Decision for dispute CAC-UDRP-107664

Case number	CAC-UDRP-107664
Time of filing	2025-06-16 14:11:55
Domain names	can-go-de.com, cango-de.com, cango-deutsch.com, cango-de.biz, cango-lieferung.shop, 420cango-de.shop, can-go-de.shop

Case administrator

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

Complainant

Organization	EQUIOM CAPITAL INVEST Sp.zo.o.

Respondents

Organization	FlokiNET Ltd
Name	skdjfgh sdfsdf
Organization	NameSilo, LLC / Domain Administrator

OTHER LEGAL PROCEEDINGS

The Complainant has filed abuse reports regarding the fraudulent activities with the hosting providers that are responsible for the distribution of the content connected to the disputed domain names. Furthermore, the Complainant has reported the asserted fraudulent phishing page to its host and PayPal Inc. and has reported the asserted fraudulent bank account (IBAN FR7617598000010002992251463) connected to the disputed domain names to the issuing financial institution.

IDENTIFICATION OF RIGHTS

The Complainant has based this complaint on the following registrations for "CANNGO" owned by the same EQUIOM CAPITAL INVEST Sp.zo.o.:

- German Trademark Registration No. 3020240140170 filed on December 19, 2024 and registered on March 21, 2025 for products and services included in classes 5, 9, 29, 30, 31, 35, 42 and 44;
- EUTM No. 19073972 filed on September 2, 2024 and registered on December 13, 2024 for products and services included in classes 9, 42 and 44.

FACTUAL BACKGROUND

The Complainant operates in the medical cannabis market under the trademark "CANNGO"via its official website <canngo.express>.

The Complainant notes that the domain names in dispute are:

(1) <can-go-de.com>

(2) <cango-de.com>

(3) <cango-deutsch.com>

(4) <cango-de.biz>

(5) <cango-lieferung.shop>

(6) <420cango-de.shop>

(7) <can-go-de.shop>

The Complainant notes that all the above domain names were registered in a short timeframe (May-June 2025).

Even if the available Whois data show that domain names sub (1), (2), (3) were registered by "FlokiNET LTD" while the domain names sub (4), (5), (6), were registered by "skdjfgh sdfsdf" and the domain name sub (7) by "NameSilo, LLC", the Complainant believes that all the domain names in dispute are linked and are subject to common control. Actually, according to the Complainant, all seven domains, regardless of registrant, resolve to websites that are substantively identical, impersonating the Complainant's business and using its branding. In addition, the Complainant notes that all the disputed domains were registered in a short timeframe and follow a clear pattern that combines the Complainant's mark with relevant German terms. In particular, the Complainant outlines that all websites linked to the disputed domain names drive users to the exact same fraudulent payment systems and follow the identical design and contact information.

In addition, the Complainant infers that the domain names in dispute are confusingly similar to the "CANNGO" trademark since they entirely include the Complainant's trademark combined with German generic terms or geographic identifiers related to Germany or numbers (420) which have a specific meaning if referred to the cannabis sector.

Furthermore, the Complainant informs that the domain names in dispute are not connected with nor authorized by the Complainant. In particular the Complainant has never authorized or permitted to the Respondents to use the mark "CANNGO" in its domain names. The Complainant also notes that the Respondents are not commonly known by any of the domain names in dispute.

Finally, the Complainant assumes that the domain names in dispute were registered in bad faith as the sole purpose for the registration was and is to impersonate the Complainant for fraudulent purposes. The Respondent’s impersonation of the Complainant is designed to deceive third parties into believing that the domain names in dispute are owned by the Complainant and are offering legitimate products, when in fact the Respondent is instead defrauding consumers. In particular, the Complainant outlines that the Respondents direct users to a fake PayPal phishing site to steal login credentials and uses fraudulent bank accounts for wire transfers. According to the Complainant, instructing buyers to use PayPal's "Friends and Family" option is a classic scam tactic to circumvent buyer protection and this is not just bad faith but a criminal activity.

PARTIES CONTENTIONS

Complainant´s contentions are summarised above.

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 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

Consolidation of Respondents.

According to Article 3(c) of Rules for Uniform Domain Name Dispute Resolution Policy ("Rules"), the Complaint may relate to more than one domain name, provided that the disputed domain names are registered by the same domain-name holder. According to Article 10(e) of Rules a Panel shall decide a request by a Party to consolidate multiple domain name disputes in accordance with the Policy and these Rules.

The Complainant requests to consolidate its claims against the registrants of the disputed domain names notwithstanding that the registrant details are different, on the grounds that all the disputed domain names are subject to common control and that it is equitable and procedurally efficient to consolidate the proceedings. The Complainant relies on the fact that all seven domains resolve to websites that are substantively identical, impersonating the Complainant's business and using its branding. In addition, the Complainant notes that all the disputed domains were registered in a short timeframe and follow a clear pattern that combines the Complainant's mark with relevant German terms. In particular, the Complainant outlines that all websites linked to the disputed domain names drive users to the exact same fraudulent payment systems and follow the identical design and contact information.

The Panel agrees with the Complainant observations and in particular notes that all the websites connected to the disputed domain names share similar features and design and moreover includes a logo "CANGO", highly confusingly similar to the Complainant's mark, always depicted with same colors and graphics. In the Panel's view this is a crucial point in order to conclude that all the disputed domain names are subject to common control.

On the light of the above Complainant considerations, and notwithstanding the clear existence of three different registrants (Respondents), the Panel considers that all the disputed domain names are under the same common control.

In previous cases similar to the one at hand the Panel has decided to order the consolidation (see, for example, CAC Case No. 107587) and the Panel therefore agrees to the Complainant’s request, even considering that, due to the circumstances of the present case, it is equitable and procedurally efficient to consolidate the proceedings.

PRINCIPAL REASONS FOR THE DECISION

Paragraph 4(a) of the Policy provides that to obtain the transfer of the domain name; the complainant must prove that each of the following elements is present:

(i) the domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights;

(ii) the respondent has no rights or legitimate interests in respect of the domain name; and

(iii) the domain name has been registered and is being used in bad faith.

1) The Complainant has demonstrated rights through registration and use on the "CANNGO" trademark. The Panel finds that the disputed domain names are confusingly similar to the "CANNGO" trademark of the Complainant. Actually, all the disputed domain names include a term "CANGO" or "CAN-GO" (where the hyphen is destined to go unnoticed as per the unanimous opinion of previous panels) with the addition of geographic identifiers related to Germany and words or numbers which have to be considered generic where related to the Complainant's business. In particular, the Panel finds that the mark "CANNGO" is perfectly recognizable within all the disputed domain names. Despite the use of common, obvious or intentional misspellings of the mark (a single consonant "n", instead of the double "n", as in the original one) or the combination of the mark with generic terms and/or geographical identifiers, the CANNGO mark is clearly recognizable within the disputed domain names. Finally, the generic TLDs (.com/.biz/.shop) are mere technical requirements, which do not affect the identity between the signs and should be totally disregarded in the comparison between the Complainant's mark and the disputed domain names. The Complainant therefore succeeds on the first element of the Policy.

2) The Complainant demonstrated that all the websites to which the disputed domain names are linked pretend to impersonate the Complainant's business also by using a sign highly confusingly similar to the Complainant's one. The Complainant clearly considers that Respondent has the hope and the expectation that Internet users looking for the brand "CANNGO" will be directed to the websites corresponding to the disputed domain names. The Panel finds that said activity, of course, does not provide a legitimate interest in the disputed domain names under the Policy. Furthermore, the Complainant provided prima facie evidence that the Respondent does not have rights or legitimate interests in respect of the disputed domain names as it was never authorized to use the "CANNGO" trademark by the Complainant. The Respondent, in the absence of any Response, has not shown any facts or element to justify prior rights or legitimate interests in the disputed domain names. The Complainant therefore succeeds on the second element of the Policy.

3) Paragraph 4(b) of the Policy provides a non-exclusive list of circumstances that evidence registration and use of a domain name in bad faith. Any one of the following is sufficient to support a finding of bad faith:

(i) circumstances indicating that the Respondent has registered or acquired the disputed domain names primarily for the purpose of selling, renting, or otherwise transferring the disputed domain names registration to the Complainant who is the owner of the trademark or service mark or to a competitor of that the Complainant, for valuable consideration in excess of the Respondent's documented out-of-pocket costs directly related to the disputed domain name; or

(ii) the Respondent has registered the disputed domain names in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the Respondent has engaged in a pattern of such conduct; or

(iii) the Respondent has registered the disputed domain names primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the disputed domain names, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or location or of a product or service on the Respondent's website or location.

In the present case, the Panel is satisfied that the Complainant has made out a case of registration and use in bad faith in terms of paragraph 4(b)(iv) of the Policy. The use of the disputed domain name to impersonate the Complainant's business also by using a sign highly confusingly similar to the Complainant's one affirms that the Respondent was aware of the Complainant and the Complainant's "CANNGO" trademark when it registered the disputed domain name, and that it intended to target the Complainant and the Complainant's mark for its own commercial gain. This finding leads to the obvious conclusion that the disputed domain names have been registered in bad faith (Research In Motion Limited v. Privacy Locked LLC/Nat Collicot - WIPO Case No. D2009-0320; The Gap, Inc. v. Deng Youqian - WIPO Case No. D2009-0113; AXA S.A. v. P.A. van der Wees - WIPO Case No. D2009-0206; BHP Billiton Innovation v. Ravindra Bala - WIPO Case No. D2008-1059).

Furthermore, it is the Panel's view that the website associated with the disputed domain names are designed to cause the Complainant's end-users, to believe that they are dealing with the Complainant's portal when they are not. Use of domain names to impersonate a complainant for fraudulent purposes is manifestly considered evidence of bad faith under the Policy (see, for example, FIL Limited v. Stewart Lawton, WIPO Case No. D2021-2218 and Olympus Corporation v. WhoisGuard Protected, WhoisGuard, Inc. / Flash Webs, WIPO Case No. D2021-0382). The circumstance that all websites linked to the disputed domain names drive users to fraudulent payment systems reinforce the above-mentioned Panel's finding.

In consideration of the above, the Panel concludes that the Respondent registered and is using the disputed domain names in bad faith. The Complainant therefore succeeds also on 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. **can-go-de.com**: Transferred
2. **cango-de.com**: Transferred
3. **cango-deutsch.com**: Transferred
4. **cango-de.biz**: Transferred
5. **cango-lieferung.shop**: Transferred
6. **420cango-de.shop**: Transferred
7. **can-go-de.shop**: Transferred

PANELLISTS

Name	**Guido Maffei**

DATE OF PANEL DECISION 2025-07-21

Publish the Decision