

ADMINISTRATIVE PANEL DECISION

HESTRA-Handsken AB v. zheng zhou
Case No. D2024-4197

1. The Parties

The Complainant is HESTRA-Handsken AB, Sweden, represented by Advokatbyrån Gulliksson AB, Sweden.

The Respondent is zheng zhou, China.

2. The Domain Name and Registrar

The disputed domain name <hestragloves-se.com> is registered with Cosmotown, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 11, 2024. On October 11, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 12, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 14, 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 15, 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 17, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 6, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 7, 2024.

The Center appointed Emre Kerim Yardimci as the sole panelist in this matter on November 13, 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, HESTRA-Handsken AB which is founded in 1936 is the owner of the trademark HESTRA in connection with gloves and accessories. The Complainant has been using the trademark HESTRA prior to the registration of the disputed domain name and holds several trademark registrations throughout the world among others following trademark registrations:

- the European Union Registration with no. 004941902 for HESTRA trademark registered on February 12, 2007, for the goods in classes 09, 18, 25, and 28

- the United States of America Registration with no. 2888727 for HESTRA trademark registered on September 28, 2004, for the goods in classes 25 and 28

The Complainant is the proprietor of many domain names containing the HESTRA trademark, such as <hestragloves.se>, <hestragloves.com>, and <hestragloves.us>.

The Respondent has registered the disputed domain name with the Registrar on September 10, 2024.

At the time of the Complaint, the disputed domain name did resolve to an active website displaying the Complainant's HESTRA trademarks and purportedly offering for sale its products.

5. Parties' Contentions

A. Complainant

The Complainant asserts that the disputed domain name is confusingly similar, and at the same time, incorporating the Complainant's well-known trademark HESTRA and that the additions of the descriptive word "gloves" and Swedish country code Top-Level Domain "se" reinforce the association between the disputed domain name and the Complainant's trademark.

The Complainant considers that the Respondent has no rights or legitimate interests in respect of the disputed domain name, mainly because the Complainant has neither licensed nor otherwise authorized the Respondent to use its marks or to apply for or use any domain name incorporating the trademark HESTRA. The Complainant further asserts that although the Respondent is not using the disputed domain name, any future use cannot be considered for a bona fide offering of goods and services.

Finally, in addressing the question of registration or use of the disputed domain name in bad faith, the Complainant observes that the Respondent knew of the Complainant's activity and prior trademark rights when the Respondent registered the disputed domain name. The Complainant further argues that the fact that the disputed domain name resolves to a website with unauthorized use of the Complainant's logo, Complainant's products in Swedish language is clear evidence of bad faith registration and use at the same time.

The Complainant finally claims that the Respondent is using the disputed domain name with the aim to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's trademark and for the purpose of disrupting the Complainant's business and targeting the Complainant's trademark.

B. Respondent

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

6. Discussion and Findings

Pursuant to paragraph 4(a) of the Policy, the Complainant is required to prove the presence of each of the following three elements to obtain the remedy it has requested:

- (i) the disputed domain name is identical or confusingly similar to a trademark or 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 or is being used in bad faith.

Pursuant to paragraph 15(a) of the Rules, the Panel shall decide a Complaint on the basis of the statements and documents submitted and in accordance with the Policy, the Rules, and any rules and principles of law that it deems applicable.

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires the Complainant to show that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights.

A registered trademark provides a clear indication that the rights in the mark shown on the trademark certificate belong to its respective owner.

In this respect the Panel notes that the disputed domain name does not only integrate the Complainant's HESTRA trademark at the same time, but it is also formed through the combination of the Complainant's field of activity i.e., "gloves" and the place where it is established i.e., the abbreviation "se" which is an important point that will be taken into consideration during the analysis of the third element.

Therefore, in the Panel's view, the disputed domain name is confusingly similar to two trademarks of the Complainant for purposes of standing to proceed with its claim. As regards the generic Top-Level Domain ".com", it is typically disregarded under the confusing similarity test.

Consequently, the Panel finds that the Complainant has satisfied the requirement under paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The onus is on the Complainant to make out at least a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name, and it is then for the Respondent to rebut this case. See section 2.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)).

The Panel accepts the Complainant's submissions that the Respondent does not appear to be commonly known by the disputed domain name, has not used, or made demonstrable preparations to use the disputed domain name in connection with a bona fide offering of goods or services, is not making a legitimate noncommercial or fair use of the disputed domain name, and has no consent from the Complainant to use its trademark.

The Respondent has not filed a Response.

Rather, the Respondent has used the disputed domain name, which being identical to the Complainant's HESTRA trademark carries a high risk of implied affiliation, to present a website that impersonates the Complainant in its language of origin, clearly reflecting the Respondent's intention to mislead unsuspecting Internet users as to the affiliation of the disputed domain name to the Complainant, which cannot confer rights or legitimate interests upon the Respondent.

The Panel finds that the disputed domain name carries a risk of implied affiliation with the Complainant. See section 2.5.1 of the [WIPO Overview 3.0](#). Panels have moreover held that the use of a domain name for illegitimate activity (e.g., impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent.

The Complainant has made out its prima facie case under this element of the Policy and the Respondent has failed to rebut it. Accordingly, the Complainant succeed in relation to the second element of the Policy.

C. Registered and Used in Bad Faith

The Panel finds that the Respondent has registered and used the disputed domain name to intentionally attempt to attract for commercial gain Internet users to its website by creating a likelihood of confusion with the Complainant's HESTRA trademark together with descriptive word "gloves" referring to the Complainant's activity and the abbreviation "se" referring to Sweden where the Complainant is established since its foundation.

As a matter of fact, considering:

- the use of the Complainant's trademark within the disputed domain name,
- the striking similarity of the previous website content under the disputed domain name with the Complainant's own website,
- the use of the Complainant's trademark on the website under the disputed domain name, and
- the use of the Complainant's copyrighted photos on the website under the disputed domain name,

it is clear that the Respondent has targeted the Complainant and its HESTRA trademark to further its own commercial activities.

The Respondent's registration of the disputed domain name composed of the Complainant's HESTRA trademarks for a website impersonating the Complainant's website clearly constitutes bad faith use and registration.

Therefore, the only reason for the registration of the disputed domain name by the Respondent must have been with bad faith intent to use it to exploit, for commercial gain, the reputation of the Complainant and its trademarks. The Respondent has used the disputed domain name for precisely that purpose.

Therefore, in view of cumulative circumstances, the Panel finds that the requirement of registration and use in bad faith is satisfied, according to 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 <hestragloves-se.com> be transferred to the Complainant.

/Emre Kerim Yardimci/

Emre Kerim Yardimci

Sole Panelist

Date: November 27, 2024