Decision for dispute CAC-UDRP-108646

Case number	CAC-UDRP-108646
Time of filing	2026-05-13 09:45:24
Domain names	bruichladdichstore.shop, getbruichladdich.shop

Case administrator

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

Complainant

Organization	Bruichladdich Distillery Company Limited

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondents

Name	Donald Kim
Name	Matthew Jimenez

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 names.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of the BRUICHLADDICH trademark in different jurisdictions. By way of example, an international trademark with registration number 929602, registered on May 24, 2007.

FACTUAL BACKGROUND

The Complainant is a Scottish alcohol manufacturer that has been producing scotch whisky since 1881.

The Panel recognizes the distinctive and well-known character of Complainant´s BRUICHLADDICH trademark.

The Complainant maintains a portfolio of domain names incorporating BRUICHLADDICH trademark. As such <bruichladdich.com>

registered on February 4 1999 which redirects to its official website.

The disputed domain names <bruichladdichstore.shop> and <getbruichladdich.shop> were registered on April 27, 2026 and May 5, 2026 respectively, and both redirect to a website displaying the Complainant´s logo and offering the Complainant´s goods.

PARTIES CONTENTIONS

THE COMPLAINANT

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

In particular, the Complainant alleges that the disputed domain names consist of an addition of generic terms, in this case, “store” and “get” which are not sufficient to avoid the likelihood of confusion. Further, by using the TLD <.shop>, the disputed domain names remain connected to the BRUICHLADDICH mark. Thus, the dispute domain names are confusingly similar for the purposes of the first element.

The Complainant contends that the Respondent is not identified in the Whois database as the owner of the disputed domain names. Thus, the Respondent is not commonly known by the disputed domain names.

Besides, the Respondent is not affiliated with the Complainant, nor has it been authorized or licensed to make any use of the BRUICHLADDICH mark, nor to register the mark as a domain name.

The disputed domain names redirect to a website where the Respondent displays the Complainant´s logo and offers its products, disrupting z´the Complainant´s business and, in an attempt to attract users by impersonating the Complainant.

Regarding the third requirement, the Complainant supports a finding on bad faith registration and use, given the reputation of the BRUICHLADDICH mark. Further, such previous knowledge is apparent on the website that the disputed domain names redirect since it uses the Complainant´s logo and the sale of its products.

The Complainant also states that the Respondent registered the disputed domain names to create confusion with the Complainant ´s trademark only for commercial gain.

THE RESPONDENT

No administratively compliant Response has been filed.

RIGHTS

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

BAD FAITH

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the disputed domain names have been registered and are being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

PROCEDURAL FACTORS

Preliminary Procedural Issue: Request for Consolidation of the Complaint:

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are under common control and thus requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

As noted, the disputed domain name registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties

Regarding common control, the Panel finds that both are registered with the same Registrar, with upcoming registration dates, redirecting to the same website, and similar domain name composition.

As regards common control, the Panel notes that the Respondent targeted BRUICHLADDICH, is using the same Registrar, with upcoming registration dates, and both redirect to the same website.

Concerning fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "the Respondent") in a single proceeding.

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

1. Identical or Confusingly Similar

The Complainant has shown rights in respect of the BRUICHLADDICH trademark for the purposes of the Policy. The Panel finds that by adding a generic word, in this case "shop" or "get" the Respondent does not avoid confusing similarity for UDRP purposes because Complainant´s trademark is easily recognizable in the disputed domain names.

The applicable Top-Level Domain ('TLD') in a domain name is generally viewed as a standard registration requirement and as such is disregarded under the first element test. However, in this case, the <.shop> domain name strengthens the confusion since purport to be an authorized site of the Complainant's business.

The Panel finds the first element of the Policy has been established.

2. Rights or Legitimate Interest

Paragraph 4(c) of the Policy sets out non-exclusive examples in which the Respondent may establish rights or legitimate interests in the disputed domain name. However, while the burden of proof in UDRP proceedings rests on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often-impossible task of "proving a negative". Accordingly, panels have established, since the inception of the UDRP, that it is sufficient to raise a prima facie case against the respondent and then the evidential burden of production shifts to the respondent. See CAC-UDRP-106452

The Panel finds that the circumstances referred to in paragraph 4(c) do not apply to the Respondent or, even any other legitimate circumstance which may apply in favour of the Respondent. Indeed, the Panel finds that the Respondent seemingly attempted to impersonate the Complainant to obtain a commercial gain and consequently is not making a bona fide offering of goods or services in accordance with paragraph 4(c)(i) of the Policy. The Panel notes the lack of an accurate disclaimer in the Respondent´s website and the confusion it generates for users or consumers.

The Panel finds the second element of the Policy has been established.

3. Register and Use in Bad Faith

Noting that bad faith under the UDRP is broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a complainant's mark, the Panel now looks at the third requirement of the test.

In the present case, the Panel finds that the Respondent targeted the Complainant and its trademarks seemingly for its reputation and for that reason used BRUICHLADDICH in the disputed domain names and in the corresponding website. Therefore, the Panel concludes that the Respondent knew or should have known about the Complainant and its trademarks at the time of the registration of the disputed domain names. Thus, the registration was made in bad faith.

Regarding the use of the disputed domain names, the Panel finds that the Respondent intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's mark. That is to say, the Respondent has not undertaken steps to avoid unfairly passing itself off as related to the Complainant, or to otherwise confuse users

The Panel finds that the Complainant has established the third element of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **bruichladdichstore.shop**: Transferred
2. **getbruichladdich.shop**: Transferred

PANELLISTS

Name	**Manuel Moreno-Torres**

DATE OF PANEL DECISION 2026-06-12

Publish the Decision