

## **ADMINISTRATIVE PANEL DECISION**

Hill's Pet Nutrition, Inc. v. RussellLHaire, DoreenKMorgan, KathleenEHardy, EddieEGreen, MargaretJReynoso, JuanEBruce, JonathanJPope, LindaEDepew, CareyDGonzales, Li MandaM, MandaMLi, Ruiz AnnaL, AnnaLRuiz  
Case No. D2024-0219

### **1. The Parties**

Complainant is Hill's Pet Nutrition, Inc., United States of America ("United States"), represented by Fross Zelnick Lehrman & Zissu, PC, United States.

Respondents are RussellLHaire, DoreenKMorgan, KathleenEHardy, EddieEGreen, MargaretJReynoso, JuanEBruce, JonathanJPope, LindaEDepew, CareyDGonzales, Li MandaM, MandaMLi, and Ruiz AnnaL, AnnaLRuiz, all located in United States.

### **2. The Domain Names and Registrar**

The disputed domain names <goedkoopHills.com>, <handel-hills.com>, <Hillsachat.com>, <Hills-atelier.com>, <Hillscommerce.com>, <Hills-discount.com>, <Hills-enligne.com>, <Hillslaboutique.com>, <Hillslemagasin.com>, <Hillsmagasin.com>, <Hills-nouveau.com>, <Hills-nouvelle.com>, <Hills officiel.com>, <Hills-rabais.com>, <Hills-boutique.com>, <Hillsstocker.com>, <Hills-vente.com>, <HondenvoerHills.com>, <KortingHills.com>, <lenouveauhills.com>, <nouveauhills.com>, <pascher-hills.com>, <promotion-hills.com>, <Rabaishills.com>, and <remiseHills.com> are registered with OwnRegistrar, Inc. (the "First Registrar").

The disputed domain names <Hills escompte.com>, <Hills escompter.com>, <Hills-nourriture.com>, <Hillsremise.com>, <Hillssoldes.com>, <Hillsuitverkoop.com>, <Hills vendre.com>, and <Hillsverkoop.com> are registered with CNOBIN Information Technology Limited. (the "Second Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 17, 2024. On January 19, 2024, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names. On January 22, 2024, the First 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 (REDACTED FOR PRIVACY) and contact information in the Complaint. On January 23, 2024, the Second 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 (REDACTED FOR PRIVACY) and contact information in the Complaint.

The Center sent an email communication to Complainant on January 23, 2024, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting Complainant to either file separate complaints for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity. Complainant filed an amended Complaint on January 25, 2024.

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 Respondent of the Complaint, and the proceedings commenced on January 31, 2024. In accordance with the Rules, paragraph 5, the due date for Response was February 20, 2024. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on February 23, 2024.

The Center appointed Lorelei Ritchie as the sole panelist in this matter on March 1, 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**

##### **A. The Parties**

Complainant, together with its affiliated companies (collectively "Complainant") is a multinational company based in the United States. For decades prior to the registration of the disputed domain names, Complainant has used the mark HILL'S in connection with its prescription pet food and related products. Complainant owns numerous trademark registrations for its HILL'S mark in the United States and globally. These include, among others, United States Registration Nos. 955,342 (registered March 13, 1973). Complainant also owns the registration for several domain names that incorporate its HILL'S mark. These include <hillspet.com> (registered April 2, 1995), which Complainant uses to connect with customers, employees, and others online.

##### **B. The Disputed Domain Names**

The disputed domain names were registered between July 24, 2023 and August 8, 2023. The disputed domain names have been linked to websites that appear to mimic an official website of Complainant, and which reference products offered by Complainant under its registered HILL'S mark. Respondent has no affiliation with Complainant, nor any license to use its marks.

#### **5. Parties' Contentions**

##### **A. Complainant**

As discussed below, the Complainant contends that the disputed domain names are subject to common control and treats the Respondents in the singular, as the "Respondent".

Complainant contends that (i) the disputed domain names are identical or confusingly similar to Complainants' trademarks; (ii) Respondent has no rights or legitimate interests in the disputed domain names; and (iii) Respondent registered and is using the disputed domain names in bad faith.

Specifically, Complainant contends that it owns the HILL'S mark, which is "immediately recognizable and famous" in the United States and globally. Complainant contends that Respondent has incorporated in full

Complainant's well-known HILL'S mark into the disputed domain names, and merely deleted the non-source-identifying apostrophe, while adding dictionary terms that further add to a likelihood of consumer confusion with Complainant's trademark rights.

Complainant contends that Respondent lacks rights or legitimate interests in the disputed domain names. Complainant asserts that Respondent has used the disputed domain names to create links and websites that appear to mimic official websites from Complainant, while using false contact information. Complainant thus contends that Respondent has registered and is using the disputed domain names in bad faith, having simply acquired the disputed domain names for Respondent's own commercial gain.

## **B. Respondent**

Respondent did not reply to Complainant's contentions.

## **6. Discussion and Findings**

### **Consolidation: Multiple Respondents**

In response to requests from the Center, both the First Registrar and the Second Registrar named multiple registrants, which are reflected in the amended Complaint. Complainant nevertheless alleges that the domain name registrants are the same entity or are otherwise under common control. Complainant thus requests consolidation of the Complaint against the multiple registrants of the disputed domain names pursuant to Paragraphs 3(c) and 10(e) and of the Rules.

Pursuant to WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.2, the Panel considers 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. In this regard, the disputed domain names resolve or have previously resolved to virtually identical websites, each of which appears to mimic an official website of Complainant. Several provide similar false contact information. Similarly, the Respondents themselves appeared to have used incomplete or false contact information for purposes of registration of the disputed domain names, seeing the courier was unable to deliver the Center's written communications to various addresses disclosed for the Respondents. The Panel finds that Complainant has shown prima facie evidence of common control, which the Respondents have neither addressed nor rebutted. The request to consolidate is granted and the Respondents will collectively be hereinafter referred to as the "Respondent".

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

The Panel must first determine whether the disputed domain names are identical or confusingly similar to a trademark or service mark in which Complainant has rights in accordance with paragraph 4(a)(i) of the Policy. The Panel finds that they are. Each of the disputed domain names incorporates in full Complainant's registered HILL'S mark with the mere elimination of the non-source-identifying apostrophe, and with the addition of terms from various languages and standard punctuation such as hyphens.

Numerous UDRP panels have agreed that the addition of a term or terms to a trademark does not prevent a finding of confusing similarity. [WIPO Overview 3.0](#), section 1.8.

The Panel therefore finds that the disputed domain names are confusingly similar to a trademark in which Complainant has rights in accordance with paragraph (4)(a)(i) of the Policy.

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

The Panel next considers whether Complainant has shown that Respondent has no "rights or legitimate interest," as must be proven to succeed in a UDRP dispute. Paragraph 4(c) of the Policy gives examples

that might show rights or legitimate interests in a domain name. These examples include: (i) use of the domain name “in connection with a *bona fide* offering of goods or services;” (ii) demonstration that respondent has been “commonly known by the domain name;” or (iii) “legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.”

No evidence has been presented to the Panel that might support a claim of Respondent’s rights or legitimate interests in the disputed domain names, and Respondent has no license from, or other affiliation with, Complainant. The disputed domain names have all resolved to websites featuring the Complainant’s HILL’S trademark, using images of the Complainant’s products, and with no disclaiming statement concerning the websites’ relationship to the Complainant, in an alleged commercial offering that cannot constitute fair use given the misleading nature of the disputed domain names. [WIPO Overview 3.0](#), section 2.8.

Therefore, the Panel finds that Complainant has provided sufficient evidence of Respondent’s lack of “rights or legitimate interests” in accordance with paragraph 4(a)(ii) of the Policy which Respondent has not rebutted.

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

There are several ways that a complainant can demonstrate that a domain name was registered and used in bad faith. For example, paragraph 4(b)(iv) of the Policy states that bad faith can be shown where “by using the domain name [respondent has] intentionally attempted to attract, for commercial gain, Internet users to [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 [respondent’s] website or location or of a product or service on [the] website or location”. As noted in Section 4 of this Panel’s decision, the disputed domain names have been linked to websites that appear to mimic an official website of Complainant, and which reference products offered by Complainant under its registered HILL’S mark. Hence, Respondent is trading on the goodwill of Complainant’s trademarks to attract Internet users, presumably for Respondent’s own commercial gain. See *Hill’s Pet Nutrition, Inc. v. Chukwuma JuanEBruce, EddieEGreen, JonathanJPope, Li MandaM, MandaMLi*, WIPO Case No. [D2023-5143](#); *Hill’s Pet Nutrition Inc. v. RussellLHaire, WandaRReinoso and AnnaLRuiz*, WIPO Case No. [D2023-5315](#).

The Panel finds that Respondent registered and used the disputed domain names in bad faith in accordance with 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 disputed domain names <goedkoopHills.com>, <handel-hills.com>, <hillsachat.com>, <hills-atelier.com>, <hillscommerce.com>, <hills-discount.com>, <hills-enligne.com>, <hillsaboutique.com>, <hillslemagasin.com>, <hillsmagasin.com>, <hills-nouveau.com>, <hills-nouvelle.com>, <hills officiel.com>, <hills-rabais.com>, <hillss-boutique.com>, <hillsstocker.com>, <hills-vente.com>, <hondenvoerhills.com>, <kortinghills.com>, <lenouveauhills.com>, <nouveauhills.com>, <pascher-hills.com>, <promotion-hills.com>, <rabaishills.com>, <remisehills.com>, <hills escompte.com>, <hills escompter.com>, <hills-nourriture.com>, <hillsremise.com>, <hillssoldes.com>, <hillsuitverkoop.com>, <hillsvendre.com>, and <hillsverkoop.com> be transferred to Complainant.

*/Lorelei Ritchie/*

**Lorelei Ritchie**

Sole Panelist

Date: March 12, 2024