

ADMINISTRATIVE PANEL DECISION

Champion Products Europe Limited v. Susanne Biermann
Case No. D2024-3984

1. The Parties

The Complainant is Champion Products Europe Limited, Ireland, represented by Bird & Bird Società tra Avvocati S.r.l., Italy.

The Respondent is Susanne Biermann, Germany.

2. The Domain Name and Registrar

The disputed domain name <championgronline.com> is registered with Web Commerce Communications Limited dba WebNic.cc (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 27, 2024. On September 30, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 30, 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 ("Redacted for Privacy") and contact information in the Complaint. The Center sent an email communication to the Complainant on October 1, 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 October 4, 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 the Respondent of the Complaint, and the proceedings commenced on October 9, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 29, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 30, 2024.

The Center appointed Knud Wallberg as the sole panelist in this matter on November 4, 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 limited liability company located in Dublin, Ireland, and is part of the Hanesbrands group.

The Complainant is a manufacturer of everyday basic apparel and promotes as well as distributes the products all over the world, inter alia under the well-known trademark CHAMPION, and has done that since 1919.

The Complainant is the owner of the trademark CHAMPION ("CHAMPION trademark"), including:

- European Union Trademark registration CHAMPION No. 000122630, registered on August 10, 1998,
- European Union Trademark registration CHAMPION No. 000122598, registered on October 6, 1998,
- European Union Trademark registration CHAMPION No. 005777834, registered on January 9, 2008,
- European Union Trademark registration CHAMPION No. 018329326, registered on February 24, 2022, and
- European Union Trademark registration CHAMPION No. 018329321, registered on August 30, 2021.

The Complainant's group is also the owner of domain names including the CHAMPION trademark, inter alia the domain names <championstore.com> and <champion.com>.

The Respondent registered the disputed domain name on February 20, 2024. The Complainant claims that the disputed domain name redirected to a website that allegedly promoted CHAMPION-branded products and included content from the Complainant's official websites, providing a screen capture of said website. Currently, the disputed domain name does not resolve to an active page.

5. Parties' Contentions

A. Complainant

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

Notably, the Complainant contends that the disputed domain name is confusingly similar to the Complainant's CHAMPION trademark, since it includes the entirety of the Complainant's mark with the addition of the descriptive term "online" and the likewise descriptive geographical term "gr" for Greece.

The Complainant further submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent has no relation to the Complainant and the Respondent has never been given permission by the Complainant to use the Complainant's CHAMPION trademark for any purpose, and there is nothing in the publicly available information that demonstrates that the Respondent is commonly known by the disputed domain name.

Finally, the Complainant submits that the disputed domain name was registered and is being used in bad faith. The Respondent's bad-faith registration and use of the disputed domain name is evidenced by the fact that Respondent has intentionally attempted to attract Internet users to Respondent's website by creating a likelihood of confusion with Complainant's CHAMPION trademark as to the source, affiliation, or endorsement of Respondent's website inter alia by reproducing and displaying the Complainant's CHAMPION trademark and as well as by reproducing and displaying other content from Complainant's

official websites. The above is confirmed considering that the Complainant has already received a complaint from one of its customers who have executed a purchase from the website at the disputed domain name.

B. Respondent

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

6. Discussion and Findings

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 of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

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

The Panel finds the CHAMPION mark is recognizable within the disputed domain name since the entirety of the mark is reproduced 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.

Although the addition of other terms here, "gr" and "online", may bear on assessment of the second and third elements, the Panel finds the addition of such terms 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.

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.

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.

The Panel notes that the Complainant provided a screen capture of a Google search which listed a link to a website which had the disputed domain name as address and on which the depiction in the link quite clearly demonstrates that the linked-to website offers CHAMPION-branded products. The Panel does however note that the Complainant did not provide sufficient information to establish that the content of the immediately listed website was *de facto* identical to the content of website "www.shoponlinegreece.com", which the Complainant claims is a website that promotes CHAMPION-branded products and which includes content from the Complainant's official websites.

However the Panel does find that 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.

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.

In the present case, the Panel considers that the record of this, including the above mentioned apparent use of the disputed domain name reflects that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or of a service on the Respondent's website. Paragraph 4(b)(iv) of the Policy, and [WIPO Overview 3.0](#), section 3.1.4.

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 <championgronline.com> be transferred to the Complainant.

/Knud Wallberg/

Knud Wallberg

Sole Panelist

Date: November 18, 2024