concludes that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

Registered and Used in Bad Faith

According to paragraph 4(a)(iii) of the Policy, the Complainant must prove on the balance of probabilities both that the disputed domain name was registered in bad faith and that it is being used in bad faith.

The Panel accepts the Complainant's evidence that the Respondent had knowledge of the Complainant and its INSTANT POT trademark at the time of registering the disputed domain name.

The Complainant's trademark significantly pre-date the registration of the disputed domain name, and the INSTANT POT trademark enjoys a broad international reputation, with substantial online and social media presence.

The Panel finds that a simple online search would have revealed the Complainant's trade mark rights and brand visibility. The evidence submitted in the case file demonstrates that such searches, conducted prior to the registration date, would have confirmed the Complainant's established rights and recognition in the mark.

The Panel further notes that the Respondent is using the disputed domain name to operate a website that closely mimics the Complainant's branding and product presentation, including unauthorised use of its trademarks and copyright-protected images. This website redirects Internet users to third-party online retail platforms, where the Complainant's goods are offered, and expressly discloses that the Respondent earns affiliate commissions. Such conduct amounts to impersonation of the Complainant for commercial gain.

The Panel finds that the Respondent's use of the disputed domain name creates a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the website, consistent with Paragraph 4(b)(iv) of the Policy. It is well established that such behaviour constitutes bad faith use and registration, particularly in circumstances involving impersonation of the complainant (see, inter alia, Navasard Limited v. Dmitrii Sofronov, CAC-UDRP-106860).

The disputed domain name is also confusingly similar to the Complainant's trademarks and includes descriptive elements ("duo" and "plus") that refer directly to the Complainant's product lines. Panels have consistently found that such combinations do not prevent a finding of bad faith, and instead may reinforce the impression of affiliation or endorsement.

The Respondent has provided no evidence of actual or contemplated good-faith use of the disputed domain name and, under the circumstance of this case, the Panel does not find any such use plausible.

In light of the above, the Panel finds that the Respondent has registered and used the disputed domain name in bad faith and that the Complainant has established its case under paragraph 4(a)(iii) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **instantpotduoplus.com** : Transferred

PANELLISTS

Name	**Ganna Prokhorova**

DATE OF PANEL DECISION 2025-07-19

Publish the Decision