

ADMINISTRATIVE PANEL DECISION

7-Eleven International LLC v. 7eleven shop, 7eleven shop, 7eleven shop,
7eleven shop

Case No. D2023-3716

1. The Parties

The Complainant is 7-Eleven International LLC, United States of America, represented by Archer & Angel, India.

The Respondent is 7eleven shop, India.

2. The Domain Names and Registrars

The disputed domain name <7eleven-shop.co> is registered with NameCheap, Inc. (the “Registrar 1”). The disputed domain names <7eleven-shop.net> and <7eleven-shop.store> are registered with HOSTINGER operations, UAB (the “Registrar 2”). The disputed domain name <7eleven-shop.com> is registered with GoDaddy.com, LLC (the “Registrar 3”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 5, 2023. On September 5, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On September 5, and 6, 2023, the Registrars 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 (Domain Admin, Privacy Protect, LLC; Redacted for Privacy; Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 7, 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 September 8, 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 Respondent of the Complaint, and the proceedings commenced on September 14, 2023. In accordance with the Rules,

paragraph 5, the due date for Response was October 4, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 11, 2023.

The Center appointed Kaya Köklü as the sole panelist in this matter on October 23, 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, together with its parent and affiliated companies, is an international operator, franchisor, and licensor of convenience stores. It was founded in 1927, and has now approximately 80,000 stores worldwide under its control.

The Complainant is the owner of the widely known 7-ELEVEN trademark, which is registered in a large number of jurisdictions. These include, among many others, the Indian Trademark no. 1642854, for 7-ELEVEN, registered on June 25, 2008, and covering protection for various goods and services as protected in class 16, 25, 29, 30, 32, and 35.

The Complainant further owns a large number of domain names which consist of or comprise its 7-ELEVEN trademark, including "www.7-eleven.com", which resolves to the Complainant's main website. The Complainant further owns the domain name "www.7-eleven.shop" since 2016.

The Respondent is reportedly located in India, whereas its true identity remains unclear due to false or at least incomplete contact information.

The disputed domain name <7eleven-shop.com> was registered on December 7, 2022.

The disputed domain name <7eleven-shop.co> was registered on April 22, 2023.

The disputed domain name <7eleven-shop.store> was registered on April 27, 2023.

The disputed domain name <7eleven-shop.net> was registered on September 5, 2023.

Internet users of <7eleven-shop.store> and <7elevenshop.co> were initially redirected to <7eleven-shop.store> and its corresponding website. Subsequently, Internet users were redirected to <7eleven-shop.net> and then to another virtually identical website at "www.7eleven-shop.org.in".

On each of the associated websites, the Respondent operated an online retail shop for mainly smartwatches, earbuds and related accessories. At the time of the Decision, the disputed domain names do not resolve to active websites anymore.

On August 9, 2023, the Complainant sent a request letter to the Respondent and tried to solve the dispute amicably by requesting a transfer of the disputed domain names.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain names.

B. Respondent

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

6. Discussion and Findings

According to paragraph 15(a) of the Rules, the Panel shall decide the Complaint in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

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

Paragraph 4(a) of the Policy states that the Complainant bears the burden of proving that all these requirements are fulfilled, even if the Respondent has not replied to the Complainant's contentions. *Stanworth Development Limited v. E Net Marketing Ltd.*, WIPO Case No. [D2007-1228](#).

However, concerning the uncontested information provided by the Complainant, the Panel might, where relevant, accept the provided reasonable factual allegations in the Complaint as true. See section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

It is further noted that the Panel has taken note of the [WIPO Overview 3.0](#) and, where appropriate, will decide consistent with the consensus views stated therein.

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

Based on the available record, the Panel finds the Complainant has shown rights in the 7-ELEVEN trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the entirety of the mark is reproduced within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the 7-ELEVEN trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

While the addition of other terms, here "shop", may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain names and the 7-ELEVEN trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Based on the available record, the Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

While the overall burden of proof in UDRP proceedings is 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", requiring information that is often primarily within the knowledge or control of the respondent. As such, 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. [WIPO Overview 3.0](#), section 2.1. Having reviewed the record, the Panel finds the Complainant has established a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain names. Furthermore, the nature of the dispute domain names, comprising the Complainant's 7-ELEVEN trademark in combination with the term "shop", indicated an awareness of the Complainant and its trademark and intent to take unfair advantage of such, which does not support a finding of any rights or legitimate interests. In addition, while the Respondent's name (as shown in the WhoIs for the disputed domain names) corresponds to the disputed domain name, all the circumstances indicate that the Respondent likely adopted such name for the specific purpose of taking unfair advantage of the Complainant's rights.

In the absence of a Response, the Respondent has not rebutted the Complainant's *prima facie* showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain names such as those enumerated in the Policy or otherwise.

Based on the available record, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular but without limitation, that if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

In the present case, the Panel notes that the Respondent must have had the Complainant and its widely-known 7-ELEVEN trademark in mind when registering the disputed domain names. It is obvious to the Panel, that the Respondent has deliberately chosen the disputed domain names to target the Complainant and to generate traffic to its own websites. Consequently, the Panel is convinced that the Respondent has registered the disputed domain names in bad faith.

With respect to the use of the disputed domain names in bad faith, the Panel notes that Internet users were redirected to a website featuring the Complainant's 7-ELEVEN trademark together with a confusingly similar logo, while not explaining that there is no existing relationship between the Respondent and the Complainant. Rather, the use of the Complainant's 7-ELEVEN trademark as well as the inherently misleading nature of the disputed domain names is, in view of the Panel, sufficient evidence that the Respondent intentionally tries to attract, for illegitimate commercial gain, Internet users by creating a likelihood of confusion with the Complainant.

The Panel also notes that the Respondent has seemingly provided false or at least incomplete contact information when registering the disputed domain names since the couriers sent by the Center seem to have been undelivered, which is in view of the Panel an additional indication of bad faith.

Based on the available record, the Panel finds the third element of the Policy has been established.

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, <7eleven-shop.co>, <7eleven-shop.com>, <7eleven-shop.net>, and <7eleven-shop.store> be transferred to the Complainant.

/Kaya Köklü/

Kaya Köklü

Sole Panelist

Date: November 6, 2023