

## ADMINISTRATIVE PANEL DECISION

IIC-Intersport International v. dsadsadsad, asdawsd dsadasdsa, Geneviève DEMANGE, Name Redacted, an L, Colin Derby, Pranvera Grislin, rf fw, dgy, kuby asdf  
Case No. D2024-0106

### 1. The Parties

The Complainant is IIC-Intersport International, Switzerland, represented by Nameshield, France.

The Respondents are dsadsadsad, asdawsd dsadasdsa, Saint Helena, Geneviève DEMANGE, United States of America, Name Redacted<sup>1</sup>, an L, France, Colin Derby, China, Pranvera Grislin, China, rf fw, dgy, France, and kuby asdf, China.

### 2. The Domain Names and Registrars

The disputed domain name <intersportcom.shop> is registered with NameSilo, LLC (the “Registrar 1”).

The disputed domain names <intersport-outlet.shop> and <intersportsale.shop> are registered with Web Commerce Communications Limited dba WebNic.cc (the “Registrar 2”).

The disputed domain names <intersport-fr.shop>, <intersportoutlet-fr.shop>, <intersportoutlet.shop>, <intersportoutlets.shop>, <intersportshop.shop>, and <intersports.shop> are registered with Dynadot Inc (the Registrar 3”) (collectively referred to as the “Registrars”).

Hereinafter, the disputed domain names are collectively referred to as the “Domain Names” unless otherwise indicated.

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<sup>1</sup> The Respondent appears to have used the name of a third party when registering the Domain Name <intersportshop.shop>. In light of the potential identity theft, the Panel has redacted the Respondent’s name from this decision. However, the Panel has attached as Annex 1 to this decision an instruction to the Registrar regarding transfer of the Domain Names, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST- 12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 11, 2024. On January 11, 2024, the Center transmitted by email to the Registrars a request for registrar verification in connection with the Domain Names. On January 11 and 12, 2024, the Registrars transmitted by email to the Center their verification response disclosing registrant and contact information for the Domain Names which differed from the named Respondent (Not identified) and contact information in the Complaint.

The Center sent an email communication to the Complainant on January 23, 2024, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainant to either file separate complaint(s) for the Domain Names associated with different underlying registrants or alternatively, amend the Complaint demonstrating that the underlying registrants are in fact the same entity. The Complainant filed an amended Complaint on January 26, 2024.

On January 30, 2024 and February 2, 2024, third parties contacted the Center regarding the claimed unauthorized use of the identity and/or physical address of the third parties in relation to the Domain Names <intersport-fr.shop>, <intersportoutlets.shop>, and <intersportshop.shop>.

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 January 29, 2024. In accordance with the Rules, paragraph 5, the due date for Response was February 18, 2024. The Respondents did not submit any response. Accordingly, the Center notified the Respondents’ default on February 20, 2024.

The Center appointed Piotr Nowaczyk as the sole panelist in this matter on February 29, 2024. 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 is a sporting goods retailer. As of 2022, the Complainant had more than 5,300 sports stores in 42 countries.

The Complainant is the owner of several INTERSPORT trademark registrations, including:

- the International Trademark Registration for INTERSPORT (figurative), No. 441202 registered on September 21, 1978;
- the International Trademark Registration for INTERSPORT (figurative), No. 210606 registered on June 16, 1958; and
- the International Trademark Registration for INTERSPORT (figurative), No. 610367 registered on October 1, 1993.

The Complainant also operates the domain name <intersport.com> incorporating its INTERSPORT trademark.

All the Domain Names were registered on December 27, 2023.

At the time of submitting the Complaint, the Domain Names (except for the Domain Name <intersport-fr.shop>) resolved to online shops allegedly offering sport goods at discounted price and displaying the Complainant's INTERSPORT trademark (the "Website"). The Domain Name <intersport-fr.shop> resolved to a parking page displaying pay-per-click ("PPC") links redirecting to websites of third parties.

As of the date of this Decision, the Domain Name <intersportcom.shop> resolved to an inactive website. The Domain Name <intersport-fr.shop> resolved to the parking page displaying PPC links. All the others Domain Names resolved to inactive websites featuring information that "the website is under maintenance".

## **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 Domain Names.

First, the Complainant submits that the Domain Names are confusingly similar to the INTERSPORT trademark in which the Complainant has rights.

Second, the Complainant argues that the Respondents have neither rights nor legitimate interests in the Domain Names.

Third, the Complainant contends that the Domain Names were registered and are being used in bad faith.

### **B. Respondent**

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

## **6. Discussion and Findings**

### **6.1. Preliminary Matters – Consolidation: Multiple Respondents**

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple registrants pursuant to paragraph 10(e) of the Rules.

The Domain Name registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states 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 addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 4.11.2.

As regards common control, the Panel notes the following.

First, all the Domain Names were registered on the same day, i.e. on December 27, 2023.

Second, all the Domain Names follow similar naming patterns. They are composed of the Complainant's INTERSPORT trademark together with additional terms in English and the generic Top-Level Domain ("gTLD") ".shop".

Third, at the time of submitting the Complaint, all the Domain Names (except for the Domain Name <intersport-fr.shop>) resolved to the same Website which featured online shops purportedly offering the products under the Complainant's INTERSPORT trademark.

Fourth, one of the disclosed Respondents was apparently the victim of identity theft and four of the disclosed Respondents used clearly fictitious names and contact details (i.e., "dsadsadsad" for the Domain Name <intersportcom.shop>, "rf fw" for the Domain Name <intersport-outlet.shop>, "kuby asdf" for the Domain Name <intersportsale.shop>, and "an L" for the Domain Names <intersport-fr.shop>, and <intersportoutlets.shop>, wherein the actual physical address disclosed was usurped from an unrelated third party).

Lastly, the Respondents have not denied that the Domain Names are under a common control.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different Domain Name registrants (referred to below as "the Respondent") in a single proceeding.

## **6.2. Substantive Matters – Three Elements**

Paragraph 4(a) of the Policy places a burden on the Complainant to prove the presence of three separate elements, which can be summarized as follows:

- (i) the 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 Domain Names; and
- (iii) the Domain Names have been registered and are being used in bad faith.

The requested remedy may only be granted if the above criteria are met.

At the outset, the Panel notes that the applicable standard of proof in UDRP cases is the "balance of probabilities" or "preponderance of the evidence". See section 4.2, [WIPO Overview 3.0](#).

### **A. Identical or Confusingly Similar**

Under the first requirement, the Complainant must establish that the Domain Names are identical or confusingly similar to the trademark in which the Complainant has rights.

The Complainant holds valid INTERSPORT trademark registrations. The Domain Names incorporate this trademark in its entirety. As numerous UDRP panels have held, incorporating a trademark in its entirety is sufficient to establish that a domain name is identical or confusingly similar to that trademark. See section 1.7, [WIPO Overview 3.0](#).

The addition of other terms such as "com", "-fr", "outlet-fr", "-outlet", "outlets", "sale", "shop" in the Domain Names does not prevent a finding of confusing similarity between the Domain Names and the Complainant's INTERSPORT trademark. As numerous UDRP panels have held, where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element. See section 1.8, [WIPO Overview 3.0](#).

In the case of the Domain Name <intersports.shop> a letter “s” is added to the Complainant’s INTERSPORT trademark. As numerous UDRP panels have held, a domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. See section 1.9, [WIPO Overview 3.0](#).

The gTLD “.shop” in the Domain Names is viewed as a standard registration requirement and as such are disregarded under the first element confusing similarity test. See section 1.11.1, [WIPO Overview 3.0](#).

Given the above, the Panel finds that the Domain Names are confusingly similar to the INTERSPORT trademark in which the Complainant has rights. Thus, the Complainant has proved the requirements under paragraph 4(a)(i) of the Policy.

## **B. Rights or Legitimate Interests**

Under the second requirement, the Complainant must prove that the Respondent has no rights or legitimate interests in the Domain Names.

The respondent may establish a right or legitimate interest in the domain name by demonstrating in accordance with paragraph 4(c) of the Policy any of the following:

- (i) that it has used or made preparations to use the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services prior to the dispute; or
- (ii) that it is commonly known by the domain name, even if it has not acquired any trademark rights; or
- (iii) that it is making a legitimate, noncommercial or fair use of the domain name without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark.

Although given the opportunity, the Respondent has not submitted any evidence indicating that any of the circumstances foreseen in paragraph 4(c) of the Policy are present in this case.

On the contrary, it results from the evidence on record that the registration of the Complainant’s INTERSPORT trademark predates the Respondent’s registration of the Domain Names. There is no evidence in the case record that the Complainant has licensed or otherwise permitted the Respondent to use this trademark or to register the Domain Names incorporating the trademark. There is also no evidence to suggest that the Respondent has been commonly known by the Domain Names.

Moreover, it results from the evidence on record that the Respondent does not make use of the Domain Names in connection with a bona fide offering of goods or services, nor does it make a legitimate noncommercial or fair use of the Domain Names. On the contrary, the Domain Names (except for the Domain Name <intersport-fr.shop>) resolved to the Website which features the online shop offering sport goods at discounted price and displaying the Complainant’s INTERSPORT trademark together with its official marketing materials such as product images.

The Respondent could make a bona fide *offering* of goods and services as a reseller of the products offered by the Complainant, and thus have rights or legitimate interests in the Domain Names, if this use meets certain requirements as set out in *Okidata Americas, Inc. v ASD, Inc.*, WIPO Case No. [D2001-0903](#). These requirements are that: (1) the Respondent must actually be offering the goods or services at issue; (2) the Respondent must use the Website to sell only the trademarked goods, otherwise, it could be using the trademark to bait Internet users and then switch them to other goods; (3) the Website must accurately disclose the Respondent’s relationship with the trademark owner; and (4) the Respondent must not try to corner the market in all domain names, thus depriving the trademark owner of reflecting its own mark in the Domain Names.

In the present case, the above referred requirements are not met.

The Domain Names and the Website suggest at least an affiliation with the Complainant and its INTERSPORT trademark. The Panel believes that the use of the Complainant's trademarks in the Domain Names and at the Website misleads consumers regarding the relationship between the Domain Names and the Complainant, as Internet users may falsely believe that the Domain Names are an official/endorsed reseller of the Complainant. At the same time, the relationship between the Domain Names and the Complainant (or a lack thereof) is not disclosed at the Website. This further perpetuates the false impression of a relationship between the Respondent and the Complainant.

Moreover, at the time of submitting the Complaint, as well as at the time of this Decision, the Domain Name <intersport-fr.shop> resolved to the parking page displaying PPC links of the third parties. While specific case factors have led previous panels to find that fair use need not always be categorically noncommercial in nature, unambiguous evidence that the site is not primarily intended for commercial gain, e.g., the absence of commercial or PPC links, would tend to indicate a lack of intent to unfairly profit from the complainant's reputation. See section 2.5.3, [WIPO Overview 3.0](#). In the present case, the PPC links allow the Respondent to profit from the attracted web traffic and collect click-through revenue. This demonstrates that the Respondent has used the Domain Name <intersport-fr.shop> to derive a commercial benefit. Furthermore, some of the PPC links appear to redirect users to the websites competing with the Complainant's business. It is well accepted that a respondent's use of a complainant's mark to redirect users to a competing site would not support a claim to rights or legitimate interests. See section 2.5.3, [WIPO Overview 3.0](#).

In sum, the Respondent has failed to invoke any circumstances, which could demonstrate, pursuant to paragraph 4(c) of the Policy, any rights or legitimate interests in respect of the Domain Names. Thus, there is no evidence in the case file that refutes the Complainant's prima facie case. The Panel concludes that the Complainant has also proved the requirement under paragraph 4(a)(ii) of the Policy.

### **C. Registered and Used in Bad Faith**

Under the third element, the Complainant must prove that the Domain Names were registered and are being used in bad faith.

Bad faith under the UDRP is broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a complainant's mark. See section 3.1, [WIPO Overview 3.0](#).

Under paragraph 4(b) of the Policy, evidence of bad faith registration and use includes without limitation:

- (i) circumstances indicating the domain name was registered or acquired primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the owner of a trademark or to a competitor of the trademark owner, for valuable consideration in excess of the documented out-of-pocket costs directly related to the domain name; or
- (ii) circumstances indicating that the domain name was registered in order to prevent the owner of a trademark from reflecting the mark in a corresponding domain name, provided it is a pattern of such conduct; or
- (iii) circumstances indicating that the domain name was registered primarily for the purpose of disrupting the business of a competitor; or
- (iv) circumstances indicating that the domain name has intentionally been used in an attempt to attract, for commercial gain, Internet users to a website or other online location, by creating a likelihood of confusion with a trademark as to the source, sponsorship, affiliation, or endorsement of the website or location or of a product or service on a website or location.

As indicated above, the Complainant's rights in the INTERSPORT trademark predate the registration of the Domain Names. This Panel finds that the Respondent was or should have been aware of the Complainant's trademark at the time of registration. This finding is supported by the content of the Website impersonating the Complainant and displaying the Complainant's INTERSPORT trademark together with its marketing materials (with the exception of the Domain Name <intersport-fr.shop> resolving to PPC links to the competitors of the Complainant which still reinforces the Respondent's awareness of the Complainant).

Moreover, it has been proven to the Panel's satisfaction that the Complainant's INTERSPORT trademark is well known and unique to the Complainant. Thus, the Respondent could not likely reasonably ignore the reputation of this trademark. In sum, the Respondent in all likelihood registered the Domain Names with the expectation of taking advantage of the reputation of the Complainant's INTERSPORT trademark.

Furthermore, the Domain Names (with the exception of the Domain Name <intersport-fr.shop>) were being used in bad faith by the Respondent to offer for sale sport goods at discounted price under the Complainant's INTERSPORT trademark. There is, thus, little doubt that the Respondent intended to earn profit from the confusion created with Internet users. In consequence, the Panel finds that the Respondent registered and used the Domain Names deliberately in order to take advantage of the Complainant's reputation and to give credibility to its operations through the incorporation of the Complainant's INTERSPORT trademark.

As regards the Domain Name <intersport-fr.shop>, the Panel noted that it is used by the Respondent to attract Internet users to a parking page featuring PPC links. With respect to "automatically" generated PPC links, panels have held that a respondent cannot disclaim responsibility for content appearing on the website associated with its domain name. Neither the fact that such links are generated by a third party such as a registrar or auction platform (or their affiliate), nor the fact that the respondent itself may not have directly profited, would by itself prevent a finding of bad faith. See section 3.5, [WIPO Overview 3.0](#).

Lastly, as noted above, it appears that the Respondent not only used fictitious contact details for four of the disputed domain names, but also fraudulently adopted a third party's identity and another third party's physical address for purposes of registering the Domain Names <intersportshop.shop>, <intersport-fr.shop>, and <intersportoutlets.shop>.

For the reasons discussed above, the Panel finds that the Complainant has proved the requirements under paragraph 4(a)(iii) 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 Domain Names <intersportcom.shop>, <intersport-fr.shop>, <intersportoutlet-fr.shop>, <intersport-outlet.shop>, <intersportoutlet.shop>, <intersportoutlets.shop>, <intersportsale.shop>, <intersportshop.shop> and <intersports.shop> be transferred to the Complainant.

*/Piotr Nowaczyk/*

**Piotr Nowaczyk**

Sole Panelist

Date: March 14, 2024