

ADMINISTRATIVE PANEL DECISION

**SEB v. ZENBUSINESS INC, 1 Tailored eCommerce LLC; Wenhai Hou,
CUISINE BUFFET LTD
Case No. D2022-4026**

1. The Parties

The Complainant is SEB, France, represented by CSC Digital Brand Services Group AB, Sweden.

The Respondents are ZENBUSINESS INC, 1 Tailored eCommerce LLC, United States of America (the “First Respondent”), and Wenhai Hou, CUISINE BUFFET LTD, United Kingdom (the “Second Respondent”).

2. The Domain Name and Registrar

The disputed domain name <cookeofrance.com> (the “First Domain Name”) is registered with Realtime Register B.V. (the “First Registrar”).

The disputed domain name <cookeocuisine-fr.com> (the “Additional Domain Name”) is registered with CloudFlare, Inc. (the “Second Registrar”).

The First Domain Name and the Additional Domain Name are collectively referred to as the “Domain Names”.

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 27, 2022. On October 27, 2022, the Center transmitted by email to the First Registrar a request for registrar verification in connection with the First Domain Name. On October 28, 2022, the First Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the First Domain Name which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on October 28, 2022, providing the registrant and contact information disclosed by the First Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on October 31, 2022.

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 First Respondent of the Complaint, and the proceedings commenced on November 1, 2022. In accordance with the Rules, paragraph 5, the due date for Response was November 21, 2022. The First Respondent did not submit any response. Accordingly, the Center notified the First Respondent’s default on November 22, 2022.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on November 28, 2022. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required to ensure compliance with the Rules, paragraph 7.

On November 29, 2022, the Complainant submitted a request to add the Additional Domain Name to the proceeding. On December 1, 2022, the Panel instructed the Center to request the Second Registrar’s verification response in regards the Additional Domain Name.

On December 14, 2022, the Panel issued Procedural Order No. 1, accepting the Complainant’s request to add the Additional Domain Name to this proceeding. The Procedural Order No. 1 provided the First Respondent with seven days to file a Response or indicate an intention to participate. The First Respondent did not submit any communications to the Center.

On December 27, 2022, the Panel noted that the Center’s verification request for the Additional Domain Name was inadvertently sent to the wrong Registrar. On December 28, 2022, the Second Registrar transmitted by email to the Center its verification response disclosing the registrant of the Additional Domain Name, which differed from the First Respondent and contact information for the First Domain Name.

On January 3, 2023, the Panel issued Procedural Order No. 2, requesting the Complainant to confirm its request for the addition of the Additional Domain Name to the proceeding, supplementing its arguments on the consolidation of multiple respondents, or to inform the Center to withdraw its request of adding the Additional Domain Name to the proceedings in view of the newly disclosed registrant details. To ensure that the Parties are treated with equality and that each Party was given a fair opportunity to present its case, the Panel ordered the Center to forward a copy of the Notification of Complaint and the Commencement of Administrative Proceeding, the Complaint (including its annexes), amended Complaint (including its annexes), and the Complainant’s supplemental filing (including its annexes) to the contact information of all identified registrants electronically.

The Second Respondent was requested to confirm, on or before January 12, 2023, whether it intended to participate in the proceedings and wished to submit a Response in relation to these proceedings. Both Respondents were requested to confirm, on or before January 12, 2023, whether they intended to make a further response in relation to the Additional Domain Name, the consolidation of the Domain Names, and the Complainant’s email dated November 29, 2022.

On January 6, 2023, the Complainant submitted its confirmation of its request for the addition of the Additional Domain Name to the proceeding, supplementing its arguments on the consolidation of multiple respondents. Neither Respondent submitted any communication.

4. Factual Background

The Complainant is part of Groupe SEB; a French consortium that produces small appliances. It is the world's largest manufacturer of cookware. The story of Groupe SEB begins in 1857 when Antoine Lescure started a workshop in Burgundy, France. In 1944, the company was rebranded S.E.B. (Société d’Emboutissage de Bourgogne). Growing by external acquisitions, Groupe SEB was incorporated in 1973. Today, Groupe SEB’s brand portfolio includes 31 of the most well-known brands in their respective industries, such as Moulinex, Krups, WMF, and Tefal / T-fal. The Complainant employs 33,000 people and

has presence in nearly 150 countries. Groupe SEB maintains 40 industrial sites along with 1,300 retail stores and reported sales of EUR 8,059 million and net income of EUR 454 million.

The brand Cookeo was released in 2012 as the first intelligent and interactive multi-cooker under the Moulinex brand. The Complainant released in 2020 a new version named the Cookeo Touch, which is a connected high-pressure multi-cooker. The Complainant promotes its Cookeo brand through its various domain names.

The Complainant owns trademark registrations for COOKEO, such as European Union trademark registration number 009777632, registered August 15, 2011, and French trademark registration number 3765006 registered January 28, 2011.

The First Domain Name was registered on September 6, 2022. At the filing of the Complaint, the First Domain Name resolved to a website with unauthorized offer for sale of COOKEO products, using the Complainant's copyrighted product images. Following the registration of the Additional Domain Name on October 27, 2022, the First Domain Name began redirecting to the Additional Domain Name, which featured the same website as previously found at the First Domain Name.

5. Parties' Contentions

A. Complainant

In its initial Complaint, the Complainant provides evidence of trademark registrations and argues that the addition of "France" only increases the confusing similarity between the First Domain Name and the Complainant's trademark.

The Complainant asserts that the Respondent is not authorized to use the Complainant's trademark. The Respondent cannot establish rights in the First Domain Name, as it has not made any use of, or demonstrable preparations to use, the First Domain Name in connection with a *bona fide* offering of goods or services. On the contrary, the Complainant documents that the Respondent has used the First Domain Name website to deceive Internet users into believing that the First Domain Name and its website are associated with the Complainant. The Respondent's website uses without authorization the Complainant's copyrighted product images. The Respondent's attempt to pass off as being affiliated with the Complainant is in itself evidence of the fact that the Respondent does not have rights and legitimate interests in the First Domain Name.

The Respondent registered the First Domain Name significantly after the Complainant's trademark registrations. By registering a domain name that fully incorporates the Complainant's trademark with a generic geographical term, the Respondent has demonstrated a knowledge of the Complainant's brand and business. The Respondent's use of the First Domain Name creates a likelihood of confusion, and the Respondent is thus using the fame of the Complainant's trademarks to improperly increase traffic for the Respondent's commercial gain.

With respect to the Additional Domain Name, the Complainant claims that its trademark is incorporated in its entirety and that the Respondent has tried to use the Additional Domain Name to circumvent the Complaint as it related to the First Domain Name, reinforcing the Complainant's arguments as to the Respondent's bad faith. In this regard, the Complainant claims that the content of the websites displayed on the Domain Names were identical and both impersonated Complainant's Cookeo brand with the use of its trademark and copyrighted images. The Domain Names are confusingly similar to each other, both including geographical references to France and Complainant's COOKEO trademark. The Additional Domain Name was registered on October 27, 2022, the same day the concerned Registrar placed the First Domain Name under lock. The Complainant argues that the discrepancies regarding the disclosed identities of the registrants are irrelevant as none of the disclosed identities appears to be genuine. The Complainant argues that the registration of the Additional Domain Name was to frustrate the proceedings, and it is clear that the Domain Names are

subject to common control or ownership.

B. Respondent

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

6. Discussion and Findings

6.1. Procedural Matters: Addition of Domain Name and Consolidation of Respondents

Complainant requested the addition of a domain name to the Complaint after the Complaint had been formally notified to Respondent and the Panel was appointed.

The Complainant also argues that the Domain Names are under common control.

It is generally accepted that, except in limited cases where there is clear evidence of respondent gaming/attempts to frustrate the proceedings (e.g., by the respondent's registration of additional domain names subsequent to complaint notification), such requests would be denied, since the addition of further domain names would delay the proceedings, which are expected to be carried out with due expedition (WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") section 4.12.2).

However, the Panel has carefully examined the evidence in the case file and notes that the Respondents have not – despite being given the opportunity – argued or filed any evidence to rebut the Complainant's case for consolidation. In addition, the Panel notes that the Second Respondent registered the Additional Domain Name on the same day as the Complainant's filing of the original Complaint and used the Additional Domain Name to feature identical content as found on the First Domain Name, seemingly trying to frustrate the proceeding. Based on the evidence and consideration of procedural efficiency, the Panel orders consolidation of the Domain Names, considering it to be fair and practical, and not prejudicial to the Respondents. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.2. Hereinafter, the Respondents will be jointly referred to as the "Respondent", unless otherwise indicated.

6.2. Substantive Matters

A. Identical or Confusingly Similar

The Complainant has established that it has rights in the trademark COOKEO. The test for confusing similarity involves a comparison between the trademark and the Domain Names. The Domain Names incorporate the Complainant's trademark, with the addition of "france" in case of the First Domain Name, and with the addition of "cuisine-fr" in case of the Additional Domain Name. These additions do not prevent a finding of confusing similarity between the Domain Names and the trademark.

For the purpose of assessing under paragraph 4(a)(i) of the Policy, the Panel may ignore the generic Top-Level Domains ("gTLDs"), see [WIPO Overview 3.0](#), section 1.11.1.

The Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Complainant has made un rebutted assertions that it has not granted any authorization to the Respondent to register the Domain Names containing the Complainant's trademark or otherwise make use of the Complainant's mark. There is no evidence that the Respondent has registered the Domain Names as

a trademark or acquired unregistered trademark rights. The Respondent has not made use of, or demonstrable preparations to use, the Domain Names in connection with a *bona fide* offering. The Respondent's use of the Domain Names is not *bona fide*, but rather evidence of bad faith. The Respondent utilized the confusingly similar Domain Names, which incorporate the Complainant's trademark along with terms descriptive of the Complainant's background and industry, to mislead Internet users as to the affiliation of the Domain Names to the Complainant. The content at the Domain Names, impersonating the Complainant, affirms this illicit intent, which cannot confer rights or legitimate interests upon the Respondent.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Names in accordance with paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel finds it evident from the use of the Domain Names that the Respondent must have been aware of the Complainant and its trademarks when the Respondent registered the Domain Names.

Moreover, the Respondent registered the Domain Names long after the Complainant's trademark registrations, and the Additional Domain Name on the same day that the Complainant filed its Complaint relating to the First Domain Name. As described above, given the date of registration and use of the Additional Domain Name, its registration can be seen as an attempt to bypass any potential impact of a panel decision in regards the First Domain Name, which reinforces the Panel's finding on the Respondent's bad faith conduct.

The Respondent's use of the Domain Names is indeed evidence of bad faith, as the Respondent is impersonating the Complainant and using the fame of the Complainant's trademarks to improperly increase traffic for the Respondent's commercial gain.

For the reasons set out above, the Panel concludes that the Domain Names were registered and are being used in bad faith, within the meaning of 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 Domain Names <cookeofrance.com> and <cookeocuisine-fr.com> be transferred to the Complainant.

/Mathias Lilleengen/

Mathias Lilleengen

Sole Panelist

Date: January 17, 2023