Decision for dispute CAC-UDRP-108201

Case number	CAC-UDRP-108201
Time of filing	2025-12-04 19:44:48
Domain names	migros.coupons

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Migros-Genossenschafts-Bund

Complainant representative

Organization	SILKA AB

Respondent

Name	Wolfgang Kern

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 in this proceeding relies on a number of "Migros" trademark registrations, including the following:

- US Trademark Registration no.6026436 "MIGROS" (word), registered on April 7, 2020 for some services in class 35;
- International Trademark Registration (IR) under the Madrid system no.1239151 "MIGROS" (word and device), registered on December 31, 2014 for some goods and services in classes 09, 16, 29, 30 and 35 and protected inter alia in Albania, Armenia, Bulgaria, Croatia, Turkey and Ukraine; and
- European Union Trademark Registration no.000744912, registered on July 26, 2000 for goods and services in numerous classes, including class 09, class 25 and class 35.

FACTUAL BACKGROUND

THE DISPUTED DOMAIN NAME IS IDENTICAL OR CONFUSINGLY SIMILAR TO A TRADEMARK OR SERVICE MARK IN WHICH THE COMPLAINANT HAS RIGHTS

The Complainant submits that it is a retail company founded in 1925 and is currently the largest retailer in Switzerland and is the country’s largest private employer, with a workforce exceeding 98,000 employees.

The Complainant states that it operates through more than 30 companies across diverse sectors, including supermarkets (Migros), banking (Migros Bank), fuel stations (Migrol), travel services (Hotelplan), convenience stores (Migrolino), and book retail (Ex Libris), among others.

The Complainant refers to its large portfolio of "Migros" trademarks protected in different countries and jurisdictions, including the trademark registrations referred to above and to its portfolio of "Migros" domain names.

The Complainant refers to previous UDRP decisions, which recognized the popularity and well-known status of its "Migros" trademarks.

It also claims that it operates customers' loalty programme that offers discounts and other benefits to its customers.

The Complainant submits that the disputed domain name is identical or confusingly similar to its trademarks as it fully incorporates the trademark without any additions.

The Complainant contends that the gTLD ".coupons" shall not be taken into consideration in this case when assessing the confusing similarity test.

THE RESPONDENT HAS NO RIGHTS OR LEGITIMATE INTERESTS IN RESPECT OF THE DISPUTED DOMAIN NAME

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

The Complainant claims that none of the Policy provisions on rights or legitimate interests apply to the Respondent in this case. In particular, the Complainant submits that the Respondent does not hold any trademark rights in the disputed domain name, nor has the Respondent ever been commonly known by the disputed domain name or by the terms "migros" or "migros coupons".

The Respondent has no affiliation or connection with the Complainant and has not been granted any licence or authorisation by the Complainant.

There is no bona fide offering of goods or services as the disputed domain name does not resolve to an active website.

The Complainant contends that because of the ".coupons" TLD it is more than likely that the disputed domain name will lead Internet users to believe that it is associated with the Complainant and its loyalty programme, when it is not the case.

Therefore, the Complainant contends that the disputed domain name implies a high risk of affiliation with the Complainant and its activities.

THE DISPUTED DOMAIN NAME WAS REGISTERED AND IS BEING USED IN BAD FAITH

The Complainant's submissions on the bad faith element can be summarized as follows:

- The Complainant's mark is well-known and enjoys global recognition;
- The Respondent is a Swiss national and most likely he was aware of the Complainant's mark, given its international reputation and its well-known status in Switzerland;
- The Complainant cites to WIPO Overview 3.0, sec. 3.1.4 that states that "Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely known trademark by an unaffiliated entity can by itself create a presumption of bad faith" and relies on previous UDRP decisions that recognized well-known character of the Complainant's trademark;
- With regard to bad faith use, the Complainant relies on the passive holding doctrine as articulated in WIPO Overview 3.0, sec. 3.3 and states that it applies to this case; and
- The Complainant states that the disputed domain name has been set up with "MX records," and this may serve as an additional bad faith indication.

No administratively compliant formal response was filed by the Respondent but the Respondent submitted an informal communication to the CAC titled: "Request for clarification" and stated, inter alia, the following:

"I would like to clarify that this domain has been used exclusively for internal phishing-simulation and security-awareness training within
our organization...At this time, I am unable to delete or modify the domain, as it appears to be locked by the registrar due to the ongoing dispute. Please advise how I should proceed under these circumstances".

The Panel issued procedural orders to both Parties asking the Parties whether they agree to the transfer of the disputed domain name to the Complainant without a full decision on the merits of the dispute.

The Complainant responded and stated that he agreed to the transfer without a decision on the merits.

The Respondent did not respond to the Procedural order.

PARTIES CONTENTIONS

The Complainant's contentions and Respondent's informal response are summarized in the Factual Background section above.

No formal response was submitted by the Respondent.

RIGHTS

Because of the Panel's findings below, the Panel does not need to reach a conclusion on this UDRP element.

NO RIGHTS OR LEGITIMATE INTERESTS

Because of the Panel's findings below, the Panel does not need to reach a conclusion on this UDRP element.

BAD FAITH

Because of the Panel's findings below, the Panel does not need to reach a conclusion on this UDRP element.

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.

Procedural orders of the Panel are summarized above in the Factual Background Section.

PRINCIPAL REASONS FOR THE DECISION

Consent to transfer

The Respondent in its informal communication to the CAC indicated his readiness to transfer the disputed domain name.

The Complainant expressly agreed to the transfer.

While the Respondent did not respond to the Panel's procedural order, he did not object to the transfer, and he has not filed any other submission to the CAC platform.

The Panel notes that when it comes to consent to transfer by a respondent, the approaches usually taken by the Panels are summarized in "WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition" ("WIPO Overview 3.0"), sec. 4.10 and in "UDRP Perspectives on Recent Jurisprudence" ("UDRP Perspectives"), updated on June 02, 2025, sec. 0.20.

In each case, UDRP Panels take into account the circumstances of a dispute and the provisions of Rule 10 and Rule 15 (a) of the UDRP Rules in particular.

The Panel, taking into account the circumstances of this dispute, including evidence provided by the Complainant, its response to the procedural order and the informal communication from the Respondent, finds that it is justified to proceed with the transfer of the disputed domain name to the Complainant without a substantive decision on the merits of the case.

This Panel follows the above approach in this dispute, taking into account the facts and circumstances of the case, and orders the transfer of the disputed domain name to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **migros.coupons**: Transferred

PANELLISTS

Name	Igor Motsnyi

DATE OF PANEL DECISION 2026-01-17

Publish the Decision