

ADMINISTRATIVE PANEL DECISION

Starbucks Corporation v. Muhammad Mudasir and Salim Shaik
Case No. D2022-4470

1. The Parties

The Complainant is Starbucks Corporation, United States of America (“United States”), represented by Focal PLLC, United States.

The Respondent is Muhammad Mudasir, Pakistan, and Salim Shaik, Bangladesh.

2. The Domain Names and Registrars

The disputed domain name <starbuckspartnerhours.org> is registered with NameCheap, Inc.; the disputed domain name <starbuckspartner-hub.com> is registered with Sav.com, LLC; and the disputed domain name <starbuckspartner.net> is registered with Hosting Concepts B.V. d/b/a Registrar.eu. (Collectively the “Registrars”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 22, 2022. On November 23, 2022, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names. On November 23, 24, and 25, the Registrars transmitted by email to the Center their verification responses disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Privacy Service Provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 30, 2022, providing the registrant and contact information for the multiple underlying registrants disclosed by the Registrars, and inviting the Complainant to either amend the Complaint adding the Registrar-disclosed registrants as formal Respondents and provide relevant arguments or evidence demonstrating that all named Respondents are, in fact, the same entity and/or that all domain names are under common control; and/or to file a separate complaint for any domain name for which it is not possible to demonstrate that all named Respondents are in fact the same entity and/or that all domain names are under common control and indicate which domain name(s) will no longer be included in the current Complaint. The Complainant filed an amended Complaint on December 5, 2022, including arguments for consolidation.

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 December 7, 2022. In accordance with the Rules, paragraph 5, the due date for the Response was December 27, 2022. The Respondent did not submit any Response. Accordingly, the Center notified the Respondent’s default on December 29, 2022.

The Center appointed Adam Taylor as the sole panelist in this matter on January 5, 2023. 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 operates the well-known Starbucks coffee chain, which opened its first store in 1971 and now has approximately 35,000 outlets in over 80 countries.

The Complainant owns many trade marks for STARBUCKS including United States trade mark no. 1372630, filed on June 3, 1985, registered on November 26, 1985, in class 21.

The disputed domain names were registered on the following dates:

<starbuckspartner.net>: April 11, 2022
<starbuckspartner-hub.com>: April 20, 2022
<starbuckspartnerhours.org>: August 29, 2022

The Respondents are collectively referred to hereafter as “the Respondent”, unless it is necessary to refer to them separately.

As evidenced in the Annexes to the Complaint, the disputed domain names resolved to websites as follows:

<starbuckspartner-hub.com> and <starbuckspartner.net>: Each website was branded “Starbucks Partner Hub” followed by, respectively, “Login Guide for Starbucks Partner Hub” and “Login at Starbucks Partner Hours”. Both sites contained extensive purported information about the Complainant’s partner benefits and websites plus a “Login Portal” button, which in each case led to other pages on the Respondent’s own website. The website at the disputed domain name <starbuckspartner-hub.com> also featured thirdparty advertising. (These disputed domain names share the same registrant name, Salim Shaik.)

<starbuckspartnerhours.org>: This site was branded “Starbucks Partner Hours Login (Complete User Guide)” (in a similar font to the above two websites) and purported to provide extensive information about an app called “Starbuck Partner Hours”. It also featured third party advertising.

All three websites prominently displayed the Complainant’s well-known mermaid/siren logo within the homepage text, along with the phrases “Starbucks Partner Hub”, “STARBUCKS PARTNER”, and “Starbucks Partner Hours”, respectively. All three sites also included similar screenshots of what appears to be the relevant login screens on the applicable official Complainant partner website/app.

5. Parties' Contentions

A. Complainant

The following is a summary of the Complainant's contentions.

The disputed domain names are confusingly similar to the Complainant's trade mark. The addition of descriptive terms such as "partner," "hours" or "hub" does not sufficiently distinguish the disputed domain names from the Complainant's mark, which they all incorporate in their entirety.

The Respondent lacks rights or legitimate interests in the disputed domain names.

The Respondent was undoubtedly aware of the Complainant's mark when registering the disputed domain names.

There is no evidence that the Respondent has been commonly known by the disputed domain names.

The Complainant has not authorised the Respondent to use its trade mark in a domain name.

Nor is the Respondent making a legitimate noncommercial or fair use of the disputed domain names. On the contrary, the Respondent has used the disputed domain names to induce persons affiliated with the Complainant in some way to "log-in" through a fraudulent "partner log-in" site that solicits personal information. The content of the sites suggests that the sites are intended to be used solely for commercial purposes, possibly as a phishing scheme using the famous STARBUCKS mark to lure users to submit sensitive personal and financial information.

Even if the Respondent uses the disputed domain names for a different purpose in future, they nonetheless constitute an abusive threat hanging over the head of the Complainant.

In any event, the Complainant's unauthorised use of the Complainant's mark to trade on the Complainant's goodwill and reputation precludes a finding of a *bona fide* offering of goods or services.

The disputed domain names were registered and are being used in bad faith, given that the Respondent was plainly aware of the Complainant's mark when registering the disputed domain names, that the use of domain names so obviously connected with the Complainant is suggestive of opportunistic bad faith, that the Respondent has set out to take unfair advantage of the Complainant's mark by creating confusion, and that the Respondent has used irregular, and likely falsified, contact information.

B. Respondent

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

6. Discussion and Findings

Under the Policy, the Complainant is required to prove on the balance of probabilities that:

- the disputed domain names are identical or confusingly similar to a trade mark in which the Complainant has rights;
- the Respondent has no rights or legitimate interests in respect of the disputed domain names; and the disputed domain names have been registered and are being used in bad faith.

A. Consolidation - Preliminary Issue

The principles governing the question of whether a complaint may be brought against multiple respondents are set out in section 4.11 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

The Panel is satisfied that the disputed domain names are subject to common control, given the similarities between the websites at the disputed domain names discussed in section 4 above, that the disputed domain names were registered within approximately four months of each other, and that none of the registrants have appeared in this proceeding to object to consolidation. In these circumstances, the Panel considers that consolidation is fair and equitable to all parties, and also procedurally efficient.

B. Identical or Confusingly Similar

The Complainant has established registered rights in the mark STARBUCKS, as well as unregistered trade mark rights deriving from the Complainant's extensive and longstanding use of that mark.

Section 1.8 of [WIPO Overview 3.0](#) makes clear that, where the relevant trade mark is recognisable within the disputed domain name, the addition of other terms, whether descriptive or otherwise, would not prevent a finding of confusing similarity under the first element.

Here, the disputed domain names are dominated by the Complainant's distinctive trade mark, which is readily recognisable within each domain name, plus the additional terms "partner", "partner-hub" and "partnerhours", which do not prevent a finding of confusing similarity as explained above.

For the above reasons, the Panel concludes that the disputed domain names are confusingly similar to the Complainant's trade mark and that the Complainant has therefore established the first element of paragraph 4(a) of the Policy.

C. Rights or Legitimate Interests

As explained in section 2.1 of [WIPO Overview 3.0](#), the consensus view is that, where a complainant makes out a *prima facie* case that the respondent lacks rights or legitimate interests, the burden of production shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If not, the complainant is deemed to have satisfied the second element.

Here, the Complainant has not licensed or otherwise authorised the Respondent to use its trade mark.

Paragraph 4(c) of the Policy gives examples of circumstances which, if proved, suffice to demonstrate that a respondent possesses rights or legitimate interests.

As to paragraph 4(c)(i) of the Policy, for reasons explained in section 6D below, the Panel considers that the Respondent has used the disputed domain names intentionally attempt to attract, confuse and profit from Internet users seeking the Complainant's goods and/or services. Such use of the disputed domain names could not be said to be *bona fide*.

Nor is there any evidence that paragraphs 4(c)(ii) or (iii) of the Policy are relevant in the circumstances of this case.

For the above reasons, the Panel concludes that the Complainant has established the second element of paragraph 4(a) of the Policy.

D. Registered and Used in Bad Faith

The Panel considers that the Respondent has intentionally attempted to attract Internet users to its websites for commercial gain by creating a likelihood of confusion with the Complainant's trade mark in accordance with paragraph 4(b)(iv) of the Policy.

Not only do the disputed domain names include the Complainant's distinctive mark, but the Respondent has used the disputed domain names for websites that create the impression that they are officially associated with the Complainant including by prominent use of the Complainant's mark/logo.

The Respondent's precise purpose is unclear. It may be, as the Complainant suggests, that they are being used as phishing sites designed to acquire user personal information and/or the Respondent's objective may be to profit from third party advertising. But, whatever the Respondent's exact motive, the Panel is satisfied that the Respondent set out to generate commercial gain by creating a likelihood of confusion with the Complainant's mark.

Furthermore, the Respondent has not come forward to deny the Complainant's assertions of bad faith. It is difficult to conceive of any legitimate reason underlying the Respondent's registration and use of the disputed domain names and the Respondent has offered no explanation.

For the above reasons, the Panel considers that the Complainant has established the third element of paragraph 4(a) of the Policy.

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 names, <starbuckspartnerhours.org>, <starbuckspartner-hub.com>, and <starbuckspartner.net>, be transferred to the Complainant.

/Adam Taylor/

Adam Taylor

Sole Panelist

Date: January 19, 2022