

## **ADMINISTRATIVE PANEL DECISION**

Reckitt & Colman (Overseas Health Limited) and Reckitt Benckiser SARL v.  
Mayur patel

Case No. D2024-0749

### **1. The Parties**

The Complainants are Reckitt & Colman (Overseas Health Limited), United Kingdom, and Reckitt Benckiser SARL, Luxembourg, represented by Studio Barbero S.p.A., Italy.

The Respondent is Mayur patel, United Kingdom.

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

The disputed domain name <reckittjob.com> is registered with GoDaddy.com, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 19, 2024. On February 19, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 19, 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 (Registration Private, Domains By Proxy, LLC), and contact information in the Complaint. The Center sent an email communication to the Complainant on February 21, 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 amendment to the Complaint on February 22, 2024.

The Center verified that the Complaint together with the amendment to the 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 February 27, 2024. In accordance with the Rules, paragraph 5, the due date for Response was March 18, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 21, 2024.

The Center appointed Daniel Peña as the sole panelist in this matter on April 11, 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 Complainants are the owners of several trademark registrations for RECKITT and RECKITT BENCKISER.

The First Complainant, Reckitt & Colman (Overseas Health Limited), is the owner of the following trademark registrations for RECKITT:

- the United Kingdom Trade mark Registration No. UK00003615754 for RECKITT (word mark), filed on March 24, 2021, and registered on November 5, 2021, in classes 1, 3, 5, 8, 9, 10, 11, 21, 25, 29, 30, 31, 32, 35, 36, 41, 42, and 44;
- the International Trademark Registration No. 1621375 for RECKITT (word mark) of March 24, 2021, in classes 1, 3, 5, 8, 9, 10, 11, 21, 25, 29, 30, 31, 32, 35, 36, 41, 42, and 44;
- the International Trademark Registration No. 1622606 for RECKITT (logo mark) of March 24, 2021, in classes 3, 5, 10, 29, 35, and 41;

The Second Complainant, Reckitt Benckiser SARL, is the owner of the following trademark registrations for RECKITT BENCKISER:

- the International Trademark Registration No. 735011 for RECKITT BENCKISER (word mark) of March 15, 2000, in classes 1, 3, 5, 21, 35, and 42;
- the International Trademark Registration No. 1173668 for RECKITT BENCKISER (logo mark) of April 10, 2013, in classes 5, 10, and 29;
- the European Union Trade mark Registration No. 001416056 for RECKITT BENCKISER (word mark), filed on December 8, 1999, and registered on February 07, 2003, in classes 1, 3, 5, 21, 35, and 42.

The disputed domain name was registered on January 9, 2024. The disputed domain name resolves to a website with pay-per-click ("PPC") links.

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

##### **A. Complainants**

The Complainants are part of a group of companies which is a global leader in consumer health, hygiene, home, and nutrition products.

The Complainants have more than 39,000 employees, operations in more than 60 countries, and sales in most countries across the globe.

The disputed domain name is confusingly similar to the trademarks RECKITT and RECKITT BENCKISER given that it entirely reproduces the trademark RECKITT registered by First Complainant, with the mere addition of the term "job", which is not a distinguishing feature and should thus not prevent a finding of confusing similarity.

The Respondent is not a licensee, authorized agent of the Complainants or in any other way authorized to use the Complainants' trademarks RECKITT and RECKITT BENCKISER.

The Respondent has not provided the Complainants with any evidence of use of, or demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services before or after any notice of the dispute herein.

The disputed domain name has been used for fraudulent purposes, since the Respondent has created an email address to impersonate the Complainants.

The disputed domain name resolves to a webpage displaying several sponsored links, which generate revenues, via the PPC system.

The Respondent failed to reply to the cease-and-desist letter and subsequent reminder sent by the Complainants' representative.

The disputed domain name was registered and is being used in bad faith.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **6.1 Procedural issue - Consolidation of Complainants**

The Panel has considered the possible consolidation of the multiple Complainants filing a single Complaint against a single Respondent. According to the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.1, paragraph 10(e) of the Rules grants a panel the power to consolidate multiple domain name disputes. At the same time, paragraph 3(c) of the Rules provides that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder. In assessing whether a complaint filed by multiple complainants may be brought against a single respondent, panels look at whether (i) the complainants have a specific common grievance against the respondent, or the respondent has engaged in common conduct that has affected the complainants in a similar fashion, and (ii) it would be equitable and procedurally efficient to permit the consolidation.

The Panel notes the following features in favor of the consolidation:

- both Complainants are part of the same group of companies Reckitt Benckiser;
- both Complainants have a common grievance against the Respondent as the disputed domain name targets the trademarks RECKITT of their group of companies;
- it would be equitable and procedurally efficient to permit the consolidation.

The Panel finds that this Complaint consists of multiple Complainants that should, for the reasons discussed above, be consolidated into a single Complainant for the purpose of the present proceeding under the Policy. The Respondent have not objected to the consolidation. The Panel therefore finds that it would be equitable and fair to permit the consolidation.

## 6.2. Substantive Issues

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (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 and is being used in bad faith. Considering these requirements, the Panel rules as follows:

### A. Identical or Confusingly Similar

The Panel holds that the disputed domain name is confusingly similar to the Complainants' trademarks RECKITT and RECKITT BENCKISER. The Respondent's incorporation of the Complainants' trademarks in full in the disputed domain name is evidence that the disputed domain name is confusingly similar to the Complainants' marks. Mere addition of the term "jobs" in the disputed domain name does not prevent a finding of confusing similarity with the Complainants' marks. The Complainants have provided evidence of its rights in the trademarks on the basis of its multiple RECKITT and RECKITT BENCKISER trademark registrations in several countries as well as international registrations. A trademark registration provides a clear indication that the rights in the trademark belong to the Complainant (see [WIPO Overview 3.0](#), section 1.2.1). It has also been established by prior UDRP panels that incorporating a trademark in its entirety into a domain name can be sufficient to establish that the domain name is confusingly similar to a trademark. Such findings were confirmed, for example, within section 1.7 of [WIPO Overview 3.0](#).

Further, the addition of the generic Top-Level Domain ("gTLD") ".com" to the disputed domain name is a standard registration requirement and as such is disregarded.

The Panel is satisfied that the disputed domain name is confusingly similar to the Complainants' mark and the Complainants have satisfied the requirement of paragraph 4(a)(i) of the Policy.

### B. Rights or Legitimate Interests

While the overall burden of proof in UDRP proceedings is on the Complainant, previous UDRP panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible 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 disputed domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element (see [WIPO Overview 3.0](#), section 2.1).

The Panel finds that the Complainants have made a prima facie case showing that the Respondent does not have any rights or legitimate interests in the disputed domain name. The Respondent is not commonly known under the disputed domain name. The name of the Respondent is Mayur patel, as was disclosed by the Registrar.

The Respondent is not affiliated with the Complainants in any way and that it never authorized the Respondent to use its trademark as part of the disputed domain name. Moreover, given the alleged use of the disputed domain name for sending fraudulent emails to some of the Complainants' clients under the guise of the being the Complainant, such fraudulent use can never confer rights or legitimate interests upon the Respondent. [WIPO Overview 3.0](#), section 2.13.

The Panel notes that the Respondent has not filed any response and thus did not deny the Complainants' assertions, nor brought any information or evidence for demonstrating any rights or legitimate interests. Accordingly, the Panel finds that the Complainants satisfied the requirements of paragraph 4(a)(ii) of the Policy.

### C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy states that any of the following circumstances, in particular but without limitation, shall be considered evidence of the registration and use of a disputed domain name in bad faith: (i) circumstances indicating that the respondent registered or acquired the domain name primarily for the purpose of selling, renting or otherwise transferring the domain name registration to the complainant or to a competitor of the complainant, for valuable consideration in excess of documented out-of-pocket costs directly related to the domain name; (ii) the respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; (iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or (iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, 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 location or of a product or service on its website or location.

In the Panel's view, the Complainants' mark is widely known and registration by the Respondent creates a presumption of bad faith in this case. Furthermore, the Respondent failed to reply to the cease-and-desist letter and subsequent reminder sent by the Complainants' representative. On this subject, section 3.1.4 of the [WIPO Overview 3.0](#) says: "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 Panel finds that the Respondent, through this fraudulent scheme, has intentionally attempted to attract for commercial gain Internet users by creating a likelihood of confusion with the Complainants' mark as to the source, sponsorship, affiliation, and endorsement of the Respondent's scheme. The disputed domain name resolved to a website that displayed various PPC commercial links. The Panel finds that the Respondent has attempted to mislead the Internet users for clicks and to gain commercial revenue by the PPC system.

However, based on the evidence provided by the Complainants, the disputed domain name was still actively used for email services, i.e., for sending emails which impersonate the Complainant. Moreover, the Respondent's fraudulent emails included some of the details of the Complainant. Such use of the disputed domain name can only be observed as clear evidence of the Respondent's bad faith (see, in particular, [WIPO Overview 3.0](#), sections 3.1.4 and 3.4).

Considering all of the above circumstances, the Panel concludes that the Respondent has used the disputed domain name in an unlawful attempt to impersonate the Complainants, by way of email fraud. This clearly constitutes evidence of bad faith registration and use.

Accordingly, the Panel finds, based on the evidence presented, that the Respondent registered and is using the disputed domain name in bad faith. Therefore, the Complainants have satisfied paragraph 4(a)(iii) 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 <reckittjob.com> be transferred to the Complainants.

*/Daniel Peña/*

**Daniel Peña**

Sole Panelist

Date: April 25, 2024