

ADMINISTRATIVE PANEL DECISION

SEB v. Riya Mo, COOKE AND ARKWRIGHT LIMITED, Kasimir F, CUISINE LTD, and Daniel Ivanova
Case No. D2023-2452

1. The Parties

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

Respondents are Riya Mo, COOKE AND ARKWRIGHT LIMITED, United Kingdom, Kasimir F, CUISINE LTD, United Kingdom, and Daniel Ivanova, France.

2. The Domain Names and Registrars

The disputed domain name <cookeocuisine.com> is registered with NameWeb BVBA (the “First Registrar”).

The disputed domain names <cookeokitchen-fr.com>, and <cuisine-cookeo.com> are registered with Key-Systems GmbH (the “Second Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 6, 2023. On June 6, 2023, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names (the “Domain Names”). On June 8, 2023, the First 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 (Redacted For Privacy) and contact information in the Complaint.

On June 9, 2023, the Second Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Names which differed from the named Respondents (On behalf of cuisine-cookeo.com Owner, c/o whoisproxy.com / On behalf of cookeokitchen-fr.com Owner, c/o whoisproxy.com) and contact information in the Complaint.

The Center sent an email communication to Complainant on June 9, 2023, providing the registrant and contact information disclosed by the Registrars, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on June 12, 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 Respondents of the Complaint, and the proceedings commenced on June 16, 2023. In accordance with the Rules, paragraph 5, the due date for Response was July 6, 2023. The Center informed the Parties of its commencement of Panel appointment on process on July 10, 2023.

The Center appointed Marina Perraki as the sole panelist in this matter on July 13, 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

Complainant is the first company of Groupe SEB, a large French consortium that produces small appliances, and the world’s largest manufacturer of cookware. The story of Groupe SEB begins over 160 years ago, in 1857. Over the next 85 years, the company saw steady growth and in 1944 the company was rebranded as S.E.B. (Société d’Emboutissage de Bourgogne). Growing by external acquisitions, Groupe SEB was incorporated in 1973 including Complainant as its holding company together with many affiliated companies.

Complainant’s group brand portfolio includes 31 of the most well-known brands in their respective industries, such as Moulinex, Krups, WMF and Tefal / T-fal. Complainant employs 33,000 people and has a presence across nearly 150 countries. In 2021, Complainant reported sales of EUR 8,059 million and net income of EUR 454 million.

COOKEO was released in 2012 by Complainant as the first intelligent and interactive multi-cooker under the Moulinex brand. In the same year, Complainant’s COOKEO branded multi-cooker was rewarded the Design Award at the Paris Fair Innovation Awards. Following a high demand, Complainant released in 2020 a new version of the cooker, the COOKEO TOUCH, which is a connected high-pressure multi-cooker.

Complainant is the owner of trademark registrations for COOKEO, including the French trademark registration No. 3765006, COOKEO (word), registered on January 28, 2011, for goods in international class 11 and the European Union trademark registration No. 009777632, COOKEO (word), filed on March 2, 2011, and registered on August 15, 2011, for goods in international class 11.

The Domain Names <cookeocuisine.com>, <cookeokitchen-fr.com>, and <cuisine-cookeo.com> were registered on November 8, 2022, February 9, 2023 and May 11, 2023, respectively. They previously resolved to websites (the “Websites”) using Complainant’s copyrighted product images and offering for sale COOKEO branded goods without authorization. Currently the Domain Name <cookeocuisine.com> redirects to a page mentioning that the account has been suspended and previously it lead to a malicious website, while the Domain Names <cookeokitchen-fr.com>, and <cuisine-cookeo.com> lead to inactive websites.

5. Parties’ Contentions

A. Complainant

Complainant asserts that it has established all three elements required under paragraph 4(a) of the Policy for a cancellation of the Domain Names.

B. Respondent

Respondent did not reply to Complainant’s contentions.

6. Discussion and Findings

6.1 Procedural Issue: Consolidation of Respondents

The Panel has considered the possible consolidation of the Complaint for the Domain Names at issue. According to WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), section 4.11.2, “Where a complaint is filed against multiple respondents, panels look at whether (i) the domain names or corresponding websites are subject to common control, and (ii) the consolidation would be fair and equitable to all parties. Procedural efficiency would also underpin panel consideration of such a consolidation scenario”.

The Panel notes the following features of the Domain Names and arguments submitted by Complainant in favour of the consolidation:

- until recently, all three Domain Names resolved to nearly identical Websites using Complainant’s registered trademark and copyrighted images without authorization. The Websites were all in French and displayed the same phrase: “Prenez goût à une cuisine rapide et pleine d’idée avec COOKEO!”;
- the Domain Names share the same structure: they are composed of Complainant’s trademark COOKEO and the additional term “cuisine” (which means “kitchen” in English), or, as the case may be, the term additional “kitchen” and the geographical abbreviation for France, *i.e.* “fr”.
- the Domain Names <cookeokitchen-fr.com>, and <cuisine-cookeo.com> were both registered through the same Registrar; and
- there are several discrepancies regarding the disclosed identities of the registrants: the Domain Name <cuisine-cookeo.com> was registered in 2023 allegedly by the entity Cuisine Limited, which was dissolved in 2018; the Domain Names <cookeokitchen-fr.com>, and <cuisine-cookeo.com> are registered under email addresses unrelated to their respective registered entities; the Domain Name <cookeokitchen-fr.com> is registered under an email address linked to a company in India offering nutritional services and <cuisine-cookeo.com> is registered under an email address linked to a company in India offering dermatology services; despite claiming to be located in Thailand, registrant of the Domain Name <cookeocuisine.com> previously owned a number of domain names with country code Top-Level Domain (“ccTLD”) “.fr” extension and it is currently using a French hosting provider for its billing details. Furthermore, on June 26, 2023, a third party contacted the Center regarding the claimed unauthorized use of its contact details in relation to the Domain Names in the present proceedings.

Considering all the above, the Panel also notes that the contact details for Respondents are apparently fake, and thus finds that, as Complainant has argued, there appears *prima facie* to be one single Respondent, providing possibly fake contact details, or at least all Respondents are under common control. Furthermore, named Respondents did not submit any arguments to rebut the requested consolidation.

The Panel finds that consolidation is fair to Parties and all nominal Respondents have been given an opportunity to object to consolidation through the submission of pleadings to the Complaint but have chosen not to respond (see [WIPO Overview 3.0](#), section 4.11.2; *Virgin Enterprises Limited v. LINYANXIAO aka lin yanxiao*, WIPO Case No. [D2016-2302](#)). Based on the file, the Panel finds that it is more likely than not that the Domain Names are in common control of one entity, and hence the Panel grants the consolidation (and will refer to these Respondents as “Respondent”).

6.2 Substantive issue

Paragraph 4(a) of the Policy lists the three elements, which Complainant must satisfy with respect to the Domain Names:

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

A. Identical or Confusingly Similar

The Domain Names incorporate Complainant's COOKEO trademark in its entirety. This is sufficient to establish confusing similarity (*Magnum Piering, Inc. v. The Mudjacks and Garwood S. Wilson, Sr.*, WIPO Case No. [D2000-1525](#)).

The additional terms "cuisine" (which means "kitchen" in English), or "kitchen" and the geographical abbreviation for France "fr", as the case may be, as well as the hyphens, do not avoid a finding of confusing similarity ([WIPO Overview 3.0](#), section 1.8).

The Panel also notes the content of the Websites to which the Domain Names lead, which reproduced Complainant's trademark and logo COOKEO ([WIPO Overview 3.0](#), section 1.15).

The generic Top-Level Domain ("gTLD") ".com" is disregarded, as gTLDs typically do not form part of the comparison on the grounds that they are required for technical reasons (*Rexel Developpements SAS v. Zhan Yequn*, WIPO Case No. [D2017-0275](#); and *Hay & Robertson International Licensing AG v. C. J. Lovik*, WIPO Case No. [D2002-0122](#)).

The Panel finds that the Domain Names are confusingly similar to Complainant's trademark.

Complainant has established Policy, paragraph 4(a)(i).

B. Rights or Legitimate Interests

Pursuant to paragraph 4(c) of the Policy, Respondent may establish its rights or legitimate interests in the Domain Names, among other circumstances, by showing any of the following elements:

- (i) before any notice to Respondent of the dispute, Respondent's use of, or demonstrable preparations to use, the Domain Names or a name corresponding to the Domain Names in connection with a *bona fide* offering of goods or services; or
- (ii) Respondent (as an individual, business, or other organization) has been commonly known by the Domain Names, even if Respondent has acquired no trademark or service mark rights; or
- (iii) Respondent is making a legitimate noncommercial or fair use of the Domain Names, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Panel concludes that Respondent lacks rights or legitimate interests in respect of the Domain Names.

Respondent has not submitted any response and has not claimed any such rights or legitimate interests with respect to the Domain Names. As per Complainant, Respondent was not authorized to register the Domain Names.

Respondent has not demonstrated any preparations to use, or has not used the Domain Names or a trademark corresponding to the Domain Names in connection with a *bona fide* offering of goods or services. On the contrary, as Complainant demonstrated, the Domain Names were used to host the Websites to impersonate Complainant and attempt to mislead consumers into thinking that the goods purportedly offered for sale on the Websites originated from Complainant. Such use demonstrates neither a *bona fide* offering of goods nor a legitimate interest of Respondent (*Arkema France v. Aaron Blaine*, WIPO Case No. [D2015-0502](#)).

The Domain Names all falsely suggested that the Websites were official sites of Complainant or of an entity affiliated to or endorsed by Complainant. The Websites extensively reproduced, without authorization by Complainant, Complainant's trademarks and product photos without any disclaimer of association (or lack thereof) with Complainant.

The Panel finds that these circumstances do not confer upon Respondent any rights or legitimate interests in respect of the Domain Names.

Complainant has established Policy, paragraph 4(a)(ii).

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy provides that the following circumstances, "in particular but without limitation", are evidence of the registration and use of the Domain Names in "bad faith":

- (i) circumstances indicating that Respondent has registered or has acquired the Domain Names primarily for the purpose of selling, renting, or otherwise transferring the Domain Names registration to Complainant who is the owner of the trademark or service mark or to a competitor of Complainant, for valuable consideration in excess of its documented out of pocket costs directly related to the Domain Names; or
- (ii) that Respondent has registered the Domain Names in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that Respondent has engaged in a pattern of such conduct; or
- (iii) that Respondent has registered the Domain Names primarily for the purpose of disrupting the business of a competitor; or
- (iv) that by using the Domain Names, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent's website or other online location, by creating a likelihood of confusion with Complainant's mark as to the source, sponsorship, affiliation, or endorsement of Respondent's Websites or location or of a product or service on Respondent's Websites or location.

The Panel concludes that Respondent has registered and used the Domain Names in bad faith.

Because Complainant's mark had been used and registered by Complainant before the Domain Names registrations, and noting the content of the corresponding Websites, it is clear that Respondent had Complainant's mark in mind when registering the Domain Names (*Tudor Games, Inc. v. Domain Hostmaster, Customer ID No. 09382953107339 dba Whois Privacy Services Pty Ltd / Domain Administrator, Vertical Axis Inc.*, WIPO Case No. [D2014-1754](#); and *Parfums Christian Dior v. Javier Garcia Quintas and Christiandior.net*, WIPO Case No. [D2000-0226](#)).

Furthermore, the content of the Websites gave the impression that they originated from Complainant, prominently displaying Complainant's trademarks and product photographs on the Websites, thereby giving the false impression that the Websites emanated from or are endorsed by Complainant. This further supports registration in bad faith reinforcing the likelihood of confusion, as Internet users are likely to consider the Domain Names as in some way endorsed by or connected with Complainant ([WIPO Overview 3.0](#), section 3.1.4).

The Domain Names incorporate entirely Complainant's trademark plus additional words. This further indicates that Respondent knew of Complainant and chose the Domain Names with knowledge of Complainant and its industry (*Safepay Malta Limited v. ICS Inc.*, WIPO Case No. [D2015-0403](#)).

As regards bad faith use, Complainant demonstrated that the Domain Names were employed to host the Websites which appeared falsely to be those of or endorsed by Complainant.

Furthermore, the Domain Names have been operated by intentionally creating a likelihood of confusion with Complainant's trademark and business. This further supports the finding of bad faith use (*Arkema France v. Aaron Blaine, supra*; *Aktiebolaget Electrolux v. Priscilla Quaiotti Passos*, WIPO Case No. [D2011-0388](#); and [WIPO Overview 3.0](#), sections 3.1.4 and 3.2.1).

The Panel notes that the Domain Names currently lead to inactive websites. The non-use of a domain name does not prevent a finding of bad faith under the circumstances of this proceeding (See *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#); and [WIPO Overview 3.0](#), section 3.3).

Under these circumstances and on this record, the Panel finds that Respondent registered and is using the Domain Names in bad faith.

Complainant has established Policy, paragraph 4(a)(iii).

8. 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, <cookeocuisine.com>, <cookeokitchen-fr.com>, and <cuisine-cookeo.com> be transferred to Complainant.

/Marina Perraki/

Marina Perraki

Sole Panelist

Date: July 27, 2023