

ADMINISTRATIVE PANEL DECISION

Hunter Douglas Industries B.V. v. Aniket Bansode
Case No. DNL2022-0037

1. The Parties

The Complainant is Hunter Douglas Industries B.V., Netherlands, internally represented.

The registrant of the disputed domain name is Aniket Bansode, India (the “Respondent”).

2. The Domain Name and Registrar

The disputed domain name <hunter-douglas.nl> (the “Disputed Domain Name”) is registered with SIDN through Dynadot LLC.

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 1, 2022. On the same day, the Center transmitted by email to SIDN a request for registrar verification in connection with the Disputed Domain Name.

On September 2, 2022, SIDN 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 and contact information in the Complaint.

The Center sent an email communication to the Complainant on September 5, 2022, providing the information disclosed by SIDN, and inviting the Complainant to amend the Complaint in this light. The Complainant filed an amended Complaint on September 5, 2022.

The Center verified that the Complaint as amended satisfies the formal requirements of the Dispute Resolution Regulations for .nl Domain Names (the “Regulations”).

In accordance with the Regulations, articles 5.1 and 16.4, the Center formally notified the Respondent of the Complaint and the proceedings commenced on September 9, 2022. In accordance with the Regulations, article 7.1, the due date for Response was September 29, 2022. The Respondent did not submit a response. Accordingly, the Center notified the Respondent’s default on September 30, 2022.

The Center appointed Thijs van Aerde as the panelist in this matter on October 13, 2022. The Panel finds that it was properly constituted. The Panelist has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required to ensure compliance with the Regulations, article 9.2.

4. Factual Background

The Complainant manufactures window coverings and architectural products. Established in 1919, the Hunter Douglas group of companies, which the Complainant forms part of, comprises of 136 companies in over 100 countries. Apart from its principal domain name <hunterdouglas.com>, registered on October 31, 1994, the Complainant maintains a large domain name portfolio, including <hunterdouglas.nl>, registered on May 19, 1998.

The Complainant holds a number of trademark registrations including:

- Benelux trademark HUNTER DOUGLAS, filed on March 17, 1971, registration no. 028675; and
- European Union Trade Mark HUNTERDOUGLAS (fig.), registered on April 20, 1998, registration no. 120691,

hereinafter jointly referred to as the “Trademarks”.

According to the information provided by SIDN, the Respondent registered the Disputed Domain Name on August 30, 2022. At the time this Decision was drafted, the Disputed Domain Name resolved to a website containing pay-per-click (“PPC”) links relating to window coverings, as well as an offer for sale.

5. Parties’ Contentions

A. Complainant

The Complainant asserts that the Disputed Domain Name is identical to the Trademarks to which the Complainant has rights.

The Complainant contends that the Respondent has no rights to or legitimate interests in the Disputed Domain Name. According to the Complainant, the Respondent is not affiliated with the Complainant and has not been authorized by the Complainant to register or use the Disputed Domain Name or to seek the registration of any domain name incorporating the Trademarks.

The Complainant argues that the use and registration of the Disputed Domain Name by the Respondent is in bad faith. The Respondent registered the Disputed Domain Name on August 30, 2022. On the same day, the Respondent offered the Disputed Domain Name to the CEO of Hunter Douglas Inc., for USD 12,300. The following day, the Respondent set up a website containing sponsored links to other websites advertising window-related products. According to the Complainant, such circumstances show that the Respondent registered the Disputed Domain Name for the purpose of selling it to the Complainant at a price in excess of the cost of registration and for commercial gain, directing Internet users seeking the Complainant’s products to competing websites.

B. Respondent

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

6. Discussion and Findings

Pursuant to article 2.1 of the Regulations the Complainant must demonstrate each of the following three elements:

a. the Disputed Domain Name is identical or confusingly similar to:

I) a trademark or trade name protected under Dutch law in which the Complainant has rights; or

II) a personal name registered in the General Municipal Register (*Gemeentelijke Basisadministratie*) of a municipality in the Netherlands, or the name of a Dutch public legal entity or the name of an association or foundation registered in the Netherlands under which the Complainant undertakes public activities on a permanent basis; and,

b. the Respondent has no rights to or legitimate interests in the Disputed Domain Name; and,

c. the Disputed Domain Name has been registered or is being used in bad faith.

As the Respondent has not filed a response, the Panel shall rule on the basis of the Complaint. In accordance with article 10.3 of the Regulations, the Complaint shall in that event be granted, unless the Panel considers it to be without basis in law or in fact.

A. Identical or Confusingly Similar

The Complainant established that it has rights in the Trademarks, protected under Dutch law.

The Disputed Domain Name incorporates the Trademarks in their entirety, save for the country code Top-Level Domain “.nl”, which may be disregarded for the purpose of assessing the merits under the first element. See, *Roompot Recreatie Beheer B.V. v. Edoco LTD*, WIPO Case No. [DNL2008-0008](#).

The Panel finds that the Disputed Domain Name is identical to the Trademarks. The Complainant has thus satisfied the requirements of the first element of article 2.1 of the Regulations.

B. Rights or Legitimate Interests

Under the second element, the Complainant must make out a *prima facie* case that the Respondent lacks rights to or legitimate interests in the Disputed Domain Name. Once the Complainant fulfills this requirement, the Respondent needs to present evidence showing that it does have rights to or legitimate interests in the Disputed Domain Name. See, section 2.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”).¹

According to the Complainant, the Respondent lacks of permission to use the Trademarks. The Complainant also alleges that the Respondent uses the Disputed Domain Name for PPC advertising and that the Respondent had prior knowledge of the Trademarks. Moreover, the Complainant has provided evidence of the Respondent’s attempt to sell the Disputed Domain Name to one of the Hunter Douglas group of companies likely in excess of the Respondent’s out-of-pocket costs. This is sufficient to shift the burden to the Respondent to produce evidence of rights or legitimate interests.

The Respondent has not replied to the Complainant’s contentions, and there is nothing on the website – containing PPC links and stating that it may be for sale – that could suggest that the Respondent is making a *bona fide* offering of goods or services or is making a legitimate noncommercial or fair use of the Disputed Domain Name. Also, there is nothing on record to suggest that the Respondent has been commonly known by the Disputed Domain Name.

¹ In view of the fact that the Regulations are substantially similar to the Uniform Domain Name Dispute Resolution Policy (“UDRP”), it is well established that both cases decided under the Regulations and cases decided under the UDRP, and therefore [WIPO Overview 3.0](#), may be relevant to the determination of this proceeding (see, e.g., *Aktiebolaget Electrolux v. Beuk Horeca B.V.*, WIPO Case No. [DNL2008-0050](#)).

The Panel concludes that the Respondent does not have rights to or legitimate interests in the Disputed Domain Name. Accordingly, the Complainant has satisfied the second element of the Regulations.

C. Registered or Used in Bad Faith

The Respondent uses the Disputed Domain Name for a PPC website that trades on the Complainant's trademark rights, providing Internet users with links to the Complainant's competitors. Based on the evidence submitted, the Respondent reached out to one of the Hunter Douglas group of companies on the same day it had registered the Disputed Domain Name, offering it for sale and stating: "This domain can be useful for GROWTH of your business in Netherlands. [...] I wonder if you realise the benefits of owning this domain." When the Complainant inquired about the asking price, the Respondent demanded a sum of USD 12,300 for the transfer of the Disputed Domain Name to the Complainant, noting "the importance of this domain".

The timeline of the Respondent's offer for sale of the Disputed Domain Name, merely hours after the registration of the Disputed Domain Name, clearly shows the Respondent's intent to illegitimately benefit from the Complainant's Trademarks. The Panel considers that the Respondent has engaged in prototypical cybersquatting, which cannot amount to anything than registration and use in bad faith.

The Respondent's correspondence with one of the Hunter Douglas group of companies clearly shows that the Respondent was well aware of the Complainant and the importance of the Disputed Domain Name to the Complainant. This importance does not stem from the fact that the Complainant would require the Disputed Domain Name to conduct its business in the Netherlands, but rather preventing the risk of Internet users confusing the Disputed Domain Name with the Complainant's current ".nl" domain name, <hunterdouglas.nl>. It is apparent that the Respondent was well aware of this risk and is intentionally misleading Internet users seeking the Complainant's website by redirecting them to competitor products through PPC links.

The Panel points out that the Respondent has been a respondent in several previous domain name disputes, including, *Regeneron Pharmaceuticals, Inc. v. Domain Admin, Whois Privacy Corp. / Aniket Bansode*, WIPO Case No. [D2019-0429](#), and *Koninklijke Douwe Egberts B.V. v. Aniket Bansode, Vanmala*, WIPO Case No. [D2021-1692](#). In a manner similar to the present proceedings, the Respondent registered domain names containing well-known trademarks only to almost instantaneously offer them for sale to the respective trademark holders. This circumstance shows that the Respondent is engaged in a pattern of registering domain names in order to illegitimately sell them to trademark holders for extortionate prices.

The Panel finds that the Complainant has established the third element of article 2.1 of the Regulations.

7. Decision

For all the foregoing reasons, in accordance with articles 1 and 14 of the Regulations, the Panel orders that the disputed domain name <hunter-douglas.nl> be transferred to the Complainant.

/Thijs van Aerde/

Thijs van Aerde

Panelist

Date: October 26, 2022