# Decision for dispute CAC-UDRP-107682

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| Case number | CAC-UDRP-107682 |
| Time of filing | 2025-06-23 14:51:01 |
| Domain names | agent-interhome.com |

## Case administrator

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

## Complainant

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| Organization | Migros-Genossenschafts-Bund |
| Organization | HHD AG |

## Complainant representative

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| Organization | SILKA AB |

## Respondent

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| 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 name.

IDENTIFICATION OF RIGHTS

The Complainants base its Complaint among others on the following trademarks registered in the name of the Complainant HDD AG:

- International trademark registration “INTERHOME”, no. 740788, registered since 29 March 2000, for services in classes 36, 39, 43;
- International trademark registration “INTERHOME”, no. 1574393, registered since 4 December 2020, for services in class 42;
- European Union trademark “INTERHOME”, no. 003493921, registered since 13 August 2009, for services in class 43;
- Swiss national trademark “INTERHOME”, no. 470968, registered since 29 March 2000, for services in class 42.

FACTUAL BACKGROUND

The Complainant MIGROS-GENOSSENSCHAFTS-BUND is the largest retail organisation 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 Complainant MIGROS-GENOSSENSCHAFTS-BUND 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 Complainant HDD AG is a wholly owned subsidiary of the Hotelplan Group, which in turn is owned by the MIGROS-GENOSSENSCHAFTS-BUND. The Complainant HDD AG operates under the INTERHOME brand, a leading provider of professionally managed holiday rentals. Founded in 1965 and headquartered in Glattbrugg, near Zurich, the company offers approximately 40,000 holiday homes and apartments across more than 20 countries, serving hundreds of thousands of guests annually. The Complainant HDD AG has built a strong presence throughout Europe. In support of its operations, the Complainant HDD AG maintains an extensive distribution network that includes local service offices and authorised travel agents across multiple jurisdictions. Originally established to connect Swiss homeowners with travellers, the company was acquired by the Hotelplan Group in 1989.

The Complainant HDD AG is the owner of several INTERHOME trademarks in various jurisdictions, as the ones cited above.

Furthermore, affiliated companies of the Complainants hold numerous domain names which encompass the INTERHOME mark, such as <interhome.com> registered since 10 June, 1997, <interhome.ch> registered since 01 January, 1996, <interhome.group> registered since 23 June, 2020, <interhome.co.uk> registered since 02 December, 1996, <interhome.net> registered since 19 February 1997, <interhome.us> registered since 02 May, 2002, <interhome.ie> registered since 12 December, 2006, <interhome.fr> registered since 19 July, 1998.

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 they collectively manage and protect the INTERHOME brand.

The disputed domain name <agent-interhome.com> was registered on 19 March 2025 and resolves to a website which impersonates the Complainant HHD AG, reproducing content copied from the Complainant's HHD AG official site www.interhome.com. In addition, users attempting to engage with the content of the website www. agent-interhome.com are directed to purportedly sign in or register for an account by providing their phone number and a password.

## PARTIES CONTENTIONS

The Complainants' contentions are the following:

The Complainants contend that the requirements of the Policy have been met and that the disputed domain name should be transferred to the Complainant Migros-Genossenschafts-Bund. The disputed domain name <agent-interhome.com> is confusingly similar to the Complainant's HDD AG earlier trademark INTERHOME, that the Respondent lacks rights or legitimate interests in the disputed domain name for a number of reasons and that the disputed domain name was registered and is being used in bad faith.

No administratively compliant Response has been filed.

## RIGHTS

The Complainants have, 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 Complainants have rights (within the meaning of paragraph 4(a)(i) of the Policy).

## NO RIGHTS OR LEGITIMATE INTERESTS

The Complainants have, 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 Complainants have, 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

1. Confusing Similarity

The Panel agrees that the disputed domain name <agent-interhome.com> is confusingly similar to the Complainant's HDD AG earlier INTERHOME trademark. The disputed domain name incorporates entirely the Complainant's HDD AG earlier INTERHOME trademark and the addition of the generic term "agent" in front of the INTERHOME trademark with a dash in between, which might imply a formal relationship with the Complainants, such as that of an authorised representative or intermediary is not sufficient to escape the finding that the domain name is confusingly similar to the Complainant's HDD AG trademark INTERHOME and it does not change the overall impression of the designations as being connected to the trademark INTERHOME.

Moreover, the extension ".com" is not to be taken into consideration when examining the similarity between the Complainant's HDD AG trademark and the disputed domain name (WIPO Case No. D2005-0016, Accor v. Noldc Inc.). The mere adjunction of a gTLD such as ".com" is irrelevant as it is well established that the generic Top Level Domain is insufficient to avoid a finding of confusing similarity (WIPO Case No. 2013-0820, L'Oréal v Tina Smith, WIPO Case No. D2008-0820 Titoni AG v Runxin Wang and WIPO Case No. D2009-0877, Alstom v. Itete Peru S.A.).

Therefore, the Panel is satisfied that the first condition under the Policy is met.

2. Lack of Respondent's rights or legitimate interests

The Complainants are required to make out a prima facie case that the Respondent lacks rights or legitimate interests. Once such prima facie case is made, the burden of proof shifts to the Respondent to come forward with appropriate allegations or evidence demonstrating rights or legitimate interests in the disputed domain name. If the respondent fails to come forward with such appropriate allegations or evidence, a complainant is generally deemed to have satisfied paragraph 4(a)(ii) of the Policy.

Based on the available evidence, the Respondent does not appear to be commonly known by the disputed domain name as such is not identified in the WHOIS database as the disputed domain name or any similar term.

Moreover, the Respondent is not connected to nor affiliated with the Complainants and has not received a license or consent to use the INTERHOME mark in any way.

Based on the evidence available in the file, the disputed domain name resolves to a website which impersonates the Complainants, reproducing content copied from the Complainant's HHD AG official site www.interhome.com, adopting the INTERHOME trademark, logo, layout, colours and images. In addition, users attempting to engage with the content of the website www.agent-interhome.com are directed to purportedly sign in or register for an account by providing their phone number and a password. Panels have held that the use of a domain name for illegal activities, in this case, impersonation/passing off, possibly phishing activities, can never confer rights or legitimate interests on a respondent. WIPO Overview 3.0, section 2.13.1.

The Respondent had an opportunity to comment on the Complaint's allegations by filing a Response, which the Respondent failed to do.

Thus, the Panel is satisfied that the Complainants have at least established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name.

Accordingly, the Panel takes the view that the second requirement under the Policy is also met.

3. Bad Faith

The Complainant's HHD AG trademark INTERHOME predate the registration date of the disputed domain name and enjoys a distinctive character.

The Respondent has chosen to register the disputed domain name which incorporates entirely the Complainant's HHD AG earlier INTERHOME trademark with the addition of the generic term "agent" in front of the INTERHOME trademark with a dash in between, which might imply a formal relationship with the Complainants, such as that of an authorised representative or intermediary, in order to create a confusion with such trademark. Therefore, the Panel concludes that at the time of registration of the disputed domain name, the Respondent was well aware of the Complainant's HHD AG earlier INTERHOME trademark and has intentionally registered one in order to benefit from the distinctive character of the Complainant's HHD AG earlier INTERHOME trademark.

In the present case, the following factors should be considered:

- the Complainant's HHD AG INTERHOME trademark predates the registration date of the disputed domain name and enjoys a distinctive character;
- the Respondent registered the disputed domain name, which includes in its entirety the Complainant's HHD AG INTERHOME

trademark with the addition of the generic term “agent” in front of the INTERHOME trademark with a dash in between, which might imply a formal relationship with the Complainants, such as that of an authorised representative or intermediary;

- the Respondent has no business relationship with the Complainants, nor was it ever authorised to use a domain name similar to the Complainant's HHD AG INTERHOME trademark;
- the disputed domain name resolves to a webpage which impersonates the Complainants, reproducing content copied from the Complainant’s HHD AG official site www.com, adopting the INTERHOME trademark, logo, layout, colours and images. In addition, users attempting to engage with the content of the website www.agent-interhome.com are directed to purportedly sign in or register an account by providing their phone number and a password. Also, the Respondent has attempted to reinforce the false impression of association with the Complainants by displaying at the bottom of the website the wording “© HHD AG Switzerland 2025”, failing to disclose its lack of relationship with the Complainants. All these suggest that the Respondent intended to attract Internet users to a false website for, or otherwise associated with the Complainants, by intentionally creating a likelihood of confusion with the Complainant’s HHD AG INTERHOME trademark as to the source, sponsorship, affiliation, or endorsement of its website and the services offered and promoted through said website, which support a finding of bad faith registration and use according to paragraph 4(b)(iv) of the Policy. WIPO Overview 3.0, sections 3.1.4. Moreover, Panels have held that the use of a domain name for such activity, such as impersonation/passing off, as applicable to this case, and possibly phishing activities, constitutes bad faith. WIPO Overview 3.0, section 3.4;
- the Respondent failed to submit any response and has not provided any evidence of actual or contemplated good faith use of the disputed domain name.

In light of the foregoing, the Panel concludes that the Respondent has registered and has been using the disputed domain name in bad faith. Thus, the third and last condition under the Policy is also satisfied.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **agent-interhome.com**: Transferred

## PANELLISTS

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| Name | **Delia-Mihaela Belciu** |

DATE OF PANEL DECISION 2025-08-06

Publish the Decision