

ADMINISTRATIVE PANEL DECISION

Sony Group Corporation v. Hulmiho Ukolen, Poste restante
Case No. D2023-3840

1. The Parties

The Complainant is Sony Group Corporation, Japan, represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is Hulmiho Ukolen, Poste restante, Finland

2. The Domain Name and Registrar

The disputed domain name <sonyelectronics.com> is registered with Gransy, s.r.o. d/b/a subreg.cz (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 14, 2023. On September 14, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 15, 2023, 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 (Domain Admin, Whois protection,) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 18, 2023, 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 September 20, 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 September 25, 2023. In accordance with the Rules, paragraph 5, the due date for Response was October 15, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 18, 2023.

The Center appointed Erica Aoki as the sole panelist in this matter on October 31, 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 was founded on May 4, 1946, and has grown substantially over time, with its common stock currently valued at JPY 880.4 Billion (as of March 2023).

The Complainant submits its purpose is to fill the world with emotion, through the power of creativity and technology. Sony achieves this through its numerous businesses, which encompass several industries, including smart phones, movie pictures, music, cameras, and even financial services.

The Complainant operates globally and has 113,000 employees across its subsidiaries in Japan, Asia Pacific, China, Europe, and the United States of America ("United States").

The Complainant is listed on the Tokyo Stock Exchange and the New York Stock Exchange. By the end of the fiscal year ended March 31, 2023, the Complainant had achieved a consolidated sales and operating revenue of JPY 11,539,800 million.

The Complainant's first use in commerce of its trademark SONY was in 1955. In particular, the Complainant owns the following trademark registrations:

TRADEMARK	JURISDICTION/ TM OFFICE	REGISTRATION NUMBER	REGISTRATION DATE	IC CLASS
SONY	EU / EUIPO	000000472	05.05.1998	09
SONY	JP / JPO	491710	11.20.1956	09
SONY	USA / USPTO	0770275	05.26.1964	09
SONY	WO / WIPO	358019	05.07.1969	01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 31, 32, 33, 34
SONY	UK / UKIPO	UK00001306408	10.02.1989	07

In summary, the Complainant's brand is well recognized and respected worldwide and across the industries it operates in. The Complainant has made significant investment to advertise and promote its SONY trademark worldwide in the media and in the Internet over the years.

The disputed domain name was registered on April 15, 2021. At the time of filing the Complaint, the disputed domain name was being offered for sale at various domain name marketplaces, including Above.com and Afternic, as well as resolved to a webpage with Pay-per-click links.

5. Parties' Contentions

A. Complainant

The Complainant maintains a strong Internet presence, through its numerous domain names as well as its social media profiles. The Complainant's primary domain name was registered on July 7, 1989. According to SimilarWeb, the website at received 30.3 million individual visits in the July 2023. SimilarWeb also ranks the website as the 1,573st most popular globally, and 1,025st in the United States. Further, the Complainant owns over 100 domain names that include the trademark SONY.

The Complainant's trademark SONY is well recognized and respected worldwide and across the industries it operates in. The Complainant has made significant investment to advertise and promote its SONY trademark worldwide in the media and in the Internet over the years.

The Complainant contends that the disputed domain name is confusing similar to the Complainant's trademarks, that the Respondent has no rights or legitimate interests in respect of the disputed domain name, and that the disputed domain name was registered and is being used in bad faith.

In creating the Disputed Domain Name, the Respondent has added the generic, descriptive term "electronics" to the Complainant's SONY trademark, thereby making the Disputed Domain Name confusingly similar to the Complainant's trademark. The fact that such term is closely linked and associated with the Complainant's brand and trademark only serves to underscore and increase the confusing similarity between the Disputed Domain Name and the Complainant's trademark.

B. Respondent

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

6. Discussion and Findings

The Complainant is required to establish the requirements specified under paragraph 4(a) of the Policy:

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

Based on the facts presented by the Complainant, this Panel finds that the Complainant has established its rights in the trademark SONY through registration and use. The Panel finds that the disputed domain name is confusingly similar to the Complainant's registered trademark with the only addition of the term "electronics" to the Complainant's SONY trademark, which does not prevent a finding of confusing similarity between the disputed domain name and the trademark for the purposes of the Policy.

The Panel therefore finds that the disputed domain name is confusing similar to the Complainant's trademark.

B. Rights or Legitimate Interests

The Panel finds the following on record in this proceeding under the Policy:

The Respondent is in default and thus has made no affirmative attempt to show any rights or legitimate interests in the disputed domain name.

Paragraph 4(c) of the Policy indicates that a registrant may have a right or legitimate interest in a domain name if it uses the domain name in connection with a *bona fide* offering of goods or services prior to notice of the dispute. In this regard, the Complainant submits the Respondent is in no way connected with the Complainant, has no authorization to use any of the Complainant's trademarks, and has made no *bona fide* use of the disputed domain name.

There is no evidence on record that the Respondent is or was commonly known by the disputed domain name as an individual, business, or other organization.

There is no evidence on record that the Respondent is making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the Complainant's trademark.

Thus, the Respondent has no rights or legitimate interests in respect of the disputed domain name.

The Panel therefore finds that the Complainant has established an un rebutted *prima facie* case that the Respondent has no rights or legitimate interests in the disputed domain name, under the Policy, paragraph 4(a)(ii).

C. Registered and Used in Bad Faith

The Complainant's trademark was registered well before the registration of the disputed domain name, and considering the reputation of the Complainant's trademark, it is most likely that the Respondent knew or should have known of the Complainant's SONY trademark when registering the disputed domain name.

Furthermore, the Complainant's SONY trademark is distinctive and unique to the Complainant. It is therefore beyond the realm of coincidence that the Respondent chose the disputed domain name without the intention of misleading third parties. Moreover, panels have consistently found that the mere registration of a domain name that is identical or confusingly similar to a famous or widely known trademark by an unaffiliated entity can by itself create a presumption of bad faith.

The disputed domain name was used to redirect Internet users to a website featuring links to third-party websites, some of which directly compete with the Complainant's business. For instance, the website at which the disputed domain name resolved featured multiple third-party links for topics including "Electronics Components" and "Electronic Parts", which may compete with the Complainant.

Presumably, the Respondent received pay-per-click fees from the linked websites that were listed at the disputed domain name's website. Prior UDRP decisions have consistently held that respondents that monetize domain names using pay-per-click links have not made a *bona fide* offering of goods or services that would give rise to rights or legitimate interests in a disputed domain name. As such, the Respondent is not using the disputed domain name to provide a *bona fide* offering of goods or services as allowed under Policy 4(c)(i), nor a legitimate noncommercial or fair use as allowed under Policy 4(c)(iii).

Furthermore, the disputed domain name was offered for sale at various domain name marketplaces.

Accordingly, and as also supported by the Panel's findings above under the second element of the Policy, the Panel finds that the Respondent has registered and is using the disputed domain name in bad faith under the 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 disputed domain name <sonyelectronics.com> be transferred to the Complainant

/Erica Aoki/

Erica Aoki

Sole Panelist

Date: November 14, 2023