Decision for dispute CAC-UDRP-108216

Case number	CAC-UDRP-108216
Time of filing	2025-12-08 17:37:16
Domain names	sundaynchshop.com, sundaynchoutlets.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	(Huang Baochuan)
Name	Tatiana Wulle

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other pending or decided legal or administrative proceedings relating to the domain names <sundaynchshop.com> and <sundaynchoutlets.com> (together, the "Disputed Domain Names").

IDENTIFICATION OF RIGHTS

The Complainant, Sunday Natural Products GmbH, owns registered trade mark rights in the sign SUNDAY NATURAL, including:

- **SUNDAY NATURAL** (word), EU trade mark no. 016469281, registered on 10 July 2017; and
- **SUNDAY NATURAL** (word), International trade mark no. 1574700, registered in China with effect from 28 August 2020.

(Each a "trade mark" and collectively the "Complainant's trade marks").

FACTUAL BACKGROUND

A. Complainant's Factual Allegations

The Complainant is Sunday Natural Products GmbH, an e-commerce business specialising in nutritional supplements, including vitamins, probiotics, proteins, teas, and beauty products.

The Complainant conducts its business primarily through its website at <sundaynatural.de>. It submits that, through intensive and sustained use, the SUNDAY NATURAL mark has acquired a high degree of recognition and that the business has generated revenues in the region of EUR 100m.

B. Respondent

B.1 Respondent's Factual Allegations

The Respondent did not file a Response.

C. Disputed Domain Names

The Disputed Domain Name <sundaynchshop.com> was registered on 5 December 2025, and the Disputed Domain Name <sundaynchoutlets.com> was registered on 8 December 2025. At the time of this Decision, they do not resolve to active websites. The Complainant has, however, adduced evidence of prior use in connection with impersonating websites.

PARTIES CONTENTIONS

A. Complainant's Submissions

A.1 Consolidation

The Complainant requests consolidation of the proceedings in respect of the Disputed Domain Names. It submits that, notwithstanding the appearance of different registrant details, the evidence demonstrates common control, including identical or substantially similar website content, design, and functionality used for impersonation and identity fraud.

A.2 Identical or Confusingly Similar

The Complainant submits that the Disputed Domain Names <sundaynchshop.com> and <sundaynchoutlets.com> are confusingly similar to its SUNDAY NATURAL trade mark. It argues that the element "sundayn" constitutes an abbreviation of "Sunday Natural", that "ch" is a geographical reference to Switzerland, and that the terms "shop" and "outlet" are generic terms which do not prevent the mark from remaining recognisable.

A.3 Absence of Rights or Legitimate Interests

The Complainant contends that the Respondent is not authorised to use the Complainant's trade marks, is not commonly known by the name "Sunday Natural" or by the Disputed Domain Names, and has not acquired any trade mark or service mark rights in that sign. It submits that the Disputed Domain Names were used for impersonation and diversion, which cannot constitute a bona fide offering of goods or services or legitimate non-commercial or fair use.

A.4 Registration and Use in Bad Faith

The Complainant asserts that the Respondent copied its official website in its entirety, including layout, imagery, and product offerings, thereby impersonating the Complainant and misleading consumers. It relies on the prior decision in CAC Case No. 107971, in which the panel found that the domain name had been registered and used in bad faith and ordered its transfer to the Complainant. In this regard, the Complainant submits that the Disputed Domain Names form part of the same fraudulent scheme and, in some instances, received redirected traffic from that domain name.

According to the Complainant, the Respondent's conduct constitutes intentional attraction of Internet users for commercial gain by creating a likelihood of confusion with the Complainant's trade mark, within the meaning of paragraph 4(b)(iv) of the UDRP Policy.

A.5 Language of the Proceeding

The Complainant submits that English should be adopted as the language of the proceeding, noting that the Complaint and all annexes were filed in English, that the Disputed Domain Names comprise Latin characters, and that the associated websites were presented in English and targeted an international audience. The Complainant further submitted that proceeding in English would promote procedural efficiency and avoid unnecessary delay and expense.

A.6 Relief Sought

The Complainant requests transfer of the Disputed Domain Names.

B. Respondent

No Response was filed. The Panel therefore proceeds on the basis of the uncontested evidence and may draw such inferences as it considers appropriate pursuant to Rule 14(b) of the UDRP Rules.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown that 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 UDRP 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 UDRP Policy).

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown that the Disputed Domain Names have been registered and are being used in bad faith (within the meaning of paragraph 4(a)(iii) of the UDRP Policy).

PROCEDURAL FACTORS

1. **Consolidation**

Under Rules 10(b), 10(c), and 10(e) of the UDRP Rules, the Panel must ensure procedural efficiency while treating the parties with equality and fairness.

The Disputed Domain Names were registered within close proximity, incorporate the same distinctive element derived from the Complainant's trade mark, and were used in connection with identical impersonating websites targeting the Complainant. On the record before it, the Panel is satisfied that the Disputed Domain Names are subject to common control. Consolidation is therefore appropriate and granted.

2. **Language of the Proceeding**

Pursuant to Rule 11 of the UDRP Rules, the Panel has discretion to determine the language of the proceeding, taking into account the circumstances of the case and the requirements of fairness and procedural efficiency.

The Registrar confirmed that the Registration Agreement for the domain name <sundaynchshop.com> is in Chinese, while the Registration Agreement for <sundaynchoutlets.com> is in English. The proceeding therefore involves more than one contractual language.

The Panel notes that the Complaint was submitted in English, that the Disputed Domain Names consist exclusively of Latin characters, and that the evidence before the Panel shows that the websites previously associated with the Disputed Domain Names were operated in English. The Respondent has not appeared in the proceeding and has not expressed any preference or objection regarding language.

In the Panel's view, requiring translation of the Complaint and supporting evidence into Chinese would introduce delay and cost disproportionate to any procedural benefit, particularly in circumstances where the Respondent has chosen not to participate. Having regard to Rules 10(b) and 10(c) of the UDRP Rules, the Panel is satisfied that proceeding in English does not prejudice the Respondent and is consistent with the fair and efficient resolution of the dispute.

Accordingly, the Panel determines that English shall be the language of the proceeding.

3. **Procedural Compliance**

The Panel is satisfied that all procedural requirements under the UDRP Policy, the UDRP Rules, and the CAC Supplemental Rules have been met. The dispute is properly before the Panel.

PRINCIPAL REASONS FOR THE DECISION

A. **Legal Framework**

Under paragraph 4(a) of the UDRP Policy, the Complainant must establish, on the balance of probabilities, that:

> (i) the Disputed Domain Names are identical or confusingly similar to a trade mark or service mark in which the Complainant has rights;
>
> (ii) the Respondent has no rights or legitimate interests in respect of the Disputed Domain Names; and

(iii) the Disputed Domain Names have been registered and are being used in bad faith.

B. Identical or Confusingly Similar

The Complainant has established rights in the SUNDAY NATURAL trade mark. Each Disputed Domain Name incorporates a recognisable abbreviation of that mark together with a geographical indicator and generic commercial terms. Such additions do not prevent a finding of confusing similarity. On the contrary, they reinforce the impression of an official retail outlet associated with the Complainant.

The Panel finds that paragraph 4(a)(i) of the UDRP Policy is satisfied.

C. Rights or Legitimate Interest

The Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the Disputed Domain Names. The Respondent has not rebutted that case.

The evidence shows that the Disputed Domain Names were previously used for websites impersonating the Complainant by reproducing its branding, imagery, and overall presentation. Such conduct cannot constitute a bona fide offering of goods or services or any legitimate non-commercial or fair use.

The Panel therefore finds that paragraph 4(a)(ii) of the UDRP Policy is satisfied.

D. Registered and Used in Bad Faith

The SUNDAY NATURAL trade mark predates the registration of the Disputed Domain Names and enjoys significant reputation in its industry sector. The deliberate selection of domain names incorporating an abbreviation of that mark, combined with evidence of impersonation, demonstrates that the Respondent was aware of the Complainant and intentionally targeted its trade marks.

The use of the Disputed Domain Names to impersonate the Complainant and divert consumers for commercial gain falls squarely within paragraph 4(b)(iv) of the UDRP Policy. Subsequent inactivity does not negate the earlier abusive use.

The Panel finds that paragraph 4(a)(iii) of the UDRP Policy is satisfied.

E. Decision

For the foregoing reasons, in accordance with paragraph 4(i) of the UDRP Policy and Rule 15 of the UDRP Rules, the Panel orders that the Disputed Domain Names <sundaynchshop.com> and <sundaynchoutlets.com> be transferred to the Complainant, Sunday Natural Products GmbH.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **sundaynchshop.com**: Transferred
2. **sundaynchoutlets.com**: Transferred

PANELLISTS

Name	**Yana Zhou**

DATE OF PANEL DECISION 2026-01-12

Publish the Decision