Decision for dispute CAC-UDRP-108267

Case number	CAC-UDRP-108267
Time of filing	2025-12-30 10:44:04
Domain names	mothercareuk.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Mothercare Global Brand Limited

Complainant representative

Organization	Stobbs IP

Respondent

Name	tong xiaonian

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 numerous trademarks registrations worldwide, containing the word "MOTHERCARE, including the following:

- UK Trademark No. UK00000878023 "MOTHERCARE", registered since April 8, 1965 and
- UK Trademark No. UK00002244716 "MOTHERCARE", registered since November 23, 2001 (hereinafter cumulatively referred to as the "Trademark").

The Respondent did not file a Response and thus, did not claim any rights on the disputed domain name.

FACTUAL BACKGROUND

The Complainant, Mothercare Global Brand Limited (“MGBL”), is a company incorporated in the United Kingdom on October 4, 2019 under company number 12243944 with a registered office of Westside 1 London Road, Hemel Hempstead, HP3 9TD, England. MGBL is part of the MOTHERCARE group of companies which form the MOTHERCARE brand. MGBL is the owner of the portfolio of registered trade marks for the MOTHERCARE brand.

The MOTHERCARE brand is a well-known retailer of goods relating to babies, children and mothers, especially in the UK. The MOTHERCARE brand has a global footprint with manufacturing locations and franchise partner locations in territories worldwide, such as the UK, the Republic of Ireland, India, Hong Kong, and the UAE. For the financial year ending March 2024, the MOTHERCARE group had a turnover of £56.2 million. The group's worldwide retail sales were £196 million for clothing and £35 million for home, travel and toys.

The Complainant's brand has been trading under the MOTHERCARE name for 70 years, designing, sourcing and supplying products to meet the needs of parents and young children. The first MOTHERCARE retail store was opened in 1961 in Surrey, UK, initially focusing on pushchairs, nursery furniture and maternity clothing. MOTHERCARE now offers a wide range of clothing and essential products through a network of global franchise partners, such as the famous national retailer "Boots" in the UK (https://www.boots.com/mothercare), that operate approximately 700 dedicated MOTHERCARE stores in approximately 36 countries around the world.

The Complainant operates its official website for the MOTHERCARE brand, under the domain name <mothercareplc.com> and promotes and advertises the MOTHERCARE brand and the Trademark on all the major social media platforms.

The disputed domain name was registered on June 24, 2025, and resolved to an active website, impersonating the Complainant and offering Complainant's products for sale.

PARTIES CONTENTIONS

The Complainant contends that the disputed domain name is confusingly similar to the Trademark.

Furthermore, the Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. In this regard, the Complainant states that the Respondent is not commonly known by the disputed domain name, that it is not affiliated with nor authorized by the Complainant in any way, that the Complainant does not carry out any activity for, nor has any business with the Respondent, and that neither license nor authorization has been granted to the Respondent to make any use of the Trademark or apply for registration of the disputed domain name by the Complainant.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. It contends that the Respondent must have been aware of the Complainant and its Trademark at the time of registration of the disputed domain name as the Trademark is well-known and that the Respondent's use of the disputed domain name is evidence of bad faith, as it intentionally tried to attract users by creating a likelihood of confusion with the Complainant's trademark as to the source of the website associated to the disputed domain name constitutes evidence of bad faith registration and use.

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

Under paragraph 4(a) of the Policy, the Complainant must prove that each of the following three elements is present:

(i) the disputed domain name is identical or confusingly similar to the Complainant's trademark; and

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

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

1. The Panel accepts that the disputed domain name is confusingly similar to the Trademark, as it incorporates it in its entirety. The addition of the geographic term "uk" is not sufficient to prevent a finding of confusing similarity, as it even enhances the latter since the Complainant is based in the UK.

2. Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, 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 Respondent does not appear to have operated any bona fide or legitimate business under the disputed domain name and is not making a noncommercial or fair use of the disputed domain name. Instead, the disputed domain name resolves to a website that seems to be offering similar and/or competitive products and/or counterfeit products of the Complainant, while taking an unfair advantage of the confusing similarity of the disputed domain name with the Trademark and the Complainant's reputation.

Consequently, the Panel finds that the Complainant has fulfilled its obligations under paragraph 4(a)(ii) of the Policy. The Respondent did not deny these assertions in any way and therefore failed to prove any rights or legitimate interests in the disputed domain name.

3.1 The Panel is satisfied that the Respondent registered the disputed domain name with full knowledge of the Complainant and its rights in the Trademark as the Trademark is well-established and well-known.

3.2 Furthermore, the Panel accepts the Complainant's contentions that the disputed domain name has been used in bad faith under para. 4(b)(iv) of the Policy. The Respondent has used the disputed domain to intentionally attract users to its website by creating a likelihood of confusion with the Trademark as to the source, sponsorship, affiliation, or endorsement of the website and by capitalising on Complainant's reputation.

Consequently, by using the disputed domain name in such a manner, the Respondent has fulfilled the elements and requirements for a finding under paragraph 4(a)(iii) of the Policy. The Panel finds that the Complainant has also established the third element of the Policy successfully.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **mothercareuk.com**: Transferred

PANELLISTS

Name	**Stefanie Efstathiou LL.M. mult.**

DATE OF PANEL DECISION 2026-02-02

Publish the Decision