Decision for dispute CAC-UDRP-108028

Case number	CAC-UDRP-108028
Time of filing	2025-10-15 10:04:27
Domain names	philipsbuy.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Koninklijke Philips N.V.

Complainant representative

Organization	Coöperatie SNB-REACT U.A.

Respondent

Name	sidmhdi ghias alhsini

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 Complainant is the owner of PHILIPS trademark in different jurisdictions around the world. By way of example, International trademark registration No. 991346, registered on June 13, 2008 or, before the European Union Intellectual Property Office with registration No. 000205971, registered on October 22, 1999.
The Panel recognizes the distinctive and well-known character of Complainant´s PHILIPS trademark.

FACTUAL BACKGROUND

The Complainant is a Dutch company operating in the electronics field doing business worldwide.
The disputed domain name was registered on December 4, 2019 and redirects to <philipsbuy.ir>, which resolves to a website in Persian offering for sale Complainant´s products and, where Complainant´s PHILIP trademark is displayed.
The Complainant sent a cease-and-desist-letter on February 5, 2025 and the Respondent did not answer.

PARTIES CONTENTIONS

THE COMPLAINANT

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

In particular, the Complainant asserts that the disputed domain name reproduces PHILIPS trademark with a descriptive term “buy”. By adding a word, in this case “buy”, the confusing similarity is met.

The Complainant also affirms that the Respondent has not been authorized use its marks or to apply for domain name using them and, the Respondent is not commonly known by the disputed domain name. Neither the Respondent holds a genuine trademark right.

Furthermore, the Respondent´s use of the disputed domain name confirms the lack of rights or legitimate interests as it carries a high risk of implied affiliation.

The Respondent is using the disputed domain name to redirect internet users to its website where the Oki Data Test is not complied since the site does not accurately and prominently disclose the Respondent´s relation with the Complainant and its trademarks.

With reference to the third requirement, the Complainant alleges that based on the distinctiveness of PHILIPS mark, the Respondent was aware of Complainant's rights prior to the registration of the disputed domain name.

The Complainant also asserts that the Respondent is using the disputed domain name intentionally to attempt to attract, for commercial gain, internet users to his web site by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation or endorsement of his web site in terms as set up in paragraph 4(b)(iv) of the Policy.

THE RESPONDENT

No administratively compliant Response has been filed.

RIGHTS

The Complainant has, 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 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 name (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 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. Identical or Confusingly Similar
The Complainant has shown rights in respect of PHILIPS trademark for the purposes of the Policy. It is apparent that the mark PHILIPS is reproduced in the disputed domain name <philipsbuy.com>. The addition of a generic term, in this case “buy” does not prevent confusing similarity in terms of the Policy.
The applicable Top-Level Domain (‘TLD’) in a domain name is viewed as a standard registration requirement and as such is disregarded under the first element test.
The Panel finds that the first element of the Policy has been established.

2. Rights or Legitimate Interest

Paragraph 4(c) of the Policy sets out non-exclusive examples in which the Respondent may establish rights or legitimate interests in the disputed domain name. However, while the burden of proof in UDRP proceedings rests on the complainant, panels have recognized that proving a respondent lack or rights or legitimate interests in a domain name may result in the often-impossible task of "proving a negative". Accordingly, panels have established, since the inception of the UDRP, that it is sufficient to raise a prima facie case against the respondent and then the evidential burden of production shifts to the respondent. See CAC-UDRP-106452

The Panel finds that none of the examples giving rise to rights or legitimate interests listed in the paragraph 4(c) of the Policy apply to the case.

The composition of the disputed domain name, comprising Complainant's PHILIPS trademark and the additional word "buy" coupled with the Respondent´s website content, leads the Panel to conclude that the Respondent attempted to impersonate the Complainant to obtain a commercial gain, and consequently, is not making a bona fide offering of goods or services in accordance with paragraph 4(c)(i) of the Policy.

The Panel also notes the lack of disclaimer in the corresponding website and, therefore, the non-compliance of the Oki Data test. See WIPO Overview 3.0, section 2.8.

Besides, the silence of the Respondent, once received the cease-and-desist letter or the Complaint, has avoided the Panel to assess if any circumstances may oppose to the Complainant´s prima facie showing.

The Panel finds that the second element of the Policy has been established.

3. Register and Used in Bad Faith

The Panel determines that the Respondent targeted the Complainant and its trademarks due to its distinctiveness. Additionally, the disputed domain name resolves to a website offering for sale Complainant's products. Therefore, on balance, the Respondent knew or should have known about the Complainant and its trademark at the time of the registration of the disputed domain name. Thus, the registration was made in bad faith.

As noted, the Panel accepts that the Respondent intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's mark. That is to say, the Respondent has not undertaken steps to avoid unfairly passing itself off as related to the Complainant, or to otherwise confuse users. Accordingly, the registration and use of the disputed domain name was in bad faith.

The Panel finds that the Complainant has established 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. **philipsbuy.com**: Transferred

PANELLISTS

Name	**Manuel Moreno-Torres**

DATE OF PANEL DECISION 2025-11-10

Publish the Decision