

ADMINISTRATIVE PANEL DECISION

Molson Canada 2005, Coors Brewing Company, Molson Coors Beverage Company v. Name Redacted
Case No. D2024-3200

1. The Parties

The Complainant is Molson Canada 2005, Coors Brewing Company, Molson Coors Beverage Company, Canada, represented by Lipkus Law LLP, Canada (collectively referred to as the Complainant).

The Respondent is Name Redacted¹.

2. The Domain Name and Registrar

The disputed domain name <molsoncoorsus.com> is registered with Hostinger Operations, UAB (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 5, 2024. On August 5, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 7, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Domain Admin, Privacy Protect, LLC (PrivacyProtect.org)) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 7, 2024, 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 August 8, 2024.

¹The Respondent appears to have used the name of a third party when registering the disputed domain name. 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 disputed domain name, 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Annex 1 to the Registrar as part of the order in this proceeding, and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case.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](#).

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 August 15, 2024. In accordance with the Rules, paragraph 5, the due date for Response was September 4, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 6, 2024.

The Center appointed Tobias Malte Müller as the sole panelist in this matter on September 23, 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 Complaint has been brought by three Complainants: (1) Molson Canada 2005; (2) Coors Brewing Company; and (3) Molson Coors Beverage Company.

It results from the Complainant's documented allegations that they own trademarks as follows:

Molson Canada 2005 is the registered owner of the following trademarks for MOLSON:

- US Trademark No. 672613, registered on January 13, 1959 for goods in class 32; and
- Canadian Trademark No. 415051, registered on November 30, 1979 for goods in class 32.

Coors Brewing Company is the registered owner of the following trademark for COORS:

- Canadian Trademark No. 409468, registered on November 17, 1978 for goods in class 32.

Molson Coors Beverage Company is the registered owner of the following trademark for COORS:

- US Trademark No. 1071095, registered on August 9, 1977 for goods in class 32.

The Respondent is indicated to be located at "250 S Wacker Dr, Chicago, IL, 60606". It is alleged in the Complaint that this address is the address of the Complainant Molson Coors Beverages Company in the United States.

The Respondent registered the disputed domain name on July 17, 2024. The language of the registration agreement is English.

The disputed domain name automatically redirects users to the Complainant's website <molsoncoors.com>. Additionally, the Complainant has undisputedly evidenced that the Respondent has also configured the disputed domain name for email, by active mail exchanged ("MX") record.

5. Parties' Contentions

A. Complainant

The Complaint has been brought by three Complainants as a single consolidated Complaint against the Respondent. The Complainants have not explicitly requested the Panel to grant consolidation.

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

Notably, the Complainant contends that:

(1) the disputed domain name is confusingly similar to its trademarks COORS and MOLSON, since it incorporates these marks entirely. The addition of the abbreviation term “us” (for United States of America) is not sufficient to escape the finding of confusing similarity;

(2) the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant asserts that the Respondent is not commonly known under the disputed domain name. In addition, the Respondent is not known to the Complainant either, in particular, it is not affiliated with nor authorized by the Complainant in any way. Moreover, the disputed domain name resolves to the Complainant’s official website, which is not a bona fide offering of goods or services by means of the disputed domain name, or a legitimate noncommercial or fair use of it. Finally, the Complainant alleges – without providing evidence thereof – that the name of the Respondent belongs to one of the Complainant’s employees; and

(3) that the Respondent’s registration and use of the disputed domain name constitutes bad faith. Since the disputed domain name entirely contains the Complainant’s trademarks and resolves to the Complainant’s official website, the Complainant considers it reasonable to infer that the Respondent has registered the disputed domain name with full knowledge of the Complainant’s trademarks. The Complainant therefore concludes that the disputed domain name has been registered in an effort to take advantage of the good reputation of the Complainant’s trademarks, with the sole aim to create a likelihood of confusion with those marks. Finally, the disputed domain name has been set up with MX records which suggests that it may be actively used for email purposes. This is also indicative of bad faith registration.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs this Panel to “decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable”.

Furthermore, paragraph 4(a) of the Policy requires the Complainant to prove each of the following three elements in order to obtain an order that the disputed domain name should be transferred or cancelled:

(i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and

(ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and

(iii) the disputed domain name has been registered and is being used in bad faith.

Before addressing these three elements, the Panel will briefly focus on one procedural issue:

A. Consolidation

A consolidated complaint brought by multiple complainants may be accepted where the criteria described below are prima facie met. Furthermore, it is up to the Panel to issue a final determination on consolidation, which may apply in its discretion. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ([“WIPO Overview 3.0”](#)), section 4.11.

Where a complaint is brought by multiple complainants against a single respondent, panels look at whether (i) the complainants have a specific common grievance against the respondent, or the respondent has engaged in common conduct that has affected the complainants in a similar fashion, and (ii) it would be equitable and procedurally efficient to permit the consolidation. [WIPO Overview 3.0](#), section 4.11.2.

The Panel notes that the Complainant did not explicitly request the consolidated complaint to be accepted and did not claim a specific common grievance against the Respondent. The Panel further notes that also the Respondent in the case at hand failed to come forward with any allegations or evidence to object to the consolidation. However, it results from the undisputed facts brought forward by the Complainant that the trademarks MOLSON and COORS are owned by Molson Breweries, Coors Brewing Company, and Molson Coors Beverage Company and are included in the disputed domain name. In the light of the above, the Panel agrees that these three Complainants have a common grievance against the Respondent and does not see reasons why a consolidated complaint brought by Complainants Molson Breweries, Coors Brewing Company, and Molson Coors Beverage Company against a single respondent would not be fair and equitable.

For reasons of procedural efficiency, fairness and equity the Panel therefore orders the consolidated complaint to be accepted for Complainants Molson Breweries, Coors Brewing Company, and Molson Coors Beverage Company and will therefore proceed to analyze whether the three elements of paragraph 4(a) of the Policy are satisfied.

B. 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.

The Complainant has shown rights in respect of a trademark or service marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the marks MOLSON and COORS is reproduced within the disputed domain name, followed by the element "us", which is the two-letter country code for the United States of America. Although the addition of other terms 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 name and the mark for the purposes of the Policy, [WIPO Overview 3.0](#), section 1.8.

Overall, the Panel therefore finds these marks are recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy, [WIPO Overview 3.0](#), section 1.7.

The Panel finds the first element of the Policy has been established.

C. 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.

Although 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 difficult 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 (although the burden of proof always remains on the complainant). 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.

First, it results from the Complainant's uncontested evidence that the disputed domain name resolves to the Complainant's official website and therefore giving the false appearance of being linked to the Complainant, which is, however, not the case as the Complainant undisputedly confirmed. In this Panel's view, such use cannot be qualified as a bona fide offering of goods or services in accordance with paragraph 4(c)(i) of the Policy, since such use is likely to mislead Internet users. In addition, the Respondent did not submit any evidence of bona fide pre-Complaint preparations to use the disputed domain name. In particular, the Complainant's uncontested allegations demonstrate that it has not authorized or licensed the Respondent's use of the trademark for registering the disputed domain name which is confusingly similar to the Complainant's trademark.

Furthermore, the Panel notes that there is no evidence in the record or Whois information showing that the Respondent might be commonly known by the disputed domain name in the sense of paragraph 4(c)(ii) of the Policy.

Finally, the Panel notes that there is no evidence in the record either showing that the Respondent might be making a noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark at issue pursuant to paragraph 4(c)(iii) of the Policy. In particular, the Panel considers it obvious that the disputed domain name which entirely incorporates the trademark carries a high risk of implied affiliation. In addition, the connection to the Complainant's official website effectively impersonates or suggests sponsorship or endorsement of the disputed domain name (and eventual emails sent under this domain name) by the trademark owner. This assessment is facilitated by the following factors by comparative reference to the criteria set forth in section 2.5.2 of the [WIPO Overview 3.0](#):

- (i) the absence of any indications as to whether or not the respondent reasonably believes its use to be truthful and well-founded;
- (ii) it is not clear to Internet users typing the disputed domain name into their browser that they are redirected to the Complainant's website without its consent; and
- (iii) no explanation is provided.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. 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 name such as those enumerated in the Policy or otherwise.

The Panel finds the second element of the Policy has been established.

D. 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.

One of these circumstances that the Panel finds applicable to the present dispute is that the Respondent by using the disputed domain name, has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the Complainant's marks as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location (paragraph 4(b)(iv) of the Policy).

It is the view of this Panel that these circumstances are met in the case at hand:

It results from the documented and undisputed evidence provided by the Complainant that the disputed domain name, which contains the Complainant's trademarks identically, resolves to the Complainant's official website. Panels have moreover found redirecting to the complainant's website to support a finding that a respondent has registered a domain name to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the complainant's mark, [WIPO Overview 3.0](#), section 3.1.4.

Furthermore, and in the absence of any evidence to the contrary, the Panel is convinced that the Respondent positively knew the Complainant's trademarks and website. Registration of a domain name which contains a third party's trademark, in awareness of said trademark and in the absence of rights or legitimate interests is suggestive of registration in bad faith. See e.g., *Vorwerk International AG v. ayoub lagnadi, Lagnadi LTD*, WIPO Case No. [D2022-1592](#) with further references.

Finally, the above findings of bad faith registration and use is supported by the following further circumstances resulting from the case at hand:

- (i) the distinctiveness of the Complainant's trademark which has existed since before the date the Respondent registered the disputed domain name;
- (ii) the fact that the address details disclosed for the Respondent by the Registrar were those of one of the Complainants;
- (iii) the fact that the Respondent connected the disputed domain name to a MX server;
- (iv) the Respondent's failure to submit a formal response and to reply to the communications sent to before starting the present UDRP proceedings;
- (v) the Respondent's failure to provide any evidence of actual or contemplated good-faith use; and
- (vi) the implausibility of any good faith use to which the disputed domain name may be put.

The Panel finds that the Complainant has established the third element 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 name <molsoncoorsus.com> be transferred to the Complainant.

/Tobias Malte Müller/

Tobias Malte Müller

Sole Panelist

Date: October 7, 2024