Decision for dispute CAC-UDRP-107971

Case number	CAC-UDRP-107971
Time of filing	2025-09-24 09:24:29
Domain names	sundaynaturalshop.com, sundaynaturalosterreich.com, sundaynaturalschweiz.com

Case administrator

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

Complainant

Organization	Sunday Natural Products GmbH

Complainant representative

Organization	Hildebrandt. Rechtsanwälte PartG mbB

Respondents

Name	wu yi
Name	Alois Hofmeister

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 the owner of the trademark SUNDAY NATURAL, inter alia, EUIPO Reg. No. 016469281, registered on July 10, 2017, in classes 3 and 5, and in 10 other classes, and international trademark Reg. No. 1574700, registered on August 28, 2020, in classes 3 and 5, and in 3 other classes, with an extension to China.

FACTUAL BACKGROUND

The Complainant distributes comprehensive food supplements, such as vitamins, probiotics, and proteins, as well as tea and beauty products. The Complainant, conducting business under its company name Sunday Natural Products GmbH, has generated revenues of approximately €100 million.

The disputed domain names, **<sundaynaturalshop.com>**, **<sundaynaturalosterreich.com>**, and **<sundaynaturalschweiz.com>**, were registered on September 11, 2025, September 15, 2025, and September 16, 2025, respectively. The disputed domain names resolve to websites prominently displaying the Complainant's marks as well as goods bearing the Complainant's mark.

PARTIES CONTENTIONS

COMPLAINANT:

The Complainant contends that the requirements of the Policy have been met and that the disputed domain names should be transferred to it.

i) The Complainant has rights in the SUNDAY NATURAL mark, as identified in the section “Identification of Rights” above. The disputed domain names are confusingly similar to the Complainant’s SUNDAY NATURAL mark because they incorporate the Complainant’s mark in its entirety and merely add non-distinctive elements such as the geographical indications “Schweiz” (German word for Switzerland), “Österreich” (German word for Austria), and the generic term “shop”;

ii) The Respondent has no rights or legitimate interests in respect of the disputed domain names. On the websites to which the disputed domain names resolve, the Complainant’s mark is displayed, and prima facie unauthorized products are offered for sale. The Respondent is not identified by the name “SUNDAY NATURAL.” Other than the apparent identity fraud, it does not operate any business known as “Sunday Natural,” nor does it offer goods or services under the SUNDAY NATURAL trademark. Furthermore, it has not acquired any trademark or service mark rights for “SUNDAY NATURAL.” The Respondent is not making any legitimate noncommercial or fair use of the disputed domain names;

iii) The Respondent has registered and is using the disputed domain names in bad faith, as it has engaged in blatant identity theft by copying the Complainant’s official website, including its web shop, with the intent to mislead potential customers and perpetrate fraud. All elements on the Respondent’s websites have been directly copied from the Complainant’s website, including the overall look and feel, images, and product displays.

RESPONDENT:

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

PRELIMINARY ISSUE 1: Multiple Respondents

The Complainant has alleged that it is likely that the disputed domain names are under the control of a single entity and that consolidation is appropriate in this matter. Paragraph 3(c) of the Rules for Policy 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.”

The Complainant contends that:
(i) Common Control: The disputed domain names are subject to common control. Evidence supporting this includes consistent patterns in the websites associated with the domain names;
(ii) Procedural Efficiency: Consolidation will lead to a fair, equitable, and procedurally efficient resolution of the dispute, whereas separate proceedings would result in unnecessary duplication and could lead to inconsistent outcomes;
(iii) Established UDRP Jurisprudence: Pursuant to Paragraph 10(e) of the UDRP Rules and in line with established UDRP decision-making, panels routinely grant consolidation where domain names are subject to common control and where consolidation would be fair and efficient to all parties; and

(iv) Supporting Case Law: Previous UDRP decisions confirm that consolidation is appropriate where the registrants are shown to operate under common control (see e.g., WIPO Case No. D2016-0799 PRADA S.A. v. various respondents; CAC Case No. 101969 <UNDERARMOUROUTLETSTOREONSALE.COM>).

The Panel notes that all elements on the Respondent's three disputed domain names' websites have been directly copied from the Complainant's website, including the overall look and feel, images, and product displays. Furthermore, all of the disputed domain names were registered within one week. Considering all of these circumstances collectively, the Panel finds that all of the disputed domain names are subject to common control by a single entity. Therefore, the Panel agrees and finds that the disputed domain names are commonly owned and controlled by a single Respondent, who is using multiple aliases. Throughout this Decision, the Respondents will be collectively referred to as "the Respondent."

PRELIMINARY ISSUE 2: Language of the Proceedings

The Panel notes that the Registration Agreements for the disputed domain names **<sundaynaturalshop.com>** and **<sundaynaturalosterreich.com>** are written in Chinese, thereby making the language of the proceedings Chinese. The Complainant has requested that the proceeding be conducted in English. The Panel has the discretion under UDRP Rule 11(a) to determine the appropriate language of the proceedings, taking into account the particular circumstances of the administrative proceeding. See Section 4.5, WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition; see also Lovehoney Group Limited v. yan zhang, CAC 103917 (CAC August 17, 2021) (finding it appropriate to conduct the proceeding in English under Rule 11, despite Japanese being designated as the required language in the registration agreement).

The Complainant contends that, with respect to the disputed domain name <sundaynaturalschweiz.com>, the Registrar has confirmed English to be the language. Regarding the disputed domain names <sundaynaturalshop.com> and <sundaynaturalosterreich.com>, the Complainant requests that the language of the proceeding be changed from Chinese to English.

As previously discussed in section "Preliminary Issue 1: Multiple Respondents," all of the disputed domain names are subject to common control by a single entity. Given that the Registration Agreement for the disputed domain name **<sundaynaturalschweiz.com>** is in English and that the content of all of the disputed domain names is also written entirely in English, the Panel infers that the Respondent is capable of communicating in English. Pursuant to UDRP Rule 11(a), the Panel finds that persuasive argument has been adduced by the Complainant. After considering the circumstances of the present case, and in the absence of a Response or any objection to the Complainant's request, the Panel determines that the proceeding shall be conducted in English.

The Panel is satisfied that all procedural requirements under the UDRP have been met and that there is no other reason why it would be inappropriate to render a decision.

PRINCIPAL REASONS FOR THE DECISION

Paragraph 15(a) of the Rules for the Policy instructs this Panel to "decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable."

Paragraph 4(a) of the Policy requires that the Complainant must prove each of the following three elements to obtain an order that a domain name should be cancelled or transferred:

(1) the domain name registered by respondent is identical or confusingly similar to a trademark or service mark in which complainant has rights; and

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

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

In view of the Respondent's failure to submit a response, the Panel shall decide this administrative proceeding on the basis of the Complainant's undisputed representations pursuant to paragraphs 5(f), 14(a) and 15(a) of the Rules and draw such inferences it considers appropriate pursuant to paragraph 14(b) of the Rules. The Panel is entitled to accept all reasonable allegations and inferences set forth in the Complaint as true unless the evidence is clearly contradictory. See Vertical Solutions Mgmt., Inc. v. webnetmarketing, inc., FA 95095 (FORUM July 31, 2000) (holding that the respondent's failure to respond allows all reasonable inferences of fact in the allegations of the complaint to be deemed true); see also Talk City, Inc. v. Robertson, D2000-0009 (WIPO Feb. 29, 2000) ("In the absence of a response, it is appropriate to accept as true all allegations of the Complaint.").

Rights and Confusing Similarity

The Complainant claims rights in the SUNDAY NATURAL mark as identified in section "Identification of Rights" above. The Panel notes that international trademark registrations are sufficient to establish rights in those marks. Since the Complainant provides evidence of trademark registrations with the EUIPO and an international trademark registration with an extension to China, the Panel finds that the Complainant has established rights in the mark SUNDAY NATURAL.

The Complainant contends that the disputed domain names are confusingly similar to the Complainant's mark because the disputed domain names incorporate the Complainant's mark SUNDAY NATURAL in their entirety with the addition of non-distinctive elements.

The Panel notes that all of the disputed domain names incorporate the SUNDAY NATURAL mark and merely add non-distinctive generic, descriptive, and/or geographical terms such as the geographical indications “Schweiz” (German word for Switzerland), “Österreich” (German word for Austria), and the generic term “shop.” Adding a generic, descriptive, or geographical term or non-distinctive letters and a gTLD to a mark fails to sufficiently distinguish a disputed domain names from a mark per Policy paragraph 4(a)(i). See MONCLER S.P.A. v. Qiu Xiaofeng, Agayeva SEVINC, Petrosyan YELENA, Birzu GALINA, Karapetyan IRINA, CAC-UDRP-105522 (CAC July 18, 2023) (“Adding a generic term and a gTLD to a mark fails to sufficiently distinguish a disputed domain name from a mark per Policy paragraph 4(a)(i).”).

Therefore, the Panel finds that the disputed domain names are confusingly similar to the Complainant’s SUNDAY NATURAL mark per Policy paragraph 4(a)(i).

No rights or legitimate interests

The Complainant must first make a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names under Policy paragraph 4(a)(ii), after which the burden shifts to the Respondent to demonstrate that it does possess such rights or legitimate interests. See Section 2.1, WIPO Jurisprudential Overview 3.0 ("Where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element.").

The Complainant contends that on the websites to which the disputed domain names resolve, the Complainant’s mark is displayed, and prima facie unauthorized products are offered for sale. The Respondent is not identified by the name “SUNDAY NATURAL.” Other than the apparent identity fraud, it does not operate any business known as “Sunday Natural,” nor does it offer goods or services under the SUNDAY NATURAL trademark. When a response is lacking, WHOIS information may be used to determine whether a respondent is commonly known by the disputed domain names under Policy paragraph 4(c)(ii). The Panel notes that the WHOIS information for the disputed domain names lists the registrants as “wu yi” and “Alois Hofmeister.” Nothing in the record suggests that the Respondent was authorized to use the SUNDAY NATURAL mark. Therefore, the Panel finds that the Respondent is not commonly known by the disputed domain names per Policy paragraph 4(c)(ii).

The Complainant also contends that the Respondent is not making any legitimate noncommercial or fair use of the disputed domain names. The Panel notes from the screenshots of the disputed domain names’ resolving websites that all elements on the Respondent’s websites have been directly copied from the Complainant’s website, including the overall look and feel, images, and product displays. The Panel finds that the disputed domain names are not only confusingly similar or identical to the Complainant’s official site but are being used to impersonate the Complainant’s business and to divert customers for malicious purposes.

Where a respondent uses a domain name to pass itself off as affiliated with a complainant and to redirect users to sell unauthorized goods, the Panel may find that the respondent fails to make a bona fide offering of goods or services or a legitimate noncommercial or fair use per Policy paragraph 4(c)(i) or (iii). See Wolverine World Wide, Inc. v. Fergus Knox, FA 1627751 (Forum Aug. 19, 2015) (finding no bona fide offering of goods or legitimate noncommercial or fair use existed where the respondent used the resolving website to sell products branded with the complainant’s MERRELL mark, and were either counterfeit products or legitimate products of the complainant being resold without authorization); see also Dell Inc. v. Devesh Tyagi, FA 1785301 (Forum June 2, 2018) (“Respondent replicates Complainant’s website and displays Complainant’s products. The Panel finds that this use is not a bona fide offering of goods or services under Policy paragraph 4(c)(i) & (iii).”). The Panel finds that the Respondent’s use of the disputed domain names to pass itself off as the Complainant fails to constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use under Policy paragraph 4(c)(i) or (iii).

The Panel therefore concludes that the Complainant has made out a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names. As the Respondent has not filed a Response or otherwise attempted to rebut the prima facie case against it, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain names.

Bad faith

The Complainant contends that the Respondent has registered and is using the disputed domain names in bad faith, as it has engaged in blatant identity theft by copying the Complainant’s official website. The Panel notes from the screenshots of the disputed domain names’ resolving websites that all elements on the Respondent’s websites have been directly copied from the Complainant’s website, including the overall look and feel, images, and product displays. The Panel further finds that the disputed domain names are not only confusingly similar or identical to the Complainant’s official site but are being used to impersonate the Complainant’s business and to divert customers for malicious purposes.

The Panel finds that the use of the disputed domain names in connection with commercial websites, where the Complainant’s trademark is misappropriated and prima facie unauthorized SUNDAY NATURAL branded products are offered for sale, clearly indicates that the Respondent’s purpose in registering the disputed domain names was to capitalize on the reputation of the Complainant’s trademark by diverting Internet users seeking the Complainant’s products to its websites for financial gain, in accordance with paragraph 4(b)(iv) of the Policy.

The Panel further finds that the Respondent’s advertisement and sale of unauthorized goods at the disputed domain names’ resolving websites render it a “competitor” within the meaning of paragraph 4(b)(iii) of the Policy; that the advertisement and sale of unauthorized goods, for which the Complainant holds a significant reputation, are intended to confuse the Complainant’s customers; and that the Respondent’s actions fall squarely within the meaning of “primarily for the purpose of disrupting the Complainant’s business.”

Therefore, the Panel concludes that the Respondent registered and is using the disputed domain names in bad faith pursuant to Policy paragraphs 4(b)(iii) and 4(b)(iv).

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **sundaynaturalshop.com**: Transferred
2. **sundaynaturalosterreich.com**: Transferred
3. **sundaynaturalschweiz.com**: Transferred

PANELLISTS

Name	**Mr. Ho-Hyun Nahm Esq.**

DATE OF PANEL DECISION 2025-10-20

Publish the Decision