

ADMINISTRATIVE PANEL DECISION

All Saints Retail Limited v. Lanying2 Shu, Hbcbn Nncs, Adbhs Svcsa,
ZhaoDongmei Zhao, Hdgey Edve, Jbfg Ybfed, Chcdsv Cnhcd, Ping90 Li,
Khhgg Thew
Case No. D2023-1399

1. The Parties

The Complainant is All Saints Retail Limited, United Kingdom, represented by Stobbs IP Limited, United Kingdom.

The Respondents are Lanying2 Shu, China, Hbcbn Nncs, China, Adbhs Svcsa, China, ZhaoDongmei Zhao, China, Hdgey Edve, China, Jbfg Ybfed, China, Chcdsv Cnhcd, China, Ping90 Li, China, and Khhg Thew, China.

2. The Domain Names and Registrar

The disputed domain names <allsaintsfashion.com>, <allsaintspromo.com>, <allsaintssale.com>, <allsaints-shop.com>, <allsaintsstore.com>, <allsaintstore.com>, <fashionallsaints.com>, <officeallsaints.com>, <storeallsaints.website>, and <womenallsaint.com> are registered with Name.com, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 31, 2023. On March 31, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On April 1, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Name.com Inc.) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 10, 2023, 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 15, 2023.

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 Respondents of the Complaint, and the proceedings commenced on April 21, 2023. In accordance with the Rules, paragraph 5, the due date for Response was May 11, 2023. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on May 12, 2023.

The Center appointed Marilena Comanescu as the sole panelist in this matter on June 6, 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

Founded in 1994 by Stuart Trevor and Kait Bolongaro and incorporated during October 2000, the Complainant started as a wholesale menswear brand that sold exclusively to high-end retailers. Currently, the Complainant sells menswear, womenswear, apparel, footwear, and accessories in 281 stores, across 27 countries around the world, including the United Kingdom, the United States of America, Canada, the Republic of Korea, and Taiwan Province of China.

The Complainant has an extensive social media presence and achieved a high level of recognition in its industry worldwide.

The Complainant holds trademark registrations for ALL SAINTS and ALLSAINTS (the "ALLSAINTS Trademarks"), such as the following:

- the United Kingdom Trademark registration no. UK00002307473 for the words ALL SAINTS, filed on August 7, 2002 and registered on March 21, 2003, and covering goods in Nice classes 3, 14, 18, and 25; and
- the European Union Trade Mark registration no. 011346293 for the word ALLSAINTS, filed on November 14, 2012 and registered on April 18, 2013, and covering goods and services in Nice classes 18, 25, and 35.

The Complainant holds and uses its main commercial website at "www.allsaints.com" since 2009.

The disputed domain names were registered as follows:

- <allsaintsfashion.com> was registered on June 29, 2022;
- <allsaintspromo.com> was registered on September 17, 2022;
- <allsaintssale.com> was registered on June 1, 2022;
- <allsaints-shop.com> was registered on August 18, 2022;
- <allsaintsstore.com> was registered on April 28, 2022;
- <allsaintstore.com> and <fashionallsaints.com> were registered on May 7, 2022;
- <officieallsaints.com> was registered on June 13, 2022;
- <storeallsaints.website>, and <womenallsaint.com> were registered on July 16, 2022.

At the time of filing the Complaint, according to evidence provided as Annex 7 to the Complaint, all the disputed domain names resolved to commercial websites confusingly similar to the Complainant's website which prominently featured the Complainant's ALLSAINTS Trademarks and logo and purports to offer ALLSAINTS branded goods at significantly reduced prices.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain names are confusingly similar to its well-known trademark, the Respondent has no rights or legitimate interests in the disputed domain names, and the Respondent registered and is using the disputed domain names in bad faith. The Complainant requests the transfer of the disputed domain names to it.

B. Respondent

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

6. Discussion and Findings

In view of the absence of a Response, the discussion and findings will be based upon the contentions in the Complaint and any reasonable position that can be attributable to the Respondents. Under paragraph 4(a) of the Policy, a complainant can only succeed in an administrative proceeding under the Policy if the following circumstances are met:

- (i) the disputed domain names are 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 the disputed domain names; and
- (iii) the disputed domain names have been registered and are being used in bad faith.

The Panel will further analyze the potential concurrence of the above circumstances.

A. Preliminary Procedural Issue. Consolidation of Multiple Disputed Domain Names and Respondents

According to the provisions of paragraph 10(e) of the Rules, the Panel has the power to decide the consolidation of multiple domain names disputes. Further, paragraph 3(c) of the UDRP Rules provides 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 the present case, there are ten disputed domain names, ten sets of registrant details, and one Registrar.

The present disputed domain names: (i) are referring to websites with very similar content and layout since, *inter alia*, they have the same pictures, same colors, use the Complainant's trademarks and logos; (ii) were created in a similar manner, reproducing the Complainant's trademark ALLSAINTS with additional dictionary terms (with the exception of the disputed domain name <womenallsaint.com>, wherein the Complainant's trademark is reproduced without the final "s"); (iii) the Respondents' addresses are apparently in China but the information provided in the Whois were inaccurate or incomplete; and (iv) were registered within a short timeframe from each other, some even in the same day, all between April 28, 2022 and up to September 17, 2022.

The Respondents had the opportunity to comment on the consolidation request made by the Complainant but they chose to remain silent.

For the above, the Panel finds that the disputed domain names are registered by the same person or are under common control, and would be equitable and procedurally efficient to decide the consolidation of multiple disputed domain names and the Respondents in the present procedure. See also section 4.11.2 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"). Accordingly, hereinafter the Panel will refer to the singular "Respondent".

B. Identical or Confusingly Similar

The Panel finds that the Complainant holds rights in the ALLSAINTS Trademarks.

All the disputed domain names incorporate the Complainant's trademark ALLSAINTS with additional terms such as: "fashion" in the disputed domain names <allsaintsfashion.com> and <fashionallsaints.com>; "promo" in the disputed domain name <allsaintspromo.com>; "sale" in the disputed domain name <allsaintssale.com>; "shop" in the disputed domain name <allsaints-shop.com>; "store" in the disputed domain names <allsaintsstore.com> and <storeallsaints.website>; "tore" in the disputed domain name <allsaintstore.com>; "office" in the disputed domain name <officieallsaints.com>; or "women" in the disputed domain name <womenallsaint.com>.

However, such additions do not prevent a finding of confusing similarity as the Complainant's trademark is clearly recognizable within the disputed domain names. Numerous UDRP panels have considered that the addition of other terms (whether geographical, descriptive, pejorative, meaningless or otherwise) to trademarks in a domain name does not avoid a finding of confusing similarity. See section 1.8 of the [WIPO Overview 3.0](#).

The disputed domain name <womenallsaint.com> incorporates, together with the word "women", the Complainant's ALLSAINTS trademark with a typo, the final letter "s" removed (at the end of the term "allsaints"). However, such alteration does not prevent a finding of confusing similarity as the Complainant's trademark is clearly recognizable within the disputed domain name. Furthermore, numerous UDRP panels have considered that a domain name consisting of a misspelling of the complainant's trademark (*i.e.*, typosquatting) does not prevent a finding of confusing similarity. See section 1.9 of the [WIPO Overview 3.0](#).

It is well established in decisions under the UDRP that the generic Top-Level Domain ("gTLD") (*e.g.*, ".com", ".website", ".club") may typically be disregarded for the purposes of consideration of confusing similarity between a trademark and a domain name. See section 1.11 of the [WIPO Overview 3.0](#).

Given the above, the Panel finds that the disputed domain names are confusingly similar to the trademark ALLSAINTS, pursuant to the Policy, paragraph 4(a)(i).

C. Rights or Legitimate Interests

The Complainant asserts that the Respondent does not hold any trademark rights, license, or authorization whatsoever to use the ALLSAINTS Trademarks, that the Respondent is not commonly known by the disputed domain names, and that the Respondent has not used the disputed domain names in connection with a legitimate noncommercial or fair use or a *bona fide* offering of goods or services.

In line with the case law, "where a complainant makes out a *prima facie* case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element". See section 2.1 of the [WIPO Overview 3.0](#).

The Complainant has put forward a *prima facie* case that the Respondent does not have any rights or legitimate interests in the disputed domain names. The Respondent has not replied to the Complainant's contentions and has not come forward with relevant evidence to rebut the Complainant's *prima facie* case. There is nothing in the record suggesting that the Respondent has ever been commonly known by the disputed domain names or that the Respondent made a *bona fide* offering of goods or services or a legitimate noncommercial use under the disputed domain names.

According to the evidence provided in the Complaint, the Respondent has used all the disputed domain in connection with websites copying the look and feel of the Complainant's official website, providing products identical to those of the Complainant with significant price reductions, reproducing the Complainant's trademark and logo, and product images. In this regard, UDRP panels have categorically held that the use

of a domain name for illegal activity (such as swindle, fraud, identity theft, phishing and impersonation/passing off) can never confer rights or legitimate interests in a respondent. See section 2.13 of the [WIPO Overview 3.0](#).

For all these reasons, the Panel finds that the second element of the Policy is established, and the Respondent has no rights or legitimate interests in respect of the disputed domain names, pursuant to the Policy, paragraph 4(a)(ii).

D. Registered and Used in Bad Faith

The Complainant holds trademark rights since at least 2003 and promotes its business under the domain name <allsaints.com> since 2009.

The disputed domain names were registered in 2022 and incorporate the Complainant's trademark with additional descriptive words, related to the Complainant's industry (*i.e.*, shop, store, sale, fashion, women).

From the above, the Panel finds that the Respondent was aware of the Complainant, its business, and trademark at the registration of the disputed domain names.

At the time of filing the Complaint, the Respondent was using the disputed domain names in connection with websites copying the look and feel of the Complainant's website and providing products identical to those of the Complainant.

Paragraph 4(b)(iv) of the Policy provides that the use of a domain name to intentionally attempt "to attract, for commercial gain, Internet users to [the respondent's] website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of [the respondent's] website or location or of a product or service on [the respondent's] website or location" is evidence of registration and use in bad faith.

Given that the disputed domain names incorporate the Complainant's trademark with additional descriptive terms and the websites operated under the disputed domain names display the Complainant's trademark, logo and product images, providing very likely counterfeit copies of the Complainant's products, indeed in this Panel's view, the Respondent has intended to attract Internet users accessing the websites corresponding to the disputed domain names who may be confused and believe that the websites are held, controlled by, or somehow affiliated with or related to the Complainant, for the Respondent's commercial gain. This activity may also disrupt the Complainant's business and tarnish its trademark.

Paragraph 4(b)(ii) of the Policy provides another circumstance of bad faith registration and use when the respondent registered the disputed domain name in order to prevent the owner of the trademark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct. The Panel finds that registering for at least ten disputed domain names incorporating the Complainant's distinctive trademark, within a short timeframe, can be considered a pattern of abusive conduct and registration of the disputed domain names in bad faith. See section 3.1.2 of the [WIPO Overview 3.0](#).

The Respondent has not participated in the present proceeding and provided inaccurate contact information in the Whois. Such facts, together with all the other elements in this case, supports, in the eyes of this Panel, a finding of bad faith behavior.

For all the above reasons, the Panel finds that the Respondent registered and is using the disputed domain names in bad faith, pursuant to the Policy, paragraph 4(a)(iii).

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 <allsaintsfashion.com>, <allsaintspromo.com>, <allsaintssale.com>, <allsaints-shop.com>, <allsaintsstore.com>, <allsaintstore.com>, <fashionallsaints.com>, <officieallsaints.com>, <storeallsaints.website>, and <womenallsaint.com> be transferred to the Complainant.

/Marilena Comanescu/

Marilena Comanescu

Sole Panelist

Date: June 20, 2023