Decision for dispute CAC-UDRP-108562

Case number	CAC-UDRP-108562
Time of filing	2026-04-08 10:20:56
Domain names	xn--schwiizerschmlide-e3ba.com

Case administrator

Organization	Iveta Špiclová (Czech Arbitration Court) (Case admin)

Complainant

Organization	Migros-Genossenschafts-Bund

Complainant representative

Organization	SILKA AB

Respondent

Name	zhang mengbi

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 owns the SCHWIIZER SCHÜÜMLI mark, which enjoys thorough protection through several registrations.

The Complainant is, inter alia, the owner of:

SCHWIIZER SCHÜÜMLI (device), International Registration No. 1578259, registered on January 5, 2021;

SCHWIIZER SCHÜÜMLI (device), Swiss Registration No. 757237, registered on January 5, 2021;

SCHWIIZER SCHÜÜMLI (device), International Registration No. 1384908, registered on November 1, 2017.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

The Complainant is a Swiss nationwide retail cooperative owned by more than 2 million cooperative members, structured into ten regional cooperatives operating throughout Switzerland. Based on its 2024 Annual Report, the Complainant achieved revenues of CHF 32.5 billion and reported a net profit of CHF 419 million. The Complainant is among the largest retail companies in Switzerland and a leading private-sector employer, with more than 98,000 employees. In addition, the Complainant ranks among the top 45 retailers worldwide.

Among the products marketed by the Complainant, particular prominence is given to “Schwiizer Schüümli”, a Swiss coffee brand associated with traditional Schümli-style coffee.

The Complainant holds a portfolio of SCHWIIZER SCHÜÜMLI trademarks in class 30.

The disputed domain name is the Punycode equivalent for the term “schwiizerschüümlide”.

The disputed domain name <xn--schwiizerschmlide-e3ba.com> was registered on July 20, 2025, and features the SCHWIIZER SCHÜÜMLI trademark and images of SCHWIIZER SCHÜÜMLI-branded products, offering such products at low prices.

PARTIES CONTENTIONS

The Complainant contends that:

1. The disputed domain name is confusingly similar to the Complainant's trademarks

The Complainant asserts that the disputed domain name is the Punycode equivalent for the term “schwiizerschüümlide”, reproducing the SCHWIIZER SCHÜÜMLI trademark in its entirety with the sole addition of the term “de” (i.e. the country code for Germany). The Complainant thus concluded that the trademark is clearly recognizable within the disputed domain name, which is therefore confusingly similar to the Complainant’s trademark for the purposes of the Policy.

The Complainant further notes that the addition of a gTLD such as ".com" in a domain name is a technical requirement and thus such element may be disregarded when assessing whether a domain name is identical or confusingly similar to a trademark.

The Complainant concludes that the disputed domain name is confusingly similar to its SCHWIIZER SCHÜÜMLI trademark.

2. The Respondent does not have any rights or legitimate interest in the disputed domain name

The Complainant contends that the Respondent is not commonly known by the disputed domain name and that the Respondent is not affiliated with or authorized by the Complainant in any way. The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name, and is not related to the Complainant’s business in any way. The Complainant does not carry out any activity for, nor does it have any business dealings with, the Respondent. The Complainant asserts that the Respondent falsely presents itself, both in the landing page of the website and in search engines, as the official SCHWIIZER SCHÜÜMLI website in Germany (“Schwiizer Schüümli® Espresso, Crema Deutschland Offizielle Website”), despite having no affiliation with the Complainant, and the Complainant therefore concludes that this use of the disputed domain name does not reflect any bona fide offering of goods or services, nor any legitimate or fair purpose.

3. The disputed domain name has been registered and is being used in bad faith

The Complainant contends that the disputed domain name incorporates the Punycode equivalent for the SCHWIIZER SCHÜÜMLI trademark together with the letters “de” (which in this context clearly refer to the country code for Germany) and resolves to a website that presents itself as the official SCHWIIZER SCHÜÜMLI website in Germany (“Schwiizer Schüümli® Espresso, Crema Deutschland Offizielle Website”). In addition, the website’s Terms and Conditions make reference to Delica AG, a company affiliated with the Complainant, which is in no way connected with the website operating under the disputed domain name. Taken together, these circumstances—in the Complainant’s view—strongly support the inference that the Respondent could not have been unaware of the existence of the SCHWIIZER SCHÜÜMLI trademark at the time of the registration of the disputed domain name, and deliberately targeted the Complainant’s trademark and business, thereby evidencing bad faith registration of the disputed domain name.

Furthermore, the Complainant notes that the manner in which the disputed domain name is used—namely, by presenting the website to which it resolves as the official SCHWIIZER SCHÜÜMLI website in Germany (“Schwiizer Schüümli® Espresso, Crema Deutschland Offizielle Website”) and by failing to include any disclaimer clearly disclosing the complete absence of any relationship with the Complainant—amounts to impersonation and passing-off as the Complainant. The Complainant therefore asserts that this conduct constitutes evidence of the Respondent’s bad faith.

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

A) Confusing similarity

The disputed domain name contains the Punycode equivalent for the SCHWIIZER SCHÜÜMLI trademark, with the addition of the term “de” and the generic Top-Level Domain (“gTLD”) “.com”.

The disputed domain name was registered using Punycode and is therefore not composed entirely of ASCII English script. Using Punycode, the browser application will “translate” the Punycode text into the non-ASCII characters. In the present case <xn--schwiizerschmlide-e3ba.com>, will be displayed as <schwiizerschüümlide.com>. This makes the disputed domain name confusingly similar to the SCHWIIZER SCHÜÜMLI trademark. Panels have found that the use of Punycode to create a domain name that is

visually identical to a trademark does not prevent a finding of identity or confusing similarity; internationalized domain names and their Punycode translations are equivalents (see, e.g., JJA v. Domain Admin, TotalDomain Privacy Ltd WIPO Case No. D2024-2871).

The Panel finds the SCHWIIZER SCHÜÜMLI trademark is incorporated and recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy.

Although the addition of other term here, “de”, may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy.

The “.com” is a technical element, and as such should be disregarded when assessing whether a domain name is identical or confusingly similar to a trademark.

Consequently, the disputed domain name appears to be confusingly similar with the Complainant's trademark.

B) Lack of legitimate rights or interests

The disputed domain name is a distinctive, non-descriptive name. It is unlikely that the Respondent registered the disputed domain name without having the Complainant firmly in mind. The Complainant’s assertions that the Respondent is not commonly known by the disputed domain name and is not affiliated with nor authorized by the Complainant are sufficient to constitute a prima facie demonstration of the absence of rights or legitimate interests in the disputed domain name on the part of the Respondent. The burden of evidence therefore shifts to the Respondent to show, using tangible evidence, that it does have rights or legitimate interests in the disputed domain name. The Respondent has made no attempt to do so.

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

C) Registered or Used in Bad Faith

The Complainant gives sound bases for its contention that the disputed domain name was registered and has been used in bad faith.

Firstly, owing to the distinctiveness of the Complainant's trademark and reputation, it is reasonable to infer that the Respondent registered the disputed domain name with full knowledge of the Complainant's trademarks, and so the Panel finds on the balance of probabilities that the Respondent was aware of the Complainant’s trademark when registering the disputed domain name.

Secondly, the Panel accepts the Complainant’s unchallenged assertion that the Respondent registered the disputed domain name with the aim of creating a likelihood of confusion with the Complainant’s trademark.

Thirdly, as underlined by the Complainant, the manner in which the disputed domain name is used amounts to impersonation and passing-off as the Complainant. This conduct constitutes evidence of the Respondent’s bad faith.

Finally, the Respondent has not responded to nor denied any of the assertions made by the Complainant in this proceeding.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **xn--schwiizerschmlide-e3ba.com**: Transferred

PANELLISTS

Name	**Fabrizio Bedarida**

DATE OF PANEL DECISION 2026-05-08

Publish the Decision