

ADMINISTRATIVE PANEL DECISION

Champion Products Europe Limited v. Sophia Bohm
Case No. D2024-3986

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 Sophia Bohm, Germany.

2. The Domain Name and Registrar

The disputed domain name <champion-gr.com> is registered with Key-Systems GmbH (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 Philippe Gilliéron 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, which manufactures and sells activewear apparel under numerous brands, in particular CHAMPION. Apparel under the CHAMPION brand has been offered since 1919.

The Complainant owns numerous trademarks consisting of the word “Champion” under classes 18, and 28 on a worldwide basis, such as:

- The word European Union Trademark n° 000122630, registered on August 10, 1998 with a priority date as of April 1, 1996.
- The device European Union Trademark n° 018329321, registered on August 30, 2021 with a priority date as of November 2, 2020.

The Complainant further owns through its holding company Hanesbrands, Inc. domain names such as <championstore.com> and <champion.com> that are attached to websites meant to sell the Complainant’s products.

On March 9, 2023, the disputed domain name was registered.

The website associated with the disputed domain name redirects to the domain name <shoponlinegreece.com>. The Complainant has provided evidence that the webpage at “www.shoponlinegreece.com” copied content from the Complainant’s official branded website, including images of the Complainant’s products displaying its logo, that belong to the Complainant. The website attached to the disputed domain name allows users to enter personal and financial information and to place orders for products, and the products displayed on the page seems to be counterfeits and/or fake listings.

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 disputed domain name.

Notably, the Complainant contends that the disputed domain name is confusingly similar to its trademark CHAMPION as it entirely incorporates it and that the addition of a term like “-gr”, which will be understood as referring to Greece, a mere geographical descriptive term that is unlikely to exclude the resulting likelihood of confusion.

The Complainant further affirms that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant has never licensed or authorized the Respondent to use its trademark and the Respondent is not commonly known under that name. The Respondent appears to be using the website at the disputed domain name to impersonate the Complainant as part of a fraud and/or phishing scheme, by allowing users to enter personal and financial information by attempting to place orders for the Complainant’s products, despite the Respondent not being authorized to sell such products. Such a use cannot be considered a bona fide offering of goods and services.

The Complainant finally is of the view that the disputed domain name was registered and is being used in bad faith. The use described above demonstrates that the Respondent was clearly aware of its trademark CHAMPION when she decided to register the disputed domain name. Such a use obviously amounts to a use in bad faith.

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.”

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

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

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, which is considered a leading to a confusing similarity between the Complainant's trademark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7. Furthermore, panels have further priorly agreed that the addition of a geographical term as “gr”, which will be understood as referring to Greece, does not prevent a finding of confusing similarity between the Complainant's trademark and the disputed domain name.

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.

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.

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 notes that the Respondent has registered a domain name which entirely reproduces the Complainant's trademark, and which redirects users to a website which reproduces the Complainant's products, trademarks and logos in relation to potentially counterfeit products. As a result, there is no doubt that the Respondent was well aware of the Complainant's trademark when she registered the disputed domain name.

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.

Panels have held that the use of a domain name for illegal activities here, arguably the sale of counterfeit goods or, at a minimum, the impersonation of the Complainant, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds that the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

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 <champion-gr.com> be transferred to the Complainant.

/Philippe Gilliéron/

Philippe Gilliéron

Sole Panelist

Date: November 15, 2024