# Decision for dispute CAC-UDRP-107903

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| Case number | CAC-UDRP-107903 |
| Time of filing | 2025-09-05 09:26:17 |
| Domain names | instantpotsale.shop, instantpotusa.shop, instantpotusbest.shop, instantpotus.shop |

## Case administrator

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

## Complainant

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| Organization | IB Appliances US Holdings, LLC |

## Complainant representative

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| Organization | Stobbs IP |

## Respondents

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| Name | tu he |
| Name | rtrd rtr |

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 Complainant is a registered owner of the following **trademarks** containing a word element "INSTANT POT”:

- INSTANT POT (word), US national trademark, registration date 16 March 2021, trademark registration no. 6291537, registered for goods the international classes 7, 9, 11, 17, 21, 25, 29, 30, 32, 35 and 38;

- INSTANT POT (word), EU trademark, registration date 15 October 2019, trademark application no. 018037035, registered for goods the international classes 29 and 30;

among other national trademarks for INSTANT or INSTANT POT registered primarily in the United States.

(referred to as "Complainant's Trademarks").

The Complainant also holds rights to the domain name <instantpot.com>.

FACTUAL BACKGROUND

The **Complainant,** IB Appliances US Holdings, LLC., owns extensive worldwide rights in the INSTANT POT brand and has built substantial goodwill since launching its multicooker under this brand in 2008, including notable commercial success such as 215,000 units sold on Amazon Prime Day 2016.

It also operates the official website at <instantpot.com>, live since at least May 22, 2009, and maintains a significant social media presence (805,000+ Facebook, 524,000+ Instagram, 23,000+ Twitter).

The **disputed domain names** were registered as follows:

<instantpotsale.shop> was registered on 13 June 2025;

<instantpotusa.shop> was registered on 10 June 2025;

<instantpotusbest.shop> was registered on 7 June 2025; and

<instantpotus.shop> was registered on 5 June 2025.

All four **disputed domain name websites** (i.e. websites available under internet addresses containing the disputed domain names) resolve to websites hosting an online shop that offers products apparently competing with those of the Complainant.

They offer and promote the Complainant's products (including electric pressure cookers and related accessories) alongside unrelated items not produced by the Complainant, such as ovulation strips.

There is no information available about the operator of the disputed domain name websites, nor do the websites contain any details indicating any relationship with the Complainant or its business.

PARTIES CONTENTIONS

**COMPLAINANT:**

A) CONFUSING SIMILARITY

The Complainant states that:

- The Complainant holds Complainant's Trademarks (registered for INSTANT POT) predating the disputed domain names.
- Ownership of a valid trademark in any jurisdiction at the time of proceedings satisfies the UDRP requirement of "rights."
- The INSTANT POT brand has substantial public recognition and social media presence.
- The disputed domain names wholly incorporate the INSTANT POT element of Complainant's Trademarks.
- Added terms like "sale," "US/USA," and "best" are non-distinctive and do not prevent confusion. The INSTANT POT mark remains the dominant and recognizable element in the disputed domain names.
- The TLD suffix (.shop) should be disregarded in similarity assessment, as it is a technical element.

The Complainant refers to previous domain name decisions in this regard.

B) NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant states that:

- The Complainant addresses and rebuts all possible defences under paragraph 4(c) of the Policy. The burden shifts to the Respondent to prove legitimate rights or interests.
- The disputed domain names lead to active infringing websites selling INSTANT POT products and unrelated goods for commercial gain. The Respondent is unauthorized and not affiliated with the Complainant. Such use is not bona fide and has been held as bad faith in prior UDRP cases.
- The Respondent's purpose is to profit from confusion with the INSTANT POT brand.
- The Respondent has never been known as "INSTANT POT." Simply registering a domain name does not establish rights or legitimate interests.
- The registration was clearly intended to exploit the Complainant's goodwill. The disputed domain names are used to impersonate the Complainant and sell counterfeit or competing goods.
- Therefore, the Respondent's actions do not qualify as legitimate non-commercial or fair use under the Policy.
- The Complainant refers to previous domain name decisions in this regard.

C) BAD FAITH REGISTRATION AND USE

The Complainant states that:

- The Complainant's trademarks predate the disputed domain names registration and have a strong global reputation.
- The Respondent was clearly aware of the INSTANT POT brand when registering the disputed domain names.
- The disputed domain name websites use INSTANT POT brand to sell counterfeit and competing products, showing intent to target the Complainant's trademarks.
- The Respondent intentionally attracts Internet users for commercial gain by creating confusion about source, sponsorship, or affiliation.
- Such conduct has been consistently found to constitute bad faith in prior UDRP decisions (e.g., Booking.com BV v. Chen Guo Long).
- The Respondent's use of the INSTANT POT name and imagery confirms actual knowledge of the Complainant's rights at registration. Registering a confusingly similar domain names with such knowledge demonstrates bad faith.
- The Respondent's actions—registering and using the disputed domain names to exploit the Complainant's brand for profit—fulfil all elements of bad faith under the UDRP Policy.

**RESPONDENT:**

The Respondent has not provided any response to the Complaint.

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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).

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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).

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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).

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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.

Pursuant to paragraph 11(a) of the Rules, the language of the administrative proceeding shall be the language of the registration agreement, absent agreement by the parties to the contrary or a determination by the Panel having regard to the circumstances of the case. On the present record, the registration agreement(s) for the disputed domain name(s) is in English. In these circumstances, and in the interests of fairness and procedural efficiency, the Panel determines that the language of this proceeding shall be English.

The Complainant has filed a request for **consolidation**.

Following registrar verification, the Complainant notes that the registrant details for the disputed domain names are unknown due to WHOIS privacy redaction. The Complainant submits that the disputed domain names are under common control based on shared registrar, Cloudflare nameservers and proxying, privacy masking, close registration dates, similar naming patterns, and identical or highly similar website content and design promoting counterfeit goods.

Relying on WIPO Overview 3.0, paragraph 4.11.2, the Complainant argues that consolidation is appropriate where there is common control and where consolidation is fair, equitable, and procedurally efficient. The Complainant requests that the disputed domain names be addressed in a single consolidated complaint.

Pursuant to paragraphs 3(c) and 10(e) of the Rules, and guided by WIPO Overview 3.0, paragraph 4.11.2, the Panel considers whether the disputed domain names and corresponding websites are subject to common control and whether consolidation would be fair and equitable to all parties, with procedural efficiency also informing the analysis.

The registrar verification indicates that the underlying registrant information is masked by a privacy service. On the present record, the Panel finds it more likely than not that the disputed domain names are under common control.

The disputed domain names were registered with the same registrar (Spaceship) within a short time frame between June 5 and June 13, 2025, employ the same privacy and proxy masking and Cloudflare nameservers and proxy services, exhibit similar naming patterns, and resolve to websites that display identical or highly similar headers (including logo and font), substantially similar user interfaces and overall look and feel, and share the same primary purpose of advertising counterfeit products targeting the Complainant's rights. These combined indicia align with the factors identified in WIPO Overview 3.0, paragraph 4.11.2, supporting a finding of common control.

The Panel further finds that consolidation is fair and equitable. Given the use of privacy masking and the interconnected nature of the websites, consolidation avoids prejudice and promotes procedural efficiency by preventing duplicative proceedings addressing materially identical conduct. There is no evidence before the Panel of any countervailing circumstance that would render consolidation unfair to any respondent.

Accordingly, the Complainant's request for consolidation is granted.

This proceeding shall continue on a consolidated basis with respect to all disputed domain names. For case management purposes, the Panel will refer to the respondent as the underlying registrant(s) operating through the identified privacy (proxy service), collectively "the Respondent."

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## PRINCIPAL REASONS FOR THE DECISION

### A) RIGHTS

Since the disputed domain names and the Complainants' trademark are not identical, the key element investigated and considered by the Panel is whether the disputed domain names are confusingly similar to the Complainants' trademark under the UDRP first element.

The first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the complainant's trademark and the disputed domain name(s).

This test typically involves a side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the trademark is recognizable within the disputed domain name.

In cases where a disputed domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in such domain name, the disputed domain name will normally be considered confusingly similar to that trademark for purposes of UDRP standing.

Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element.

Applying the principles described above, the Panel finds that incorporation of a dominant "INSTANT POT" element of Complainant's trademark into the disputed domain names constitutes confusing similarity between Complainant's trademark and the disputed domain names.

Addition of non-distinctive elements – generic words or abbreviations "sale", "usa", "us best" and "us" - cannot prevent the confusing similarity in the eyes of internet consumers between the disputed domain names and the Complainant's trademarks.

For the sake of completeness, the Panel asserts that the top-level suffix in the disputed domain name (i.e. the ".shop") must be disregarded under the identity and confusing similarity tests as it is a necessary technical requirement of registration.

Consequently, 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).

### B) NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names. The Complainant shows that the Respondent is not commonly known by the disputed names and has never been affiliated with or authorized by the Complainant. The burden therefore shifts to the Respondent to demonstrate rights or legitimate interests under Paragraph 4(c) of the Policy.

All four disputed domain names resolve to active websites operating online shops. Those websites offer products that compete

with the Complainant's goods and promote the Complainant's products (including electric pressure cookers and related accessories) alongside unrelated items (for example, ovulation strips). The websites contain no registrant contact details or any evidence of authorization, affiliation, or a legitimate relationship with the Complainant. On the available record there is therefore no indication that the Respondent is an authorised distributor, reseller or licensee.

Resellers or distributors may, in narrow circumstances, establish a bona fide interest in a domain name that incorporates a third party's trademark if they satisfy the cumulative Oki Data criteria commonly applied in UDRP proceedings:

(i) the Respondent actually offers the goods or services at issue;

(ii) the Respondent uses the site to sell only the trademarked goods or services;

(iii) the disputed domain name websites accurately and prominently disclose the Respondent's (registrant's) relationship with the Complainant (trademark holder); and

(iv) the Respondent does not seek to "corner the market" in domain names reflecting the trademark.

Applying those criteria here, the Respondent fails to satisfy at least requirements (ii) and (iii). The websites do not limit sales to genuine Complainant products, and they contain no clear, prominent disclosure of any relationship with the Complainant.

In the absence of evidence meeting the Oki Data test, the Respondent has not carried the burden of demonstrating rights or legitimate interests in the disputed domain names.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain names within the meaning of paragraph 4(a)(ii) of the Policy.

C) BAD FAITH

The Complainant's trademarks predate the registration of the disputed domain names and enjoy a strong global reputation. Given this reputation and the nature of the websites associated with the disputed domain names, the Panel finds that the Respondent was aware of the Complainant and its INSTANT POT brand at the time of registration.

The disputed domain name websites prominently use the INSTANT POT brand and associated imagery to offer for sale counterfeit and competing products. This conduct demonstrates that the Respondent registered and is using the disputed domain names with the specific intent to target the Complainant's trademarks.

By doing so, the Respondent has sought to attract Internet users to its websites for commercial gain by creating a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the websites and the products offered. Such conduct falls squarely within the example of bad faith set out in paragraph 4(b)(iv) of the Policy and has been consistently recognized as evidence of bad faith in prior UDRP cases.

Applying the principles of the Oki Data test, even if the Respondent claimed to be a reseller or distributor, its conduct fails to meet the required conditions for legitimate use. The Respondent is not offering only the Complainant's genuine goods, as the websites also sell unrelated and possibly counterfeit items. Moreover, the websites contain no clear or prominent disclosure of any lack of affiliation with the Complainant. These factors disqualify the Respondent's use from being considered a bona fide offering of goods.

Failure to meet the Oki Data criteria reinforces the Panel's finding that the Respondent's use cannot be deemed legitimate and instead evidences an intent to mislead consumers for commercial gain.

Accordingly, the Panel concludes that the disputed domain names have been both registered and used in bad faith within the meaning of 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. **instantpotsale.shop**: Transferred
2. **instantpotusa.shop**: Transferred
3. **instantpotusbest.shop**: Transferred
4. **instantpotus.shop**: Transferred

## PANELLISTS

| Name | **Jiří Čermák** |
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DATE OF PANEL DECISION 2025-10-19

Publish the Decision