

ADMINISTRATIVE PANEL DECISION

Kooperativa Förbundet ekonomisk förening v. Ivan Stanojevic
Case No. D2022-1314

1. The Parties

The Complainant is Kooperativa Förbundet ekonomisk förening, Sweden, represented by Ports Group AB, Sweden.

The Respondent is Ivan Stanojevic, Serbia.

2. The Domain Name and Registrar

The disputed domain name <coopbutikerstormarknader.com> is registered with Tucows Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 12, 2022. On April 12, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 12, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on April 19, 2022, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on April 21, 2022.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on April 26, 2022. In accordance with the Rules, paragraph 5, the due date for Response was May 16, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 17, 2022.

The Center appointed Steven A. Maier as the sole panelist in this matter on June 9, 2022. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant, which is also known as the Swedish Co-operative Union, is a federation of consumer cooperatives in Sweden with groceries as their core business.

The Complainant is the owner of several Swedish trademark registrations for marks comprising or including the term COOP. Those registrations include, for example, Swedish trademark registration number 520015 for the word mark COOP, registered on July 4, 2014, for goods and services in numerous International Classes.

The Complainant submits that a company named Coop Butiker & Stormarknader AB is its “daughter” company. It produces a document headed “Group Structure” dated April 12, 2022, which represents that the Complainant is the “group parent company” of that company and 70 other group companies.

The disputed domain name was registered on December 1, 2021.

The Complainant provides evidence that, on December 8, 2021, the disputed domain name resolved to a website headed “COOP BUTIKER & STORMARKNADER AB” and “UNDER RECONSTRUCTION”. The website purported to include that company’s postal, telephone and email contact details and concluded with the notice “Copyright © Coop Butiker & Stormarknader AB. All rights reserved.”

5. Parties’ Contentions

A. Complainant

The Complainant states that it is a federation of 28 consumer cooperatives with over 3.2 million members and a retail value of SEK 37.3 billion. It states that it accounts for approximately 55% of consumer cooperative retail sales in Sweden and that Coop Butiker & Stormarknader represents approximately 85% of that business.

The Complainant submits that the disputed domain name is confusingly similar to its COOP trademark. It states that the disputed domain name incorporates that trademark in its entirety, together with the terms “butiker” and “stormarknader” which clearly refer to its subsidiary company.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant states that it has never authorized the Respondent to use its COOP trademark, that the Respondent has not been known by that name and the Respondent has made no preparations to use the disputed domain name in connection with any *bona fide* offering of goods or services. Instead, the Complainant submits that the Respondent has misleadingly included Coop Butiker & Stormarknader’s corporate details on its website and has created at least one email address at “[...]@coopbutikerstormarknader.com”, from which it contends phishing emails could be sent. The Complainant states that it succeeded in having the Respondent’s website suspended accordingly.

The Complainant submits that the disputed domain name was registered and has been used in bad faith. It contends that it is obvious from the nature of the disputed domain name that the Respondent was aware of both the Complainant’s COOP trademark and the name of its subsidiary company, Coop Butiker & Stormarknader, when it registered the disputed domain name. The Complainant submits that, by registering the disputed domain name, the Respondent has deliberately sought to mislead Internet users into believing it belongs to the Complainant.

The Complainant also exhibits an exchange of correspondence with the Respondent in December 2021, in which the Respondent states that the disputed domain name was bought “by accident” and “is part of the training for word press”. The Respondent also invites the Complainant to purchase the disputed domain name. The Respondent does not appear to have responded to the Complainant’s subsequent emails demanding the transfer of the disputed domain name on the basis that it infringed the Complainant’s trademark rights.

The Complainant requests the transfer of the disputed domain name.

B. Respondent

The Respondent did not reply to the Complainant’s contentions.

6. Discussion and Findings

In order to succeed in the Complaint, the Complainant is required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (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.

A. Identical or Confusingly Similar

The Complainant has established that it has registered trademark rights in respect of the mark COOP. The disputed domain name includes that mark in its entirety, together with the terms “butiker” and “stormarknader”, which do not prevent the Complainant’s trademark from being recognizable within the disputed domain name. The Panel therefore finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

In the view of the Panel, the Complainant’s submissions set out above give rise to a *prima facie* case that the Respondent has no rights or legitimate interests in respect of the disputed domain name. However, the Respondent has failed to file any Response in this proceeding and has not submitted any explanation for its registration and use of the disputed domain name, or evidence of rights or legitimate interests on its part in the disputed domain name, whether in the circumstances contemplated by paragraph 4(c) of the Policy or otherwise.

As further discussed below, the Panel finds that the disputed domain name is inherently misleading and has been used for the purpose of impersonating the Complainant. Such use by the Respondent cannot give rise to rights or legitimate interests in respect of the disputed domain name.

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

C. Registered and Used in Bad Faith

The Panel considers it inconceivable that the Respondent could have registered the disputed domain name without prior knowledge of the Complainant’s COOP trademark and/or the name of its subsidiary company, Coop Butiker & Stormarknader.

The Panel also finds the disputed domain name to be inherently misleading, as inevitably suggesting to Internet users that it is owned or operated by, or otherwise legitimately affiliated with, the Complainant.

The Panel finds further that the Respondent has used the disputed domain name for the purpose of a website which impersonates the Complainant's subsidiary company by presenting the name of that company and its contact details in a manner which inevitably implies its ownership of the website in question.

The Panel also notes the Complainant's submission as to the configuration of an email address on the relevant domain and the Respondent's reply to the Complainant's communications in December 2021, offering to sell the disputed domain name to the Complainant.

The Panel finds in the circumstances that, by using disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website or of a product or service on its website (paragraph 4(b)(iv) of the Policy). The fact that the Respondent's website is currently suspended does not prevent a finding of bad faith.

The Panel therefore finds that the disputed domain name has been registered and is being used in bad faith.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name, <coopbutikerstormarknader.com>, be transferred to the Complainant.

/Steven A. Maier/

Steven A. Maier

Sole Panelist

Date: June 23, 2022