

## **ADMINISTRATIVE PANEL DECISION**

### **Sorel Corporation v. Client Care, Web Commerce Communications Limited Case No. D2022-4857**

#### **1. The Parties**

The Complainant is Sorel Corporation, United States of America, represented by Strategic IP Information Pte Ltd., Singapore.

The Respondent is Client Care, Web Commerce Communications Limited, Malaysia.

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

The disputed domain name <caribouaonline.com> (the “Domain Name”) is registered with Alibaba.com Singapore E-Commerce Private Limited (the “Registrar”).

#### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 19, 2022. On December 19, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On December 28, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on December 28, 2022 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 January 2, 2023.

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 January 5, 2023. In accordance with the Rules, paragraph 5, the due date for Response was January 25, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 27, 2023.

The Center appointed Jonas Gulliksson as the sole panelist in this matter on February 9, 2023. 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 the proprietor of *inter alia* the United States Trademark no. 5519821, CARIBOU, registered July 17, 2018, in relation e.g. to footwear.

The Domain Name was registered on June 2, 2021.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant asserts, substantially, the following;

The Domain Name is identical or confusingly similar to a trademark in which the Complainant has rights.

The Respondent has no rights or legitimate interests in respect of the Domain Name. The Complainant has not authorized the Respondent to use the CARIBOU trademark, neither in whole nor in part, in any manner whatsoever, including as a domain name. The use of CARIBOU as a part of the Domain Name is *mala fide* and solely intended towards portraying the Domain Name as associated with or related to the Complainant, its products and its activity.

The Domain Name was registered and is being used in bad faith. The Complainant has a long and well-established reputation in the CARIBOU trademark through its exclusive use throughout the world in relation to footwear. There can be no doubt that the Respondent was aware of the Complainant's CARIBOU trademark when the Domain Name was chosen and registered well after the Complainant's lengthy and worldwide use of the trademark. The Respondent's bad faith in registering the Domain Name is further evidenced by the fact that the website to which the Domain Name resolves contains suggestive images of CARIBOU products; a clear attempt to pass off the website in question as being associated with or endorsed by the Complainant.

##### **B. Respondent**

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

#### **6. Discussion and Findings**

The burden for the Complainant under paragraph 4(a) of the Policy is to prove:

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

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

The Complainant has established that it holds trademark rights in relation to CARIBOU.

The Domain Name incorporates "caribou" in its entirety. The addition of "auonline" does not prevent a finding of confusing similarity between the Complainant's CARIBOU trademark and the Domain Name.

Further, it is well established that Top-Level Domains like “.com”, typically are disregarded in the assessment of confusing similarity (see section 1.11.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”)).

Considering what has been stated above, the Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights.

#### **B. Rights or Legitimate Interests and Registered and Used in Bad Faith**

As mentioned above, the Domain Name incorporates the Complainant’s CARIBOU trademark in its entirety. The Complainant has not granted the Respondent any license, authorization, or other right to use its CARIBOU trademark.

The content of the website to which the Domain Name resolves (the “Domain Name Website”) clearly reflects the Respondent’s awareness of and intent to target the Complainant. The content of the Domain Name Website indicates that the Respondent intentionally has tried to attract, for commercial gain, Internet users to the Domain Name Website by creating a likelihood of confusion with the Complainant’s CARIBOU trademark as to the source, sponsorship, affiliation, or endorsement of the Domain Name Website and the products supposedly offered on such websites. Under such circumstances, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Name. The aforementioned use of the Domain Name shows, along with the similarity between the Domain Name and the Complainant’s CARIBOU trademark, that that the Domain Name was registered and is being used in bad faith.

#### **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 Name be transferred to the Complainant.

*/Jonas Gulliksson/*

**Jonas Gulliksson**

Sole Panelist

Date: February 23, 2023