Decision for dispute CAC-UDRP-108449

Case number	CAC-UDRP-108449
Time of filing	2026-03-02 10:22:24
Domain names	thedavidoff.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Zino Davidoff SA

Complainant representative

Organization	Abion GmbH

Respondent

Organization	, li ce ping

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 has trademark registrations for DAVIDOFF and COOL WATER in numerous jurisdictions including in China. The registrations include the following:

- Swiss trademark registration No. 313368 for DAVIDOFF, registered since September 1, 1981;
- International trademark registration No. 467510 for DAVIDOFF, with designations including China, registered since January 27, 1982;
- International trademark registration No. 876874 for DAVIDOFF (stylised), with designations including China, registered since November 7, 2005;
- United States trademark registration No. 2609218 for DAVIDOFF, registered on August 20, 2002;

- Swiss trademark registration No. 483579 for COOL WATER, registered since December 14, 2000;

- International trademark registration No. 761286 for COOL WATER, with designations including China, registered since April 6, 2001; and

- United States trademark registration No. 1735965 for COOL WATER, registered on December 1, 1992.

FACTUAL BACKGROUND

The Complainant is a Swiss-based family business which provides luxury goods including fine crafted leather goods, writing instruments, fragrances, watches, eyewear, fashion accessories, coffee, and cognac. The goods are sold worldwide including across the Asia-Pacific region.

The Complainant states it has enjoyed a strong online presence via its official websites and social media platforms. It owns many domain names containing the trade marks DAVIDOFF or COOL WATER. Its <zinodavidoff.com> domain name was registered on April 20, 1998, <coolwater.com> on December 22, 1995, and <davidoffcoolwater.com> on October 22, 1999. They resolve to the Complainant's group official website through which the Complainant informs Internet users and potential consumers about its products sold under the DAVIDOFF and COOL WATER trade marks.

The disputed domain name was registered on August 17, 2025 which, at the time of filing the Complaint, resolved to a website displaying the Complainant's DAVIDOFF and COOL WATER trade marks and offering for sale fragrances for men and women.

The Complainant sent cease-and-desist letters on August 27, 2025 and October 12, 2025 to the Respondent via the Registrar's email for reporting abuse and the Registrant's contact form provided on the Registrar's website. The Respondent did not reply to the cease-and-desist letters.

PARTIES CONTENTIONS

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

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.

LANGUAGE OF THE PROCEEDINGS

The language of the registration agreement is Chinese.

The Complainant has requested that the language of proceedings be English for a variety of reasons. These include the following, which show that the Respondent is familiar with and understands English and that the Respondent has been targeting English-speaking Internet users:

- The disputed domain name consists of Latin characters which comprise the Complainant's trade mark DAVIDOFF and the English word "the".
- The Respondent chose to register the disputed domain name under the popular generic Top-level domain ".com", which is a very widely used abbreviation for the terms "company" or "commercial".
- The Respondent's website is in English.
- The Respondent has been involved as a respondent in at least 12 UDRP cases, in which the domain names in dispute were formed using Latin characters and many of them resolved to websites in English.
- English is the primary language being used internationally.
- To conduct the proceeding in Chinese, the Complainant would have to incur significant additional costs for translation and cause a delay in the proceeding.

Having considered these points and the circumstances of this case, the Panel has decided that it would be fair and equitable to all parties to adopt English as the language of the proceedings. Furthermore, the Respondent did not respond on the issue of the language to the proceedings and did not object to the Complainant's request.

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

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires a complainant to show that a domain name is identical or confusingly similar to a trade mark or service mark in which the complainant has rights.

A registered trade mark provides a clear indication that the rights in the mark shown on the trade mark certificate belong to its respective owner. The Complainant has provided evidence that it owns registered trademark rights in DAVIDOFF.

In this case, the disputed domain name comprises the entirety of the Complainant's DAVIDOFF trade mark, with the addition of the definite article "the". The additional word "the" does not prevent a finding of confusing similarity between the disputed domain name and the DAVIDOFF trade mark. The ".com" generic Top-level domain is a technical requirement and is not relevant to the issue of whether the disputed domain name is identical or confusingly similar to the Complainant's trade mark.

Consequently, the Panel finds that the Complainant has shown that the disputed domain name is confusingly similar to a trade mark in which the Complainant has rights.

B. Rights or Legitimate Interests

Once a complainant establishes a prima facie case that the respondent lacks rights or legitimate interests in the disputed domain name, the burden of production shifts to the respondent to show that it has rights or legitimate interests in respect to the disputed domain name (see WIPO Jurisprudential Overview 3.0, section 2.1).

In the present case, the Complainant has demonstrated a prima facie case that the Respondent lacks rights or legitimate interests in respect of the disputed domain name and the Respondent has failed to assert any such rights or legitimate interests.

The Complainant has provided evidence that it has owned registered trademark rights in DAVIDOFF long before the date that the disputed domain name was registered. Further, there is no evidence that the Respondent was licensed or otherwise authorized by the Complainant to use the Complainant's DAVIDOFF trade mark or that the Respondent is commonly known by the disputed domain name.

The evidence shows that the Respondent is not making a legitimate non-commercial or fair use of the disputed domain name without intent for commercial gain to misleadingly divert consumers. The Respondent is clearly attempting to impersonate or suggest sponsorship or endorsement by the trademark owner. This cannot constitute legitimate or bona fide use. (WIPO Overview 3.0, section 2.5.1.)

The Respondent failed to respond or rebut the prima facie case which has been established.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

C. The Complainant must also show that the Respondent registered and is using the disputed domain name in bad faith (see Policy, paragraph 4(a)(iii)). Paragraph 4(b) of the Policy provides circumstances that may evidence bad faith under paragraph 4(a)(iii) of the Policy.

It is obvious in this case that the Respondent was well aware of the Complainant and its DAVIDOFF and COOL WATER trade marks and field of business when it registered the disputed domain name. The Respondent's website repeatedly displays the DAVIDOFF and COOL WATER trade marks, offers fragrances for sale, and also refers to the Complainant. Many images of products commercialized by the Complainant are also featured on the Respondent's website. The Respondent's website is intended to impersonate the Complainant's or to give the false impression that it is endorsed or sponsored by the Complainant.

Panels have found that the mere registration of a domain name that is identical or confusingly similar to a widely-known trade mark by an unaffiliated entity can, by itself, create a presumption of bad faith. (See WIPO Overview 3.0, section 3.1.4.) The Panel agrees that the DAVIDOFF and COOL WATER trade marks are well known and in this case, these trade marks are also protected marks in China where the Respondent is based.

Accordingly, having regard to the circumstances of this particular case, the Panel finds that the Complainant has met its burden under paragraph 4(a)(iii) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **thedavidoff.com**: Transferred

PANELLISTS

Name	**Francine Tan**

DATE OF PANEL DECISION 2026-04-06

Publish the Decision