

## **ADMINISTRATIVE PANEL DECISION**

Molson Canada 2005, Coors Brewing Company, Molson Coors Beverage Company v. Keith Jones, LKurtis  
Case No. D2024-3201

### **1. The Parties**

Complainant is Molson Canada 2005, Coors Brewing Company, Molson Coors Beverage Company, United States of America (“United States”), represented by Lipkus Law LLP, Canada.

Respondent is Keith Jones, LKurtis, United States.

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

The disputed domain names <coors.bot> and <molsoncoors.bot> (the “Domain Names”) are registered with NameCheap, Inc. (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 Domain Names. On August 6, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Names which differed from the named Respondent (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email to Complainant on August 12, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on August 13, 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 August 15, 2024. In accordance with the Rules, paragraph 5, the due date for Response was September 4, 2024. The Response was filed with the Center on August 31, 2024.

Complainant submitted an unsolicited supplemental filing to the Center on September 4, 2024, and Respondent replied on the same day. In its discretion, the Panel reviewed these unsolicited materials but disregarded them in making its decision, because the Parties largely rehashed points they had previously raised or could have raised.

The Center appointed Robert A. Badgley as the sole panelist in this matter on September 11, 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 Parties have raised numerous factual allegations and legal arguments which, in the Panel's view, are not necessary for a disposition of this dispute under the standards of the UDRP. Such allegations and arguments will be ignored herein.

Complainant alleges as follows:

"MOLSON COORS is one of the largest brewing companies in the world, operating in Canada, the United States of America, Europe, the United Kingdom and other export markets. MOLSON is an important Canadian based brewery responsible for the production and marketing of several popular brands most notably, Molson Canadian. MOLSON is headquartered in Toronto, Ontario."

"COORS is an important American based brewery responsible for the production and marketing of several popular brands, including Coors Banquet and Coors Light. COORS is headquartered in Milwaukee, Wisconsin."

"In 2005, COORS' holding company, Adolph Coors Company, merged with MOLSON's holding company, Molson Inc., to become MOLSON COORS. MOLSON COORS operates multiple breweries globally, including 22 in the Americas. The Complainants have been engaged in the manufacturing, production and sale of malt beverages such as beers and liquors, all in association with one or more of the Complainants' Intellectual Properties."

"Since its formation, the Complainants have used and registered several of its marks in Canada, the United States, Europe and throughout the world. [...] Specifically, in the United States, the Complainant has used its MOLSON trademarks since as early as 1935 and COORS has used its trademarks since as early as 1915. As a result of such use, customers in Canada, the United States and worldwide have come to associate the MOLSON and COORS marks with Complainant's history and high-quality beer. MOLSON has been producing beer since 1774 in breweries in Canada whereas COORS has been producing beer since 1873 in the United States. Accordingly, the Complainant has developed considerable goodwill in the MOLSON and COORS marks."

Annexed to the Complaint are documents corroborating the foregoing allegations.

Complainant holds numerous trademark registrations for MOLSON, COORS, and MOLSON COORS, including: United States Patent and Trademark Office ("USPTO") Reg. No. 672,613 for the word mark MOLSON (registered on January 13, 1959); USPTO Reg. No. 1,071,095 for the word mark COORS (registered on August 9, 1977); and China Reg. No. 8060808 for the word mark MOLSON COORS (registered on February 24, 2011).

Complainant has owned the domain name <molsoncoors.com> since 2004, and uses that domain name to host a commercial website promoting its beer and related products. According to Complainant, this website has received hundreds of millions of visits.

The Domain Names were both registered on July 11, 2024. Both Domain Names resolve to a parking page indicating that the Domain Names are available for sale. The <coors.bot> Domain Name is listed for sale, in Canadian dollars (“CAD”) for CAD 68,653.03, and the <molsoncoors.bot> Domain Name is listed for sale for CAD 41,190.44.

Complainant’s counsel sent Respondent a cease-and-desist letter dated July 24, 2024. On August 12, 2024, Respondent sent an email response, stating in part:

“Again, as a domain investor who understands the rules of domains, I legally acquired these domains through legitimate and standard business practices. These domains were publicly available for registration, and I secured them in full compliance with applicable laws. It is important to clarify that I have not used these domains in any manner that would infringe upon the Molson Coors trademarks, nor have I engaged in any activities that would cause confusion or mislead consumers. And in the end, this is what your client will need to prove.”

“My acquisition of these domains was a standard investment decision, not an attempt to infringe on any rights. If my intent had been to profit from your client’s trademarks in bad faith, I could have sold these domains long before you reached out to me. And let’s be clear, it was your client who initiated contact with me, not the other way around. Again, no harm was intended here (nor was it caused) as Coors in my family, is literally referred to as “the nectar of the gods” my by 84 year old father who will drink nothing else.”

“Furthermore, the ongoing communications on this matter will inevitably incur significant attorney fees on your client’s side—likely enough to cover the cost of at least one domain by the time we conclude this discussion. Meanwhile, this costs me nothing more than my time, which I allocate as I see fit. Again, I didn’t start this, your client did. I will not be the target of your client’s panic in their failure to secure domains like this.”

“In the end, all I did was acquire domains that were publicly available and that your clients marketing department clearly missed. That oversight is not on me.”

“Given the situation, I am open to discussing a mutually agreeable resolution, including a potential settlement for the transfer of these domains. However, I am fully prepared to defend my position if your client chooses to pursue this matter through WIPO or any other legal avenue.”

“It is worth noting that continuing this dispute could result in significant legal expenses for Molson Coors, with no guarantee of a favorable outcome.”

“I respectfully suggest that we focus on finding a resolution that benefits both parties. I am prepared to engage in meaningful discussions to that end. I am by no means looking for a fight here sir, but please understand, your client engaged me and i am prepared to defend what I own.”

Nowhere in his pre-Complaint communications with Complainant’s counsel nor in this proceeding does Respondent describe, even in broad outline, what his actual plans were vis-à-vis the Domain Names.

## **5. Parties’ Contentions**

### **A. Complainant**

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Names.

## **B. Respondent**

Respondent's essential position in this case is probably best captured in the August 12, 2024 email quote above, and more succinctly in the passage below:

"Molson Coors's reliance on older UDRP decisions involving traditional domains like .com, .net, and .cc is not relevant to the circumstances of emerging domain extensions like .bot, .app, or .ai. These precedents fail to address the complexities of modern digital technologies. The registration of these domains is part of a forward-looking investment strategy, particularly in the context of AI and automation..."

## **6. Discussion and Findings**

Paragraph 4(a) of the Policy lists the three elements which Complainant must satisfy with respect to the Domain Name:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

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

The Panel finds that Complainant has rights in the marks MOLSON, COORS, and MOLSON COORS through registration and use demonstrated in the record. The Panel also finds that each of the Domain Names is identical to one of the foregoing marks.

Complainant has established Policy paragraph 4(a)(i).

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

For each of the Domain Names, pursuant to paragraph 4(c) of the Policy, Respondent may establish its rights or legitimate interests in the Domain Name, among other circumstances, by showing any of the following elements:

- (i) before any notice to you [Respondent] of the dispute, your use of, or demonstrable 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; or
- (ii) you [Respondent] (as an individual, business, or other organization) have been commonly known by the Domain Name, even if you have acquired no trademark or service mark rights; or
- (iii) you [Respondent] are 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 or service mark at issue.

The Panel concludes that Respondent lacks rights or legitimate interests in connection with the Domain Names. Respondent claims to be a professional domainer acting in good faith, and asks the Panel to consider the Domain Names in the context of his overall business model, but provides no evidence of his general business model. Moreover, Respondent knew that the Domain Names corresponded to Complainant's marks. As far as the record reveals, Respondent's only conduct vis-à-vis the Domain Names which, again, correspond to well-known trademarks, was to list them for sale for hefty prices.

Respondent argues that the fact that these Domain Names have the generic Top-Level Domain ("gTLD") of .bot makes them somehow different from the more traditional .com Domain Names. While the Panel accepts that some .bot Domain Names may well be registered for reasons different from the reasons motivating .com Domain Name registrations, and while the Panel accepts that each case should be decided on its own merits

and in light of the circumstances of each case, the fact remains that the same UDRP standards apply to .com and .bot domain name disputes. Respondent's vague assertions to the contrary cannot overcome this basic fact.

Further to the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, section 2.14.2, "If ... the meaning of the TLD appears to corroborate the respondent's bona fide use or demonstrable preparations to use the domain name (e.g., the respondent has a legitimately obtained and used trademark covering goods or services connected to the meaning of the relevant TLD), the selection of the TLD may support respondent rights or legitimate interests in the domain name". Here, however, Respondent has provided no actual evidence to show why, in this case, his offering a pair of .bot Domain Names for sale at a huge markup should be regarded differently from the same conduct attendant to a pair of .com domain names.

In short, on the record presented here, Respondent's only apparent motive was to take advantage of the renown of Complainant's trademarks by selling the Domain Names for amounts well in excess of his documented put-of-pocket costs. Such conduct does not give rise to rights or legitimate interests under the Policy.

Complainant has established Policy paragraph 4(a)(ii).

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

For each of the Domain Names, paragraph 4(b) of the Policy provides that the following circumstances, "in particular but without limitation," are evidence of the registration and use of the Domain Name in "bad faith":

- (i) circumstances indicating that Respondent has registered or has acquired the Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Domain Name registration to Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of its documented out of pocket costs directly related to the Domain Name; or
- (ii) that Respondent has registered the Domain Name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that Respondent has engaged in a pattern of such conduct; or
- (iii) that Respondent has registered the Domain Name primarily for the purpose of disrupting the business of a competitor; or
- (iv) that 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 Complainant's mark as to the source, sponsorship, affiliation, or endorsement of Respondent's website or location or of a product or service on Respondent's website or location.

The Panel concludes that Respondent registered and used the Domain Name in bad faith under the Policy. The Panel incorporates its discussion above in the "Rights or Legitimate Interests" section. On this record, the Panel finds it clear that Respondent targeted Complainant's MOLSON, COORS, and MOLSON COORS trademarks when registering the Domain Names, and has used the Domain Names for illegitimate commercial gain by seeking to sell them at a hefty profit. This constitutes bad faith registration and use within the meaning of the above-quoted Policy paragraph 4(b)(i).

Complainant has established 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 Domain Names <coors.bot> and <molsoncoors.bot> be transferred to Complainant.

*/Robert A. Badgley/*

**Robert A. Badgley**

Sole Panelist

Date: September 29, 2024