Decision for dispute CAC-UDRP-108018

Case number	CAC-UDRP-108018
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Domain names	philips-poland.com, philipsconsultinggp.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Koninklijke Philips N.V.

Complainant representative

Organization	Coöperatie SNB-REACT U.A.

Respondents

Organization	philips-poland
Organization	philipsconsultinggp

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 PHILIPS, which is the subject of numerous trademark registrations around the world, including:
European Union trademark No. 000205971 for PHILIPS (word mark) registered on October 22, 1999 for goods and services of classes 3, 6, 7, 8, 9, 10, 11, 14, 16, 18, 20, 21, 25, 28, 35, 37, 38, 40, 41 and 42;
International trademark No. 310459 for PHILIPS (word mark) registered on March 16, 1966, for goods and services of classes 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 19, 20, 21, 28, 31; and
International trademark registration No. 991346 for PHILIPS (figurative mark) registered on June 13, 2008, for goods and services of classes 3, 5, 7, 8, 9, 10, 11, 14, 16, 18, 20, 21, 25, 28, 35, 36, 37, 38, 41, 42, 44 and 45.

FACTUAL BACKGROUND

PHILIPS is a famous brand, which is one of the most widely recognized identities in the world. The PHILIPS trademark is synonymous with a wide spectrum of products and services marketed on a broad international level by the complainant itself or

multiple brand licensees. The brand’s products and service scope vary from professional health products and services, consumer electronics (TV, audio, accessories, projection apparatus, electronic locks, water purification products), personal care and baby products, to lighting products and domestic appliances.

The disputed domain name <philips-poland.com> was registered on February 10, 2025 and the disputed domain name <philipsconsultinggp.com> was registered on February 26, 2025. They both resolve to the website of Zoho, which provides Customer Relationship Management (CRM) software for businesses.

PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the disputed domain names should be transferred to it.
No administratively compliant Response has been filed in relation to the disputed domain name <philips-poland.com>. An administratively compliant Response has been filed in relation to the disputed domain name <philipsconsultinggp.com>.

As discussed in relation to Procedural Factors below, the Panel declines the Complainant's request for consolidation. Accordingly, this decision is confined to consideration of the disputed domain name <philipsconsultinggp.com> and the Complainant's contentions are likewise so confined, as set out below.

The Complainant contends that the disputed domain name <philipsconsultinggp.com> is confusingly similar to its famous PHILIPS mark and that the Respondent does not have any rights or legitimate interest in the domain name, which was registered and is being used in bad faith.

As to legitimacy, the Complainant says it has no relationship whatsoever with the Respondent and has never licensed or otherwise authorized the Respondent to use the PHILIPS Trademark(s) in the disputed domain name. The Complainant has exclusive trademark rights which predate the registration of the disputed domain name. The Respondent cannot demonstrate any legitimate offering of goods or services under the PHILIPS Trademark(s). In the absence of a license or permission from the Complainant concerning the use of its trademarks, no actual or contemplated bona fide or legitimate use of the disputed domain name can reasonably be claimed. It is clear the Respondent does not make use of, or demonstrable preparations to use, the disputed domain name or a name corresponding to the disputed domain name in
connection with a bona fide offering of goods or services. Per paragraph 2.3 of the WIPO Jurisprudential Overview 3.0, the Respondent must be “commonly known” by the relevant moniker apart from the domain name. As such, Respondents are required to produce concrete, credible evidence that they are commonly known by the domain name. No such credible evidence is shown anywhere on the disputed domain name by the Respondent. Furthermore, the Respondent does not hold any genuine trademark or service mark right. Based on the foregoing, it is clear that the Respondent has not been commonly known by the disputed domain name prior to the registration of the domain. Respondent is not making a legitimate noncommercial or fair use of the domain name but is intending to use it for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Complainant notes that, according to paragraph 2.5 of the WIPO Jurisprudential Overview 3.0, ‘’a respondent’s use of a domain name will not be considered “fair” if it falsely suggests affiliation with the trademark owner’’. According to paragraph 2.5.1. of the WIPO Jurisprudential Overview 3.0, panels have found that domain names identical to a Complainant’s trademark carry a high risk of implied affiliation. This conclusion is not altered where a domain name consists of a trademark plus an additional term, as panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner. In the case at hand, the Respondent has registered the domain name which contains the Complainant trademark in its entirety in combination with the descriptive term 'consulting' and the letters 'gp'. Therefore, the Respondent’s use of the disputed domain name cannot be considered “fair”.

Lastly, the Complainant emphasizes that a finding of bad faith (as set out below) also means that the Respondent’s use of the domain name cannot be regarded as “fair”, or “legitimate”, nor as a use in connection with a bona fide offering of goods or services under paragraph 4(c)(i), see, e.g., WIPO Case No. D2008-0642 <pronaturalmuscle.com>. Now that the Complainant has asserted that the Respondent has no rights or legitimate interests in respect of the disputed domain name, it is incumbent upon the Respondent to come forward with concrete evidence rebutting this assertion. Per paragraph 2.2 of the WIPO Jurisprudential Overview 3.0 claimed examples of use (or demonstrable preparations to use) the domain name in connection with a bona fide offering of goods or services cannot be merely self-serving but should be inherently credible and supported by relevant pre-complaint evidence.

The Response says:

"My name is Philip Varghese and I am a small business owner in Connecticut USA.
I run a small consulting firm call Philips Consulting Group LLC that I had created in 2016 and have been in business for the past 9 years.
My company is legally registered and has been filing annual reports with Connecticut. I'm attaching the certificate of legal existance issued by the Secretary of the State of Connecticut.
I have been trying to expand by business for which I had to create my domain in order to create email-id's with my business name.
The domain name created lines up with the name of my company which is Philips Consulting Group, so I am unclear on the complaint and how it impacts what entity filing the complaint.
Please let me know if there's any more information that I can provide to justify my ownership of the domain.
Thanks,

Philip Varghese"

The Respondent has shown that PHILIPS CONSULTING GROUP, LLC was incorporated in the U.S. State of Connecticut on May 4, 2016.

The Respondent also communicated with the CAC as follows:

"Hi,
Forgot to include additonal information that this domain was registered while purchasing the mailbox services through Zoho.com (SaaS provider) earlier this year. Attaching the purchase order.
Again I have only used the domain strictly for mailbox purposes only.
Thanks,
Philip"

The attached purchase order is dated February 26, 2025, the day on which the <philipsconsultinggp.com> domain name was registered, showing that Philips Consulting Group LLC purchased Zoho MailDomains service for one domain for a year.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name <philipsconsultinggp.com> 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 not, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the disputed domain name <philipsconsultinggp.com> (within the meaning of paragraph 4(a)(ii) of the Policy).

BAD FAITH

The Complainant has not, to the satisfaction of the Panel, shown the disputed domain name <philipsconsultinggp.com> 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.

REQUEST FOR CONSOLIDATION:
The Complainant requests consolidation of all of the disputed domain names into this single case.

The Complainant asserts that all of the disputed domain names are owned or under the effective control of a single person or entity, or a group of individuals acting in concert.

The Complainant identifies a number of common factors:
1. The disputed domain names are currently registered at Tucows Domains Inc.
2. The disputed domain names are both hosted by Tucows Domains Inc., under the IP address 99.64.37.
3. The disputed domain names resolve to identical websites that feature identical content and serve the same function, namely websites advertising the website-builder
tool named ‘‘ZOHO’’ and providing a link to the ZOHO-website.
4. Both Disputed domain names were registered in February 2025.

The Complainant submits that, considering all of the above, on the balance of the probabilities - the accepted standard of proof in UDRP cases - it is more likely than not that all of the disputed domain names are under common ownership or control. Finally, as it was decided in CAC case 103259 <JOYASPANDORA.NET and 8 other domain names> "none of the common factors identified in the Complaint nor the inference that the disputed domain names are under common control have been disputed".

The Panel is not persuaded that the disputed domain names are under common control. Many domain names are registered with Tucows Domains Inc. The IP address 99.64.37 is host to 5,284 domain names. The ZOHO website provides CRM software for businesses. These factors do not lead to the conclusion that registration of the disputed domain names two weeks apart indicates common control. Accordingly, the Panel does not order consolidation.

PRINCIPAL REASONS FOR THE DECISION

Paragraph 15(a) of the Rules 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 disputed domain name registered by the Respondent is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and

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

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

As to the first element, the Complainant has shown that it has rights in the PHILIPS mark and that the mark is famous. The Panel finds the disputed domain name <philipsconsultinggp.com> to be confusingly similar to the Complainant's PHILIPS trademark because it incorporates the mark in its entirety and merely adds the word "consulting" and the abbreviation for group "gp" which does nothing to distinguish the domain name from the mark, together with the inconsequential top-level domain ".com", which may be ignored under this element. The Complainant has established this element.

As to the second element, paragraph 4(c) of the Policy sets out three illustrative circumstances as examples which, if established by the Respondent, shall demonstrate rights to or legitimate interests in a disputed domain name for the purposes of paragraph 4(a)(ii) of the Policy, i.e.

(i) before any notice to the Respondent of the dispute, the use by the Respondent of, or demonstrable preparations to use, the domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services; or

(ii) the Respondent (as an individual, business or other organization) has been commonly known by the disputed domain name, even if the Respondent has acquired no trademark or service mark rights; or

(iii) the Respondent is making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert customers or to tarnish the trademark or service mark at issue.

The Panel notes that PHILIPS CONSULTING GROUP, LLC was incorporated in the U.S. State of Connecticut on May 4, 2016 and finds that Respondent, as a business or other organization, has been commonly known by the disputed domain name <philipsconsultinggp.com>, even though the Respondent has acquired no trademark or service mark rights. The Complainant has failed to establish this element.

As to bad faith, although the Complainant's PHILIPS trademark is famous, it is also a personal name and happens to be the personal name of the owner of PHILIPS CONSULTING GROUP, LLC. There is no evidence that the disputed domain name <philipsconsultinggp.com> has been used in any way to take advantage of the goodwill in the Complainant's mark. Accordingly the Panel finds that the disputed domain name was registered and is being used in good faith. The Complainant has failed to establish this element.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Partially Accepted/Partially Rejected

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

1. **philips-poland.com**: Terminated (consolidation not granted)
2. **philipsconsultinggp.com**: Remaining with the Respondent

PANELLISTS

Name	**Alan Limbury**

DATE OF PANEL DECISION 2025-11-07

Publish the Decision