



URS | DETERMINATION
(URS Procedure 9, URS Rules 13)

URS DISPUTE NO. FBD11EC6

Determination DEFAULT

I. PARTIES

Complainant: Inter Ikea Systems Bv, NL
Complainant's authorized representative(s): Convey S.r.l., Michele Provera, IT

Respondent: jun yin, CN

II. THE DOMAIN NAME(S), REGISTRY OPERATOR AND REGISTRAR

Domain Name(s): IKEA.CAM
Registry Operator: AC Webconnecting Holding B.V.
Registrar: Dynadot, LLC

III. PROCEDURAL HISTORY

Complaint submitted: 2020-05-29 10:22
Lock of the domain name(s): 2020-05-29 14:07
Notice of Complaint: 2020-05-29 14:22
Default Date: 2020-06-13 00:00
Notice of Default: 2020-06-13 15:31
Panel Appointed: 2020-06-15 09:03
Default Determination issued: 2020-06-15 18:55

IV. EXAMINER

Examiner's Name: Arthur Fouré

The Examiner certifies that he has acted independently and impartially and to the best of his knowledge has no known conflict in serving as the Examiner in this administrative proceeding.

V. RELIEF SOUGHT

The Complainant requests that the domain name be suspended for the balance of the registration period.

The Respondent has not submitted a Response.

VI. STANDARD OF REVIEW

Clear and convincing evidence.

VII. DISCUSSIONS AND FINDINGS

A. Complainant:

The Complainant is Inter IKEA Systems BV, brand owner for the Inter IKEA Group, which comprises service companies and companies selling IKEA products in several markets. The Complainant owns several trademarks composed of the denomination IKEA, and notably trademark IKEA, EU reg. No 000109652, filed on 1st October 1998 in classes 2, 8, 11, 16, 18, 20, 21, 24, 25, 27, 28, 29, 30, 31, 35, 36, 39, 41, 42.

The Complainant asserts that it widely uses its trademark in connection with a chain of home furnishing stores which is well-known in worldwide.

The Complainant asserts the following:

1. The registered domain name is identical or confusingly similar to a word mark [URS 1.2.6.1]: for which the Complainant holds a valid national or regional registration and that is in current use;
2. Registrant has no legitimate right or interest to the domain name [URS 1.2.6.2];
3. The domain name was registered and is being used in bad faith [URS 1.2.6.3].

B. Respondent:

The Respondent has not submitted a Response.

C. Procedural findings:

Having reviewed the communications records, the Examiner finds that MFSD has discharged its responsibility under the URS Procedure paragraphs 3 and 4 and URS Rules paragraph 4.

In accordance with URS Procedure Paragraph 9(d), in absence of a Response, the language of the Determination shall be English.

D. Findings of fact:

The disputed domain name is ikea.cam, registered on 5 March 2020.

Even though the Respondent has defaulted, URS Procedure 1.2.6, requires Complainant to make a prima facie case, proven by clear and convincing evidence, for each of the following three elements to obtain an order that a domain name be suspended.

[URS 1.2.6.1] The registered domain name(s) is/are identical or confusingly similar to a word mark:

- i. for which the Complainant holds a valid national or regional registration that is in current use; or
- ii. that has been validated through court proceedings; or
- iii. that is specifically protected by a statute or treaty in effect at the time the URS complaint is filed.

[URS 1.2.6.2] Registrant has no legitimate right or interest to the domain name.

[URS 1.2.6.3.] The domain was registered and is being used in bad faith.

E. Reasoning:

1. The domain name is identical or confusingly similar to a word mark



The Complainant put forth clear and convincing evidence that the Domain Name is identical to the Complainant's trademark under URS 1.2.6.1.

The Complainant presented consistent evidence of ownership and long-lasting extensive use of the IKEA mark in jurisdictions throughout the world.

The disputed domain name ikea.cam indeed identical to the IKEA trademark, as the latter is entirely reproduced in the disputed Domain Name, without the adjunction of any letter or word. The only difference is the addition of the gTLD ".cam". The addition of the gTLD does not prevent the finding of the domain name is identical to the Complainant's mark under the first element.

Given the above, the Examiner finds that the Complainant has met the requirements under the first element of the Policy.

2. Respondent has no rights or legitimate interests to the domain name

The Complainant asserts that it has not authorized the Respondent to use its IKEA mark. Furthermore, the evidence on record shows no evidence that Respondent is commonly known by the Domain Name.

Since no Response was submitted in this proceeding, the Respondent has failed to justify any rights or legitimate interests in the domain name in dispute. Additionally, as per the evidence on record and looking at the broader context of the case, namely, the content of the website, it is apparent that the Respondent not only did not have any right or legitimate interest in the domain name in dispute, but was instead trading off the Complainant's reputation. Please see the third element below for a more complete analysis of this.

The Examiner finds that the Complainant has established a prima facie case that the Respondent has no rights or legitimate interests in the disputed Domain Name and the Respondent has not rebutted the assertion.

The Examiner finds that Complainant has satisfied URS 1.2.6.2 as the Respondent has no legitimate rights or interest to the domain name.

3. The domain name was registered and is being used in bad faith

The Complainant submits that the disputed Domain Name was registered for commercial gain, whether it be by selling the Domain Name to the Complainant or by the use of pay-per-click commercial links. The Complainant also asserts that the Respondent knew of the Complainant's earlier IKEA trademarks. The Examiner also takes due note that the Complainant's representative tried to reach the Respondent but received no answer.

Having reviewed the evidence available on the record, the Examiner is of the view that the Respondent has intentionally attempted to attract for commercial gain, Internet users to the Respondent's web site or other on-line location, by creating a likelihood of confusion with the Complainant's well-known IKEA marks.

In the absence of any explanation from the Respondent, the Examiner agrees that the Respondent did have actual knowledge of the IKEA trademark demonstrating the bad faith

registration, and disrupts Complainant's business and attempted to commercially benefit off the IKEA trademark in bad faith.

The Examiner finds that Complainant has satisfied URS 1.2.6.3 as the Domain Name was registered and is being used in bad faith.

4. Abusive Complaint

The Examiner finds that the Complaint was neither abusive nor contained material falsehoods.

VIII. DETERMINATION

A. Demonstration of URS elements

Demonstrated

B. Complaint and remedy

Complaint: Accepts

Domain Name(s): IKEA.CAM

Suspends for the balance of the registration period

C. Abuse of proceedings

Finding of abuse of proceedings: Not finds

D. Publication

Publication: Publish the Determination

SIGNATURE

Name: Arthur

Surname: Fouré

Date: 15 June 2020